

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: MPO

AGENDA DATE: January 25, 2011

CONTACT PERSON NAME AND PHONE NUMBER: Roy Gilyard, 591-9735 x 13

DISTRICT(S) AFFECTED: All
Bruce D. Collins, Purchasing Manager
541-4313

SUBJECT:

That the City Manager be authorized to sign a Third Amendment and Extension to the Lease Agreement between the Metropolitan Planning Organization and ELP Gateway, LLC, for the lease of general office space for the Metropolitan Planning Organization at 10767 Gateway West Blvd., Suite 605, El Paso, El Paso County, Texas, to allow for a fixed three-year lease term with renewable options.

BACKGROUND / DISCUSSION:

The Third Amendment and Extension to the Lease Agreement will allow the Metropolitan Planning Organization (MPO) to renew the lease on the facility that the MPO occupies.

PRIOR COUNCIL ACTION:

Award of Solicitation 2003-066 to Sonny Brown Associates was originally approved by City Council on April 15, 2003, and the Second Amendment was approved by City Council on May 12, 2009.

AMOUNT AND SOURCE OF FUNDING:

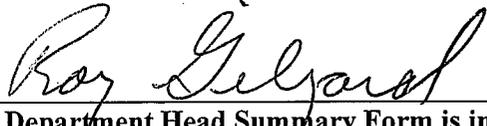
\$252,262.44. Fund 05043, Grant G781102, Dept. ID 68150009, No budget transfer required.

BOARD / COMMISSION ACTION:

The Transportation Policy Board for the MPO approved the extension of the ELP Gateway lease on November 5, 2010.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

**COUNCIL PROJECT FORM
(CONTRACT EXTENSION)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **CONSENT** agenda (under **RESOLUTIONS**) for the Council Meeting of **JANUARY 25, 2011**.

That the City Manager be authorized to sign a Third Amendment and Extension to the Lease Agreement between the Metropolitan Planning Organization and ELP Gateway, LLC, for the lease of general office space for the Metropolitan Planning Organization at 10767 Gateway West Blvd., Suite 605, El Paso, El Paso County, Texas, to allow for a fixed three-year lease term with renewable options.

Department:	Metropolitan Planning Organization
Vendor Location:	El Paso, TX
Contract:	2003-066
Annual Estimated Amount:	\$84,087.48
Total Estimated Amount:	\$252,262.44 (3 years)
Funding Source:	MPO Grants – Building Leases
District(s):	All

*******ADDITIONAL INFO BELOW*******

The MPO wants to move to a standalone office and may relocate to the proposed Sun Metro complex on EPIA property in 2015. This contract extension allows for this.

MOTION
APRIL 15, 2003

Motion made, seconded and unanimously carried to award Bid No. 2003-066
Lease Space for MPO Office

Award to:	Sonny Brown Associates, L.L.C. El Paso, Texas
Item (s):	All
Amount:	\$75,949.92 (annually)
Department:	Metropolitan Planning Organization
Funds available:	68150009-05017-502400 Grant G780301
Funding source:	MPO Planning Grants, Building Leases, Grant FHWA/ TX DOT/ MPO FY03
Total award:	\$75,949.92 (annually)
District (s):	All

The Review Committee based on evaluation factors established for this Best Value Procurement recommend award to Sonny Brown Associates L.L.C.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

This is a three (3) year contract with the option to extend for two (2) additional three (3) year terms.

Richarda Duffy Momsen, City Clerk

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the City Manager be authorized to sign a Third Amendment and Extension to the Lease Agreement between the Metropolitan Planning Organization and ELP Gateway, LLC, for the lease of general office space for the Metropolitan Planning Organization at 10767 Gateway West Blvd., Suite 605, El Paso, El Paso County, Texas, to allow for a fixed three-year lease term with renewable options.

