

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: MPO

AGENDA DATE: 12/28/2005

CONTACT PERSON/PHONE: Ricardo Dominguez, MPO, (915) 591-9735

DISTRICT(S) AFFECTED: N/A

SUBJECT:

APPROVE: That the Mayor is hereby authorized to sign, acting as the Metropolitan Planning Organization, a First Amendment and Extension to the Lease Agreement between the Metropolitan Planning Organization and ELP Gateway Center, Limited Partnership, 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 require the Landlord to construct certain improvements and extend the term of the lease an additional three years from the expiration date.

BACKGROUND / DISCUSSION:

The First 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 and provides for office improvements.

PRIOR COUNCIL ACTION:

None.

AMOUNT AND SOURCE OF FUNDING:

The MPO is 80% Federal Funds and 20% State Funds to pay for the lease.
Fund Source: 68150009-502400-68000-05028-G780603

BOARD / COMMISSION ACTION:

The Transportation Policy Board for the MPO approved the renewal of the office lease on December 16, 2005.

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

LEGAL: (if required) LE

FINANCE: (if required) _____

OTHER:

(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: _____

CITY CLERK DEPT.
05 DEC 19 PM 2:56

RESOLUTION

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

That the Mayor is hereby authorized to sign, acting as the Metropolitan Planning Organization, a First Amendment and Extension to the Lease Agreement between the Metropolitan Planning Organization and ELP Gateway Center, Limited Partnership, 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 require the Landlord to construct certain improvements and extend the term of the lease an additional three years from the expiration date.

PASSED AND APPROVED this _____ day of _____, 2005.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

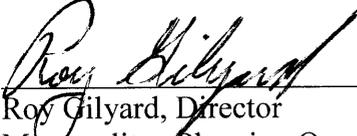
Richarda Duffy Momsen
Municipal Clerk

APPROVED AS TO FORM:



Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:



Roy Gilyard, Director
Metropolitan Planning Organization

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

THIS FIRST AMENDMENT AND EXTENSION TO AGREEMENT is entered into and effective as of 28th day of December, 2005 ("effective date") by and between the City of El Paso, acting as the Metropolitan Planning Organization ("TENANT") and 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 wishes to exercise its first option to extend the Agreement subject to the Landlord providing certain improvements to the Premises; and

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES RECITED HEREIN, IT IS AGREED TO AMEND THE AGREEMENT AS FOLLOWS:

- A. Paragraph Four (Term): With this document the Tenant hereby provides notice and Landlord accepts this notice of Tenant's right to exercise its first three year extension option effective May 1, 2006, through April 30, 2009, per the terms of the Agreement. Further this Paragraph is amended to add the provision that the City Manager may exercise the Second Option upon approval and request by the Transportation Policy Board.
- B. Paragraph Seven (Improvements): Shall be amended to add that the Landlord shall provide the following improvements to the Premises:
 - 1. Install a refrigerated air conditioning unit in the room currently used as a computer server room to provide air conditioning to the room in order to keep the computer equipment at a reasonable temperature at Landlord's sole cost; and,
 - 2. Construct a dividing wall with a door and electrical/computer outlets in the room currently used as a library in a location to be coordinated between the parties. The resulting rooms shall both be provided with HVAC systems to provide adequate heating and cooling, at Landlord's sole cost; and,
 - 3. The Landlord shall seek bids for the construction of the above described improvements and shall pay and be responsible for no more than \$10,000.00 for the cost of the improvements; and,
 - 4. Landlord shall coordinate the construction of the improvements with the Tenant to ensure minimal disruption of business activities; and,
 - 5. The construction of the improvements shall begin as soon as possible after the execution of this Amendment, and shall be completed no later than January 16,

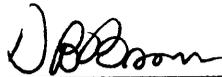
2006. The Landlord shall coordinate the time for completion with the Tenant if it extends beyond such time period.

C. Except as herein amended all terms of the Agreement shall remain in full force and effect.

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

LANDLORD:

ELP GATEWAY CENTER, LIMITED PARTNERSHIP

By: 
Name: Dan B. Brower
Title: President of the General Partner
Date: 12.22.05

TENANT:

**METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY BOARD**

By: 
Name: Joe Pickett
Title: Chair, Transportation Policy Board
Date: 12/23/05

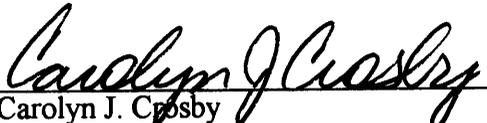
CITY OF EL PASO TEXAS

By: _____
Name: John Cook
Title: Mayor
Date: _____

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:


Roy Gilyard, Executive Director
Metropolitan Planning Organization