

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

DEPARTMENT: INFORMATION TECHNOLOGY
AGENDA DATE: December 20, 2011
CONTACT PERSON/PHONE: Miguel Gamino, Information Technology Director, (915) 541-4746
DISTRICT (S) AFFECTED: ALL

SUBJECT:

To: Transtelco Inc.
Estimated Receipt: \$12,524.70
Total Estimated Receipt: \$12,524.70

BACKGROUND / DISCUSSION:

The Information Technology Department is requesting that Council authorize the City Manager to execute the Memorandum of Condit Lease between Transtelco, Inc. and the City of El Paso. This is a new document that will be recorded in the Real Property records to give third parties notice of the Conduit Lease.

Transtelco desires to enter into a Conduit Lease with the City in order to document this installation and use the (Conduit Lease) and pay all amounts owed for Transtelco' s past use of the City Conduits . On December 6, 2011, an Ordinance was introduced on the City Council agenda as item 4B "Regular Agenda-Introductions" related to the Conduit Lease. The Lease is for a portion of the City's existing underground conduit system in downtown and south El Paso for a fiber optic cable telecommunications system. Transtelco is to pay the city an annual lease fee of \$12,524.70.

In January 2006, Transtelco performed certain repairs to the Stanton Street International (the Bridge) and installed Transtelco's fiber across the Bridge. Transtelco desires to enter into a License Agreement with the City to document the installation and use and pay all amounts owed for Transtelco' s past use of the Bridge. An Ordinance was introduced on the City Council on December 6, 2011 agenda as item 4C "Regular Agenda-Introductions" related to the Stanton International Bridge License Agreement. This same ordinance is presented on this, December 20, 2011, City Council agenda requesting the Council to authorize the City Manager to execute the Lease Agreement and the License Agreement.

In 2006 and 2009 Transtelco installed certain underground conduits in the downtown area for the City and installed Transtelco's fiber in the City Conduits. Transtelco desires to enter into a Conduit Lease with the City in order to document this installation and use the (Conduit Lease) and pay all amounts owed for Transtelco' s past use of the City Conduits . On December 6, 2011, an Ordinance was introduced on the City Council agenda as item 4B "Regular Agenda-Introductions" related to the Conduit Lease. This same ordinance is presented on this, December 20, 2011, City Council agenda requesting the Council to authorize the City Manager to execute the Lease Agreement.

In December 18, 2007, Transtelco and the City entered into a Fiber Lease Agreement by which the City leased 144 fiber optic strands for high-speed connectivity located in an underground conduit approximately 26 miles in length.

In December 18, 2007, Transtelco and the City entered into a Maintenance Agreement which Transtelco agreed to maintain the City Fiber in the Transtelco Conduit.

PRIOR COUNCIL ACTION:

On December 6, 2011, Ordinances were introduced on the City Council agenda as items 4B and 4C “Regular Agenda-Introductions” related to the Conduit Lease and Stanton International Bridge License Agreement. These same ordinances are presented on this, December 20, 2011, City Council agenda requesting the Council to authorize the City Manager to execute the Lease Agreement and the License Agreement.

AMOUNT AND SOURCE OF FUNDING:

Department: Information Technology
Amount: \$12,524.70
Funds Available: Revenue Source

BOARD / COMMISSION ACTION: N/A

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

DEPARTMENT HEAD: <u>Miguel Gamino</u>		December 14, 2011
Name	Signature	Date

RESOLUTION

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

The City Manager be authorized to execute the following documents between the CITY OF EL PASO and TRANSTELCO, INC.:

- 1) Memorandum of Agreement summarizing the various agreements between the parties, the terms of payment and amounts owed by company to the City, and clarifying certain rights and obligations of the parties.
- 2) Amendment to Fiber Lease Agreement revising the City's existing lease of 144 fiber strands along 134,239 linear square feet of conduit owned by the company and the related Memorandum of Fiber Lease.
- 3) Amendment to Maintenance Agreement revising the maintenance of City's leased fiber strands along 134,239 linear square feet of conduit owned by the company.
- 4) Memorandum of Agreement related to the License to construct, maintain and use the Stanton Street Bridge for installing fiber optic cable for company's telecommunications network.
-  5) Memorandum of Conduit Lease related to the Lease of City Conduit the company's lease and installation of fiber along a 10,285 linear square foot city-owned conduit in the downtown area.

ADOPTED this _____ day of _____, 2011.

THE CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda D. Momsen, City Clerk

APPROVED AS TO FORM:



Bertha A. Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:



Miguel A. Gamino Jr., Director
Information Technology Department

Memorandum of Conduit Lease

Effective Date: January 1, 2006

Landlord: The City of El Paso, a municipal corporation

Landlord's Mailing Address: 2 Civic Center Plaza, El Paso County, El Paso, Texas 79901

Tenant: Transtelco, Inc., a Texas corporation

Tenant's Mailing Address: 500 W. Overland, suite 110, El Paso, Texas 79901-1196

Leasehold Estate and Premises: A nonexclusive leasehold interest to install, use and maintain certain fiber of Tenant in Landlord's underground 4 inch conduit located along and under the following downtown streets along the following two routes:

Route No.1. Commencing at the intersection of Durango Street and Overland Avenue: Thence North along Durango Street for three blocks until arriving at the intersection of Durango Street and Missouri Avenue, then turning eastward on Missouri Avenue for five blocks until arriving at the intersection of Missouri Avenue and Stanton Street, then turning southward on Stanton Street for one block to arrive at the intersection of Stanton Street and Franklin Avenue for a total of 3,464.34 lineal feet.

Route No. 2. Commencing at the intersection of Main Street and Mesa Street: Thence East along Main Street for three blocks until arriving at the intersection of Main Street and Campbell Street, then turning southward on Campbell Street for four blocks until arriving at the intersection of Campbell Street and San Antonio Avenue, then turning westward on San Antonio Avenue for two blocks until arriving at the intersection of San Antonio Avenue and Stanton Street, then turning southward on Stanton Street for ten blocks until arriving at the Stanton Street Bridge for a total of 6,820.85 lineal feet.

A map of the routes is attached hereto and made a part hereof as Exhibit "A".

Remaining Term: Beginning on December 1, 2011, a five (5) year remaining primary term with three additional five (5) year options.

Additional Provisions: The Lease is incorporated by reference and is binding on Landlord and Tenant. If a conflict exists between any term of this Memorandum of Lease and the Lease, the Lease controls.

**LANDLORD:
THE CITY OF EL PASO**

Joyce Wilson
City Manager

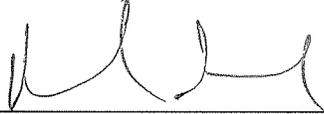
APPROVED AS TO FORM:

Bertha A. Ontiveros
Assistant City Attorney

APPROVED AS TO CONTENT:

Miguel Gamino, Director
Information Technology

**TENANT:
TRANSTELCO, INC.**

By: 

Miguel Fernandez, President

ACKNOWLEDGEMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this ____ day of _____, 2011,
by Joyce Wilson as City Manager on behalf of the **CITY OF EL PASO.**

Notary Public, State of Texas

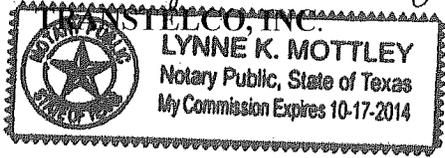
My Commission Expires:

ACKNOWLEDGEMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this 21st day of November, 2011,
by Miguel Fernandez as President on behalf of



Lynne K. Mottley
Notary Public, State of Texas

My Commission Expires:

EXHIBIT "A"