PASSED AND APPROVED this _____ day of _____, 2011.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:


Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:


Roy Gilyard, Director
Metropolitan Planning Organization

**THIRD AMENDMENT AND EXTENSION TO
OFFICE LEASE AGREEMENT**

This THIRD AMENDMENT AND EXTENSION TO AGREEMENT is entered into and effective as of 1st day of May, 2011 ("effective date") by and between the City of El Paso, acting as the Metropolitan Planning Organization ("TENANT") and ELP Gateway, LLC, a Nevada Limited-Liability Company, formerly known as ELP Gateway Center, Limited Partnership A Nevada Limited Partnership ("LANDLORD").

WITNESSETH:

WHEREAS, the Tenant and Landlord entered into an Office Lease Agreement for the property located at 10767 Gateway West Boulevard, Suite 605, El Paso, Texas 79935 ("Premises"), effective May 1, 2003, for a term of three years with the option to extend for two additional three year terms ("Agreement"); and,

WHEREAS, the Tenant and Landlord entered into a FIRST AMENDMENT AND EXTENSION TO OFFICE LEASE AGREEMENT, effective December 28, 2005, extending the Office Lease Agreement through April 30, 2009; and,

WHEREAS, the Tenant and Landlord entered into a SECOND AMENDMENT AND EXTENSION TO OFFICE LEASE AGREEMENT, effective May 1, 2009, extending the Office Lease Agreement through April 30, 2011; and,

WHEREAS, the Tenant and the Landlord wish to extend and amend the Lease Agreement in this THIRD AMENDMENT to provide for a firm three year lease extension in lieu of the One year extension as provided for in the SECOND AMENDMENT. Said extension shall commence on May 1, 2011 and continue for a thirty six month period ending on April 30, 2014.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES RECITED HEREIN, IT IS AGREED THAT THE LEASE AGREEMENT BE AMENDED AS FOLLOWS:

A. Paragraph 2(h) is amended to read as follows:

Base Rent:	Lease Years	Monthly Base Rent	Annual Rent
	5/1/11 to 4/30/12	\$7,007.29	\$84,087.48
	5/1/12 to 4/30/13	\$7,007.29	\$84,087.48
	5/1/13 to 4/30/14	\$7,007.29	\$84,087.48
Renewal Option 1	5/1/14 to 4/30/15	\$7,007.29	\$84,087.48

B. Paragraph 4 (c) is amended to read as follows: "Upon 120 days advance written notification to the Landlord by the Tenant, the term of this Lease may be extended for

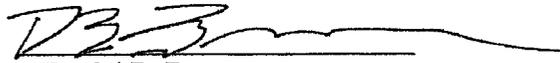
one (1) additional one-year term for the amounts stated in Paragraph 2(h). No extension of this lease after the termination thereof shall be valid unless and until the same shall be reduced to writing and signed by both Landlord and Tenant. The City Manager may exercise the renewal option upon approval and request by the Transportation Policy Board.”

- C. Upon execution of this three year lease extension, Landlord, at Landlord’s expense shall install new carpeting throughout the leased premises. The installation of the carpet shall be completed within (30) days of the execution of the Lease by both parties.
- D. Except as herein amended all terms of the Agreement, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed and entered into this Second Amendment and Extension to Office Lease Agreement effective as of the date first written above.

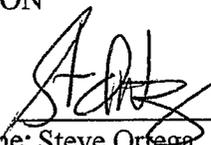
LANDLORD:

ELP GATEWAY, LLC

By: 
Name: Daniel B. Brower
Title: Managing Member and Licensed Real Estate Broker in the State of Nevada.
Date: _____

TENANT:

METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY BOARD

By: 
Name: Steve Ortega
Title: Chair, Transportation Policy Board
Date: 12/21/10

CITY OF EL PASO TEXAS

By: _____
Name: Joyce A. Wilson
Title: City Manager
Date: _____

Richard Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Sylvia Borunda Firth
Sylvia Borunda Firth
Assistant City Attorney



Eduardo Miranda
Legal Counsel for the MPO

APPROVED AS TO CONTENT:


Roy Gilyard
Roy Gilyard, Executive Director
Metropolitan Planning Organization