

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

AGENDA DATE: May 23, 2023
PUBLIC HEARING DATE: May 23, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Mary Lou Espinoza, Capital Assets Manager, (915) 867-2629; Richard Bristol, (915) 212-7000

DISTRICT(S) AFFECTED: 8

STRATEGIC GOAL: No. 6: Set the Standard for Sound Governance and Fiscal Management

SUBGOAL: No. 6.6: Ensure continued financial stability and accountability through sound financial management, budgeting and reporting

SUBJECT:

A resolution authorizing the City Manager to sign an Amendment to the Operating and Maintenance Agreement with the El Paso Chamber of Commerce, to extend the term by 10 years through April 30, 2034, in consideration of the El Paso Chamber of Commerce investing approximately \$250,000 in upgrades to the Star on the Mountain.

BACKGROUND / DISCUSSION:

On April 19, 2019, The City of El Paso entered into a new operating and maintenance agreement for the Star on the Mountain with the El Paso Chamber of Commerce Foundation. The agreement expires on April 30, 2024.

PRIOR COUNCIL ACTION:

The agreement was approved by City Council on April 19, 2019.

AMOUNT AND SOURCE OF FUNDING:

N/A: This is a revenue generating item

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? YES NO

PRIMARY DEPARTMENT: Real Estate

SECONDARY DEPARTMENT: Streets & Maintenance

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

DEPARTMENT HEAD: Richard Bristol, Director of Streets & Maintenance



for _____

(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 be authorized to sign the First Amendment to the Operating and Maintenance Agreement for Star on the Mountain with the El Paso Chamber of Commerce, to extend the term by 10 years through April 30, 2034, in consideration of the El Paso Chamber of Commerce investing approximately \$250,000 in upgrades to the Star on the Mountain.

APPROVED this _____ day of _____ 20____.

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Richard Bristol, Director
Streets & Maintenance

APPROVED AS TO CONTENT:



Mary Lou Espinoza
Capital Assets Manager

THE STATE OF TEXAS)
)
COUNTY OF EL PASO) **FIRST AMENDMENT
TO OPERATING AND MAINTENANCE
AGREEMENT FOR STAR ON THE MOUNTAIN
WITH EL PASO CHAMBER OF COMMERCE**

This First Amendment to that certain **Operating and Maintenance Agreement for Star on the Mountain** is made this ___ day of _____, 20_____, by and between the City of El Paso, a Municipal Corporation organized and existing under the laws of the State of Texas (the “City”), and **THE GREATER EL PASO CHAMBER OF COMMERCE FOUNDATION, a Texas Non-profit Organization** (the “Chamber”).

WHEREAS, on **April 19, 2019**, the City and the Chamber entered into a(n) Operating and Maintenance Agreement for Star on the Mountain (“Agreement”);

WHEREAS, the Agreement may be amended under the provisions of Section 8. L. of the Agreement;

WHEREAS, the Chamber wishes to invest approximately \$250,000 in upgrades to the Star on the Mountain;

WHEREAS, the parties desire to extend the term of the Agreement to allow the parties to benefit from the Chamber’s investment and upgrades.

NOW THEREFORE, in consideration of the mutual promises set forth in this 1st Amendment and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Section 3 TERM. is revised to read as follows:
 3. TERM. The term of this Agreement shall commence on the Effective Date and expire April 30, 2034, unless sooner terminated pursuant to the terms of this Agreement.
2. All terms and conditions of the Agreement and all subsequent Amendments thereto, except as herein revised, shall remain in full force and effect.

[signatures begin on the following page]

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____

day of _____, 20__.

CITY
THE CITY OF EL PASO:

Tomás Gonzalez
City Manger

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Richard Bristol, Director
Streets & Maintenance Department

APPROVED AS TO CONTENT:



Mary Lou Espinoza
Capital Assets Manager

CHAMBER,
THE GREATER EL PASO CHAMBER
OF COMMERCE FOUNDATION
a Texas Non-profit Organization

By: 

Andrea Hutchins
CEO



First Amendment to Operating & Maint. Agreement with
The Greater El Paso Chamber of Commerce Foundation

Star on the Mountain | El Paso, Texas | 79902

Goal 6 Set the Standard for Sound Governance and Fiscal Management



May 22, 2023

TOMA Exception Sec. 551.072 (Real Property)

PROPERTY AERIAL



Background



- Chamber to make an investment of approx. \$250,000 in upgrades to the Star on the Mountain
- Upgrades will make the Star more:
 - Energy Efficient
 - Economical to Operate
 - Technologically advanced (remote operation capability)

Proposed Terms



- Current agreement expires April 2024
- Extend the current agreement for 5 additional years with 1 option to extend 5 additional years
- No change to annual operating costs

RECOMMENDATION: Amend agreement to extend the term



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People