

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

DEPARTMENT: Museums and Cultural Affairs

AGENDA DATE: Consent Agenda 2/23/2010

CONTACT PERSON NAME AND PHONE NUMBER: Sean McGlynn, MCAD Director, 541-4898

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

This is a Resolution to authorize the City Manager to sign the Interlocal Agreement entitled Temporary Advertising Services Agreement between the City of El Paso and the County of El Paso, Texas, ("County") and to sign future amendments if such amendments do not affect or cause changes to the City's annual budget for support of general promotion and tourist advertising services effective October 5, 2009 – September 30, 2010 by which the City will provide out of town advertising of the Walters Art Museum Traveling Exhibition of Bedazzled: 5000 Years of Jewelry to be displayed at the Museum of Art in exchange for \$33,000.00, which will be partly funded by way of reimbursement awarded by the County from the County Hotel Occupancy Tax funds.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The El Paso Museum of Art is being awarded a temporary services contract by the County of El Paso for advertising services for its upcoming exhibit Bedazzled: 5000 Years of Jewelry. The \$33,000 awarded are designated to advertise the exhibit outside the El Paso area and drive tourists to the Museum and El Paso.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

The City Council approved a similar interlocal agreement with the County of El Paso on December 22, 2009, for the promotion of exhibitions at the El Paso Museum of Art and the El Paso Museum of History.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

54150061/07349/G541003/54000

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****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

RESOLUTION

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

That the City Manager be authorized to sign the Interlocal Agreement entitled Temporary Advertising Services Agreement between the City of El Paso and the County of El Paso, Texas, ("County") and to sign future amendments if such amendments do not affect or cause changes to the City's annual budget for support of general promotion and tourist advertising services effective October 5, 2009 – September 30, 2010 by which the City will provide out of town advertising of the Walters Art Museum Traveling Exhibition of Bedazzled: 5000 Years of Jewelry to be displayed at the Museum of Art in exchange for \$33,000.00, which will be partly funded by way of reimbursement awarded by the County from the County Hotel Occupancy Tax funds.

ADOPTED this _____ day of _____, 2010.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

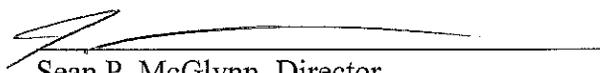
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Kristen L. Choi
Assistant City Attorney

APPROVED AS TO CONTENT:



Sean P. McGlynn, Director
Museums and Cultural Affairs Department

STATE OF TEXAS)
COUNTY OF EL PASO)

TEMPORARY ADVERTISING
SERVICES AGREEMENT

This contract is entered into by and between the County of El Paso, a political subdivision of the State of Texas, hereinafter referred to as "County", and the City of El Paso, a Texas home-rule municipality, acting through the El Paso Museum of Art, hereinafter referred to as "Contractor", witnesseth:

WHEREAS, the County wishes to engage the services of Contractor for the general promotion and tourist advertising of the County of El Paso and its vicinity to attract visitors, pursuant to Texas Tax Code Sections 352.1015 and 352.102(a)(2); and

WHEREAS, Contractor will provide said services by its out-of-town advertising of The Walters Art Museum Traveling Exhibition of *Bedazzled: 5,000 Years of Jewelry* to be held in El Paso, Texas from March 27 through July 25, 2010 to attract tourists and other visitors to El Paso County; and

WHEREAS, Contractor's El Paso Museum of Art annual budget, attached hereto as Exhibit A, is hereby approved;

NOW THEREFORE, the parties hereto mutually agree as follows:

1. SCOPE OF SERVICES. Contractor will provide direct out-of-town tourist promotion and advertising of El Paso County and its vicinity as the site of The Walters Art Museum Traveling Exhibition of *Bedazzled: 5,000 Years of Jewelry* and will, through such advertising and promotion, solicit and bring visitors to El Paso County, as described in Exhibit B attached hereto.
2. TERM. This agreement shall be effective as of October 5, 2009, regardless of its date of execution. The services of Contractor and all terms and conditions of this agreement are to be performed by September 30, 2010.

3. COMPENSATION AND METHOD OF PAYMENT. The County will pay to Contractor in an amount not to exceed Thirty-three Thousand and 00/100 Dollars (\$33,000) for advertising invoices presented to the County Contract Administrator and verified by the administrator as being an authorized reimbursable expenditure pursuant to Section 4 hereof. Contractor shall submit itemized advertising invoices describing in detail the advertising and promotion services performed for The Walters Art Museum Traveling Exhibition of *Bedazzled: 5,000 Years of Jewelry*. All invoices shall bear the letterhead of the person or company providing said services and the cost of each service. After the County Contract Administrator has verified that the invoices and supporting documentation are authorized expenditures, the administrator shall then present said invoices with their recommendation to the El Paso County Auditor for payment. Payments should be made within 15 days of receipt of all proper documentation to the auditor.

4. AUTHORIZED REIMBURSABLE EXPENDITURES. Direct out-of-town advertising authorized for reimbursement pursuant to this agreement shall be defined as print, radio, television, or billboard advertising that is received, heard, or viewed at least 50 miles outside of the limits of the City of El Paso, Texas. Advertising which is viewed, read or heard both within and outside the 50 mile distance from the city limits shall be reimbursed only in the percentage that out-of-town viewers/readers/listeners bear to the total viewing/reading/listening audience of the particular media company utilized. Advertising production costs shall only be reimbursed in the percentage that the out-of-town audience of media companies utilized bear to the total viewing/reading/listening audience of the particular media companies.

5. Omitted.

6. Omitted.

7. INDEPENDENT CONTRACTOR RELATIONSHIP.

Nothing herein shall be construed as creating a relationship of employer and employee between the parties. The County shall not be subject to any obligations or liabilities of Contractor that may be incurred in the performance of this contract.

8. AVAILABILITY OF FUNDS. Contractor understands and agrees that this agreement is not binding on the County unless and until the funds to be paid by the County under this agreement are included in and available for expenditure from the annual operating budget of the County. This fact shall be certified to by the El Paso County Auditor pursuant to Texas Local Government Code Section 111.093(c).

9. LAW GOVERNING CONTRACT. For the purpose of determining the place of the contract and the law governing the same, it is agreed that the contract is entered into in the City and County of El Paso, State of Texas, and shall be governed by the laws of the State of Texas.

10. COMPLETE AGREEMENT. This agreement constitutes and expresses the entire agreement between the parties hereto in reference to any of the matters herein provided for, all promises, representations and understandings relative thereto herein being merged.

11. NOTICE. Any notices required under this agreement shall be deemed received 5 days after deposit in the United States Mail by Certified Mail, Return Receipt Requested, or upon the date of hand delivery, at the following addresses:

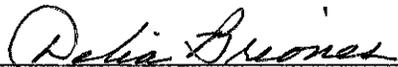
COUNTY: El Paso County Judge
El Paso County Courthouse, Suite 301
500 E. San Antonio
El Paso, Texas 79901

CONTRACTOR: Ms. Joyce Wilson
El Paso City Manager
2 Civic Center Plaza
El Paso, Texas 79901

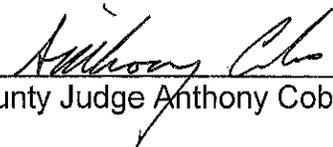
IN WITNESS WHEREOF the parties have executed this agreement in the manner required by law.

ATTEST:

THE COUNTY OF EL PASO



County Clerk

By  1/4/2010

County Judge Anthony Cobos

ATTEST:

THE CITY OF EL PASO

City Clerk

By _____
Ms. Joyce Wilson
El Paso City Manager

APPROVED AS TO FORM:



Assistant County Attorney

APPROVED AS TO FORM:



Assistant City Attorney

EL PASO MUSEUM OF ART

	Adopted Budget FY'09	Projected Budget FY'10
Contractual Services	75,743	74,228
Materials and Supplies	28,200	30,168
Operating Expenditure	55,500	42,924
Salaries Wages and Employee Benefits	682,871	696,465
Art Museum Administration Staff and Operations	\$ 842,314	\$ 843,785

Contractual Services	7,100	8,298
Materials and Supplies	3,400	2,449
Operating Expenditure	354	-
Salaries Wages and Employee Benefits	131,043	128,827
Art Museum Education Staff and Operations	\$ 141,897	\$ 139,574

Contractual Services	25,200	23,047
Materials and Supplies	5,900	6,147
Operating Expenditure	12,000	13,820
Salaries Wages and Employee Benefits	235,381	231,578
Art Museum Curatorial Staff and Operations	\$ 278,481	\$ 274,592

Operating Expenditure TCA Exhibits	6,057	6,057
Salaries Wages and Employee Benefits TCA Education	5,831	5,831
Texas Commission on the Arts Museum Grants	\$ 11,888	\$ 11,888

Salaries Wages and Employee Benefits	32,041	31,195
Art Museum School Program Services	\$ 32,041	\$ 31,195

Contractual Services	6,800	4,298
Operating Expenditure	150	-
Special Projects Tom Lea Endowment	\$ 6,950	\$ 4,298

Capital Outlay	30,000	27,895
Art Acquisition - Lipscomb Museum	\$ 30,000	\$ 27,895

Contractual Services	27,000	36,178
Materials and Supplies	17,000	16,310
Non-Operating Expenditure	150	70
Operating Expenditure	9,500	6,825
Salaries Wages-Sylvia Meraz(Temporary)	20,351	13,095
Employee Benefits-Sylvia Meraz(Temporary)	-	179
Art Museum Marketing and Promotion Restricted	\$ 74,001	\$ 72,667

EL PASO MUSEUM OF ART

	Adopted Budget FY'09	Projected Budget FY'10
Contractual Services	15,000	17,097
Materials and Supplies		1,025
Non-Operating Expenditure	350	415
Operating Expenditure		-
Salaries Wages	4,299	916
Employee Benefits		47
Art Museum Education Programs Restricted	\$ 19,649	\$ 19,500
Contractual Services	21,000	22,434
Operating Expenditure	1,650	6,191
Non-Operating Expenditure	20	-
Capital Outlay	10,000	10,000
Art Museum Curatorial Programs Restricted	\$ 32,670	\$ 38,625
Contractual Services	4,320	8,867
Materials and Supplies	680	630
Operating Expenditure	3,000	2,875
Art Museum Special Program Projects	\$ 8,000	\$ 12,372
Contractual Services		
Materials and Supplies		
Non-Operating Expenditure	400	280
Operating Expenditure		
Salaries Wages	49,500	-
Employee Benefits	10,146	65
Art Museum Membership	\$ 60,046	\$ 345
Contractual Services	9,088	9,085
Materials and Supplies	49,995	51,207
Non-Operating Expenditure	1,000	1,570
Operating Expenditure	3,000	1,465
Salaries Wages and Employee Benefits	67,917	69,228
Art Museum Gift Shop	\$ 131,000	\$ 132,555
Grand Total	\$ 1,668,937	\$ 1,609,281

Budget Summary Report
 El Paso Museum of Art

	Adopted Budget FY'09	Projected Budget FY'10
Capital Outlay	40,000	37,895
Contractual Services	191,251	203,532
Materials and Supplies	105,175	107,936
Operating Expenditure	91,211	80,157
Non-Operating Expenditure	1,920	2,335
Salaries Wages and Employee Benefits	1,239,380	1,177,426
Grand Total	\$ 1,598,937	\$ 1,509,281

EXHIBIT B

El Paso Museum of Art Bedazzled: 5000 Years of Jewelry

Marketing Budget

Expense

	City/Region	Size/Price/Duration
Magazines		
Art in America	Country	\$3,300 full page, 4 color,
AAA	Country	\$1,360 full page, 4 color
Texas Monthly Magazine	All of Texas	\$4,739 1/3 page, 4 color \$4,739
Southwest Art Magazine	Southwest Region	\$1,700 1/2 page, 4 color \$1,700 aprox.
Albuquerque Arts Magazine	New Mexico	\$600 1/2 page b&w, \$600
Tucson Lifestyle Magazine	Southeast Arizona	\$2,167 1/2 page, 4 color \$2,167
Billboards		
	Various - El Paso	\$20,000 6 billboards
TV Spots and Commercials		
	Various - El Paso	\$6,000 3 El Paso Stations
KTSM - Announcements		
		\$3,000
Radio/PSAs		
	Tucson	\$500 \$250 per month
	Outskirts Santa Fe	\$500 \$250 per month
	Midland/Odessa	\$500 \$250 per month
	Lubbock	\$500 \$250 per month
	Chihuahua City	\$500 \$250 per month
	Santa Fe	\$500 \$250 per month
	Albuquerque	\$500 \$250 per month
Radio Interviews		\$1,000
Production		\$500
E-Mail Blasts		
		\$4,500 3 months - exhibition and educa
Rack Cards/Brochures		
Rack Cards		\$1,900 10,000 printed
Production		\$500
Local and Regional Newspapers		
The INK Newspaper	West Texas, New Mex	\$450 1/2 page, color, \$450
Albuquerque Journal or Tribune	New Mexico	\$3,300 1/2 page in both
El Diario De Chihuahua	Delicias, Cuahatemoc	\$504 1/2 page, color, Friday \$504
Silver City Press	West Texas, New Mex	\$600 1/2 page, color, Friday
Truth of Consequences Herald	New Mexico	\$300 1/2 page, Tuesday printing week
La Jornada Newspaper	National/Chihuahua	\$670 1/2 page, color ad for one day
Las Cruces	Southern New Mexico	\$2,000 Cover ad in 4 page insert
Exhibition		
Leasing		\$100,000
Shared expenses, shipping, installation		\$37,500

Invitation

Exhibition Invitations	all regions/artists lists	\$1,000	7000
E-invitation: production	all regions/artists lists	\$500	
Special lectures/Events invitations	all regions/artists lists	\$4,000	7000
Postage		\$3,000	
USBC Coupon Book	Country	\$1,000	

Total Advertising Budget

\$209,590