

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

AGENDA DATE: August 27, 2024

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Ben Fyffe, Managing Director (915) 212-1766

DISTRICT(S) AFFECTED: ALL

STRATEGIC GOAL: Goal 4 – Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

SUBGOAL: 4.2 Create innovative recreational, educational and cultural programming

SUBJECT: Resolution that the City Manager be authorized to sign an amendment to Funding Agreement with the El Paso Children's Museum Development Corporation by and between the City of El Paso ("City") and the El Paso Children's Museum Development Corporation ("EPC") for the purpose of changing the frequency of the distribution of the City's Funding Stipend Commitment from quarterly installments to monthly installments.

BACKGROUND / DISCUSSION:

Per original agreement, the City pays 33% of La Nube's operating expenses (capped at \$2.5 million) paid as reimbursements on a quarterly basis. With La Nube having begun normal operations, both MCAD and La Nube are in favor of amending disbursement schedule from quarterly to monthly. This will allow:

1. Greater cash flow for La Nube
2. MCAD staff to catch any issues easier with receipts, backup, reporting in real time on a monthly basis

PRIOR COUNCIL ACTION:

Original funding agreement was approved by Council in April of 2016.

AMOUNT AND SOURCE OF FUNDING:

Stipend is budgeted annually in the adopted budget for MCAD.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Museums & Cultural Affairs Department

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

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

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

That the City Manager, or designee, be authorized to sign the attached Amendment to Funding Agreement with The El Paso Children’s Museum Development Corporation by and between the City of El Paso (“City”) and The El Paso Children’s Museum Development Corporation (“EPC”) for the purpose of changing the frequency of the distribution of the City’s Funding Stipend Commitment from quarterly installments to monthly installments.

APPROVED this _____ day of _____ 2024.


CITY OF EL PASO:

Oscar Leoser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Ben Fyffe, Managing Director
Quality of Life

**AMENDMENT TO FUNDING AGREEMENT WITH THE EL PASO
CHILDREN’S MUSEUM DEVELOPMENT CORPORATION**

This Amendment is made and entered into by and between The City of El Paso, Texas, a home-rule city and political subdivision of the State of Texas (“**City**”) AND The El Paso Children’s Museum, a non-profit corporation of the State of Texas (“**EPC**”).

WHEREAS, The parties entered into the El Paso Children’s Museum Memorandum of Understanding on August 23rd of 2016 with the intent to provide a first-class, state of the art Children’s Museum in the City (“**Museum**”), and

WHEREAS, The parties entered into a revised Memorandum of Understanding on March 6th of 2018 (“**MOU**”), and

WHEREAS, The parties entered into a funding agreement approved by resolution on July 23rd of 2018 (“**Funding Agreement**”), and

WHEREAS, The parties desire to amend certain sections of the Funding Agreement to change the frequency of the distribution of the City’s Funding Commitment funds from quarterly installments to monthly installments

NOW, THEREFORE, the parties enter into the following changes to the Funding Agreement.

- 1. CITY FUNDING- STIPEND COMMITMENT.** It is mutually understood that 1.3 (B)(i) of the Funding Agreement will be amended to read as follows:

“The Stipend shall be paid beginning on the Stipend Commencement in a prorated amount, and thereafter in monthly installments on the first day of each month. At the end of the last month of each year of the Lease (as may be extended), Museum Operator shall provide the City with a financial statement providing budget versus actual variances for the year, The City shall “true up” any amounts owed or overpaid to Museum Operator in its next monthly payment.”


- 2. EXPLICIT CHANGES.** Anything not explicitly amended above will remain as written in the Funding Agreement.

(Signatures in next page)

CITY OF EL PASO:

Cary Westin
Interim City Manager
Date: _____

APPROVED AS TO FORM:




Jesus A. Quintanilla
Assistant City Attorney

APPROVED AS TO CONTENT:



Ben Fyffe, Managing Director
Quality of Life

**EL PASO CHILDREN'S MUSEUM
DEVELOPMENT CORPORATION**

By: 

Name: Stephanie Otero

Title: Manager
