

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

DEPARTMENT: MPO

AGENDA DATE: May 12, 2009

CONTACT PERSON/PHONE: Roy Gilyard / (915) 591-9735 ext. 13

DISTRICT(S) AFFECTED: N/A

SUBJECT:

That the City Manager be authorized to sign a Second 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 a maximum of three one-year term extensions.

BACKGROUND / DISCUSSION:

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

PRIOR COUNCIL ACTION:

The First Amendment and Extension to the Lease Agreement was approved by City Council on December 28, 2005.

AMOUNT AND SOURCE OF FUNDING:

\$84,087.48 will be funded from Grant G780902, Fund 05043.

BOARD / COMMISSION ACTION:

The Transportation Policy Board for the MPO approved the extension of the ELP Gateway lease on April 3, 2009.

*****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:

That the City Manager be authorized to sign a Second 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 a maximum of three one-year term extensions.

PASSED AND APPROVED this _____ day of _____, 2009.

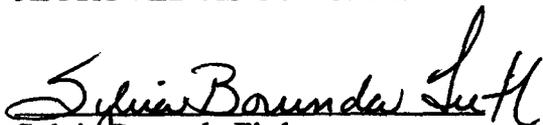
THE CITY OF EL PASO

John F. Cook
Mayor

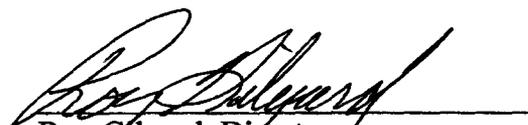
ATTEST:

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

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

THIS SECOND AMENDMENT AND EXTENSION TO AGREEMENT is entered into and effective as of 1st day of May, 2009 ("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 the Landlord wish to extend and amend the Lease Agreement to provide for a maximum of three one-year extensions in lieu of the second three-year extension.

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
	Year 1	\$6,329.16	\$75,949.92
	Year 2	\$6,329.16	\$75,949.92
	Year 3	\$6,329.16	\$75,949.92
First Option:	Year 1	\$6,668.22	\$80,018.64
	Year 2	\$6,668.22	\$80,018.64
	Year 3	\$6,668.22	\$80,018.64
Renewal Option 2	5/1/09 to 4/30/10	\$7,007.29	\$84,087.48
Renewal Option 3	5/1/10 to 4/30/11	\$7,007.29	\$84,087.48
Renewal Option 4	5/1/11 to 4/30/12	\$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 a maximum of three (3) additional one-year terms 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 any of the renewal options upon approval and request by the Transportation Policy Board. "
- C. 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: President, Brower Real Estate Corporation

Date: 4-24-09

TENANT:

METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY BOARD

By: 
Name: Joe Pickett
Title: Chair, Transportation Policy Board

Date: 4-26-09

CITY OF EL PASO TEXAS

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

Date: _____

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Sylvia Borunda Firth
Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:

Roy Gilyard
Roy Gilyard, Executive Director
Metropolitan Planning Organization