



92  
**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 9 Ordinance/Resolution# 10-130 Council District: 4

For Meeting of November 2, 2009  
 (Adoption Date)

**TITLE: A RESOLUTION APPROVING A THIRD AMENDMENT TO THE OPERATIONS AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND MESILLA VALLEY COMMUNITY OF HOPE INCORPORATED (MVCH).**

**PURPOSE(S) OF ACTION:** Action is needed to extend the contract, expiring January 17, 2010. Contract terms and conditions remain the same.

<b>Name of Drafter:</b> Jerry Nachison		<b>Department:</b> Community Development		<b>Phone:</b> 528-3208	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Community Development		528-3066	Assistant City Manager		541-2271
Public Works		528-3125	Facilities		541-2651
Budget		541-2300	City Manager		541-2076
Legal		541-2128			

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:** The City and MVCH agree that the current lease contract for the operations of the Mesilla Valley Community of Hope property has become dated and needs to be rewritten and restructured. A new agreement cannot be done in the time frame by the current lease expiration date of January 17, 2010. City staff and MVCH have agreed to extend the current contract unchanged through June 30, 2010, to allow substantive review and agreement on the next lease. City staff plans to present the new lease to City Council during May or June 2010.

**SUPPORT INFORMATION:**

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Exhibit "A" - Resolution
2. Exhibit "B" - Lease Amendment

**OPTIONS / ALTERNATIVES:**

1. Vote YES and approve the almost six month extension. This action will authorize the City Manager to sign the agreement and for staff to do all work necessary to so implement.
2. Vote NO and deny the Resolution for the CLC to enter into this lease extension to continue the operation of the MVCH campus. City staff would be required to find another way to operate and manage the MVCH campus without further amending the adopted city budget at this time.
3. Modify the Resolution and vote YES to approve the modified Resolution. This action may change the terms and conditions of the lease extension. City Council may change terms and conditions of the proposed extension resulting in delay or non-acceptance by MVCH.
4. Table/Postpone the Resolution and direct staff accordingly.

**RESOLUTION NO: 10-130****A RESOLUTION APPROVING A THIRD AMENDMENT TO THE OPERATIONS AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND MESILLA VALLEY COMMUNITY OF HOPE INCORPORATED (MVCH).**

The City Council is informed that:

**WHEREAS**, the Mesilla Valley Community of Hope (MVCH) is a non-profit corporation consisting of a consortium of several local agencies which deliver services to the Homeless in the Las Cruces urban area; and

**WHEREAS**, by a previous lease agreement entered into on January 18, 2005 between the City of Las Cruces and MVCH expires on January 17, 2010; and

**WHEREAS**, the City and MVCH have agreed to proceed with an extension through June 30, 2010, of the current lease in order to work together to revise and clarify aspects of management, maintenance and control of campus property and improvements into a new three-year lease.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

**(I)**

**THAT** the extension of the current lease from January 18, 2010 through June 30, 2010, between the City of Las Cruces and the Mesilla Valley Community of Hope, as shown in Exhibit "A," attached hereto and made part of this Resolution, is hereby approved.

(II)

THAT the City Manager, as the official representative of the City, is hereby authorized to sign said lease on the City's behalf.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2009

(SEAL)

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Connor: \_\_\_\_\_

Councillor Archuleta: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Jones: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_

Approved as to Form:

*Denise A. ... Lemull*  
\_\_\_\_\_  
City Attorney

**A THIRD AMENDMENT TO THE OPERATIONS AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND MESILLA VALLEY COMMUNITY OF HOPE INCORPORATED (MVCH) .**

The lease agreement approved under Resolution 05-223, on January 18, 2005, is extended from January 18, 2010 to June 30, 2010, without any change to the terms and conditions therein.

IN WITNESS WHEREOF, the parties hereto do mutually execute this Amended Operation and Management Agreement as of the date set forth above.

**CITY OF LAS CRUCES:**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Terrence Moore, City Manager

**MESILLA VALLEY COMMUNITY OF HOPE, INC.:**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Doug Boberg, President

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney