

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

DEPARTMENT: Museums and Cultural Affairs

AGENDA DATE: February 24, 2009

CONTACT PERSON/PHONE: Sean McGlynn 541-4896

DISTRICT(S) AFFECTED: All

SUBJECT:

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") for support of marketing and advertising services for October 1, 2008 – September 30, 2009 Cultural Heritage Tourism Marketing for the Museum of Art and the Museum of History, 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 Interlocal Agreement will enable the El Paso Museum of Art and the El Paso Museum of History to develop and place regional advertising for three exhibitions and increase the number of out-of-town visitors to the facilities. The three significant exhibits to be promoted with the awarded funds are as follows:

- 1) Blake to Kahlo to Warhol: Masterpieces from the Harry Ransom Center (El Paso Museum of Art)
- 2) Impressionism as a Foundation for American Modernism: Paintings from the El Paso Museum of Art Permanent Collection and the Museo Soumaya, Mexico City (El Paso Museum of Art)
- 3) El Paso Aviation (El Paso Museum of History)

PRIOR COUNCIL ACTION

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

The City Council approved a similar resolution on April 15, 2008 for an advertising services contract funded by the County of El Paso HOT award FY08.

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?

County HOT Award FY09 - 54150061/07349/G540904/54000

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:


(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

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") for support of marketing and advertising services for October 1, 2008 – September 30, 2009 Cultural Heritage Tourism Marketing for the Museum of Art and the Museum of History, which will be partly funded by way of reimbursement awarded by the County from the County Hotel Occupancy Tax funds.

ADOPTED this _____ day of _____, 2009.

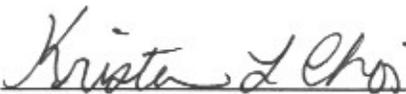
CITY OF EL PASO

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 2009 El Paso Museum of Art Harry Ransom Exhibit to be held in El Paso, Texas on November 16, 2008, through March 29, 2009; the Impressionism Exhibit to be held on December 14, 2008 through March 22, 2009 and the El Paso Aviation Exhibit to be held from March 1, 2009 through September 30, 2009, 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 2009 El Paso Museum of Art Harry Ransom Exhibit, Impressionism Exhibit , El Paso Aviation Exhibit, 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 1, 2008, regardless of its

1409-013

date of execution. The services of Contractor and all terms and conditions of this agreement are to be performed by September 30, 2009.

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 2009 El Paso Museum of Art Harry Ransom Exhibit, Impressionism Exhibit, El Paso Aviation Exhibit. 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

Delia Briones
County Clerk

By *Anthony Cobos*
County Judge Anthony Cobos

ATTEST:

THE CITY OF EL PASO

City Clerk

By _____
Ms. Joyce Wilson
El Paso City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

April C. Hite
Assistant County Attorney

Kristen L. Choi
Assistant City Attorney

EXHIBIT A

EL PASO MUSEUM OF ART
Budget Summary Report
El Paso Museum of Art

Adopted Budget
FY 09

Contractual Services	75,743
Materials and Supplies	28,200
Operating Expenditure	55,500
Salaries Wages and Employee Benefits	682,871
Art Museum Administration - Staff and Operations	\$ 842,314

Contractual Services	7,100
Materials and Supplies	3,400
Operating Expenditure	354
Salaries Wages and Employee Benefits	131,043
Art Museum Education - Staff and Operations	\$ 141,897

Contractual Services	25,200
Materials and Supplies	5,900
Operating Expenditure	12,000
Salaries Wages and Employee Benefits	235,381
Art Museum Curatorial - Staff and Operations	\$ 278,481

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

Salaries Wages and Employee Benefits	59,195
Art Museum School Program Services	\$ 59,195

Contractual Services	6,650
Operating Expenditure	150
Special Projects Tom Lea Endowment	\$ 6,650

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

FY 09

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EXHIBIT A
 EL PASO MUSEUM OF ART
 Budget Summary Report
 El Paso Museum of Art

		Adopted Budget FY 09
Contractual Services		55,000
Materials and Supplies		33,485
Non-Operating Expenditure		150
Operating Expenditure		21,100
Salaries Wages and Employee Benefits		22,851
Art Museum Marketing and Promotion Restricted		\$ 132,586
Contractual Services (Moor and Moleen Foundation)		44,276
Materials and Supplies (Left from paying salary out of Instruction)		8,465
Non-Operating Expenditure		200
Operating Expenditure (Shiloff Family foundation)		6,500
Salaries Wages and Employee Benefits		37,881
Art Museum Education Programs Restricted		\$ 97,322
Contractual Services		19,700
Art Museum Curatorial Programs Restricted		\$ 19,700
Contractual Services		50,000
Art Museum Special Program Projects		\$ 50,000
Non-Operating Expenditure		400
Salaries Wages and Employee Benefits		59,646
Art Museum Membership		\$ 60,046
Contractual Services		12,000
Materials and Supplies		58,083
Non-Operating Expenditure		1,000
Operating Expenditure		3,000
Salaries Wages and Employee Benefits		67,917
Art Museum Gift Shop		\$ 142,000
Grand Total		\$ 1,774,757

