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

DEPARTMENT: **City Attorney's Office**

AGENDA DATE: **May 9, 2006**

CONTACT PERSON/PHONE: **Charlie McNabb/915-541-4550**

DISTRICT(S) AFFECTED: **District 8**

SUBJECT:

Discussion and action on the City of El Paso's approval of a sublease by The El Paso Science Museum--Insights to the Burnham Wood Charter School, subject to the Burnham Wood Charter School receiving a grant from the Communities Foundation of Texas or the Texas Education Agency, and the sublease including the City's conditions, including but not limited to, off-site parking in accordance with City Code requirements, the City's approval of a traffic plan to accommodate pick up/drop off of students, the Lessee and Sub-lessee approving the City's right of first refusal to purchase any improvements or structures constructed on the leased premises, and the City receiving fair market rental for the leased area; and an appropriate amendment of the Feb. 27, 1992 lease between the City of El Paso and The El Paso Science Museum--Insights.

BACKGROUND / DISCUSSION:

The City owns the property where the Insights Museum is located at 505 N. Santa Fe St. The Feb. 27, 1997 lease between the City of El Paso and the El Paso Science Museum--Insights does not allow an assignment of subletting of the Insight Museum site, or any part thereof, without the prior written consent of the City. The Burnham Wood Charter School would like sublease space in the Insights Museum to operate a science, technology, engineering academy. The Burnham Wood Charter School is applying for grant funding which requires that it have permission to sublease space in the Insight Museum.

The City's consent to a sublease between the El Paso Science Museum and the Burnham Wood Charter School would be conditional upon the Burnham Wood Charter School receiving a grant from the Communities Foundation of Texas or the Texas Education Agency, and the sublease including the City's conditions, including but not limited to, off-site parking in accordance with City Code requirements, the City's approval of a traffic plan to accommodate pick up/drop off of students, the Lessee and Sub-lessee approving the City's right of first refusal to purchase any improvements or structures constructed on the leased premises, and the City receiving fair market rental for the leased area; and an appropriate amendment of the Feb. 27, 1992 lease between the City of El Paso and The El Paso Science Museum--Insights.

PRIOR COUNCIL ACTION:
Has the Council previously considered this item or a closely related one? **Yes**

AMOUNT AND SOURCE OF FUNDING:
How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:
Enter appropriate comments or N/A

**********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:** _____