FY 09

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EXHIBIT A

EL PASO MUSEUM OF HISTORY
Budget Summary Report
El Paso Museum of History

Adopted Budget
FY 09

Contractual Services	36,300
Materials and Supplies	9,585
Operating Expenditure	12,300
Non-Operating Expenditure	10,000
Salaries Wages and Employee Benefits	492,169
History Museum Administration - Staff and Operations	\$ 560,354

Contractual Services	8,800
Materials and Supplies	500
Non-Operating Expenditure	200
History Museum Store	\$ 9,500

Contractual Services	12,500
Materials and Supplies	2,000
Operating Expenditure	4,000
Non-Operating Expenditure	200
History Museum Membership	\$ 18,700

Contractual Services	7,900
Operating Expenditure	2,500
Non-Operating Expenditure	100
History Museum General Restricted	\$ 10,500

Contractual Services	15,000
Materials and Supplies	10,000
History Museum Donations/Curatorial Projects	\$ 25,000

Contractual Services	7,037
Operating Expenditure	1,063
History Museum Special Projects	\$ 8,100

Contractual Services	500
Operating Expenditure	500
History Museum Grants - Exhibits	\$ 1,000

FY 09

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EXHIBIT A

EL PASO MUSEUM OF HISTORY
Budget Summary Report
El Paso Museum of History

Adopted Budget
FY 09

Salaries Wages and Employee Benefits	30,000
Capital Outlay	120,000
History Museum Grants - Las Villitas Exhibit Development	\$ 150,000

Grand Total \$ 783,154

Budget Summary Report
 El Paso Museum of Art & El Paso Museum of History
 Budget Summary Report

	Adopted Budget	Projected Budget
	FY 09	FY 2010
Capital Outlay	150,000	30,000
Contractual Services	383,706	385,000
Materials and Supplies	159,618	160,000
Operating Expenditure	125,024	125,024
Non-Operating Expenditure	12,250	12,250
Salaries Wages and Employee Benefits	1,824,785	1,861,281
Grand Total	\$ 2,655,383	\$ 2,573,555

EXHIBIT B

EVENT ADVERTISING BUDGET

**El Paso Museum of Art and History
Aviation; Ransom Center; Impressionism**

**HOT Marketing Budget
Expense**

	City/Region/National		Size/Price/Duration
Magazines			
American News (Impressionism)	National	\$5,325	full page, 4 color
Art de Mexico (Impressionism)	Mexico	\$4,000	full page, 4 color
Art Lies (Ransom)	Texas	\$365	full page, 4 color
Aviation Week (Aviation)	Country	\$1,925	1/2 page, 4 color
Pilot Journal (Aviation)	Country	\$500	1/2 page, black and white
True West Magazine (Aviation)	Southeast Arizona	\$2,185	full page, black and white
Radio/PSAs			
Aviation	Tucson	\$500	\$250 per month
Aviation	Outskirts Santa Fe	\$500	\$250 per month
Aviation	Midland/Odessa	\$500	\$250 per month
Aviation	Lubbock	\$500	\$250 per month
Aviation	Chihuahua City	\$500	\$250 per month
Aviation	Santa Fe	\$500	\$250 per month
Aviation	Albuquerque	\$500	\$250 per month
Production		\$500	
Rack Cards/Brochures			
Rack Cards (Aviation)		\$486	2500 printed
Production (Aviation)		\$200	
Newspapers			
Truth of Consequences Herald (Aviation)	New Mexico	\$300	1/2 page, Tuesday printing weekly
The INK Newspaper (Aviation)	West Texas, New Mex	\$900	1/2 page, color
El Diario De Chihuahua (Aviation)	Delicias, Cuahtemoc	\$504	1/2 page, color
El Diario De Chihuahua (Ransom)	West Texas, New Mex	\$1,900	Full page, color, Sunday, Monday
Albuquerque Journal (Ransom)	New Mexico	\$2,882	1/2 Page, Sunday, Monday
El Diario De Chihuahua (Impressionism)	West Texas, New Mex	\$1,900	Full page, color, Sunday, Monday
Albuquerque Journal (Impressionism)	New Mexico	\$4,628	Full Page, Sunday, Monday
Copyright Release - (Ransom Center)		\$1,000	
Total HOT Advertising Budget		\$33,000	