RESOLUTION NO. 20120823-065

WHEREAS, the City of Austin supports the artistic and cultural activities of its citizens, including the Mexic-Arte Museum; and

WHEREAS, on January 11, 2001, the City and the Museum entered into a services agreement, pursuant to which the City provided the sum of $740,000 to the Museum for the purchase of a building located at 419 Congress Avenue to permanently house its collections and operate its programs, in return for the Museum's agreement to rehabilitate and maintain the building and provide certain services which benefit the public, and

WHEREAS, City Ordinance No. 20060608-084 establishing the bond proposition language was approved on June 8, 2006 stated that Proposition 4 should include a total of $31,500,000 in funding for the Zachary Scott Theater, an African American Cultural and Heritage Facility, and Asian American Cultural Center, the Austin Film Studios, the Mexic-Arte Art Museum and the Mexican American Cultural Center, and

WHEREAS, pursuant to City Ordinance No. 20060824-006 passed on August 24, 2006, the City Council of the City Approved a special bond election to consider the issuance of general obligation bonds, including

proposition 4, the proceeds of which would be used for various projects including the public purpose of constructing, improving and equipping community and cultural facilities and acquiring the land or interests in land and property necessary to do so, and

WHEREAS, Proposition 4 was approved by City of Austin Voters on November 7, 2006. The funding available for the Museum is $5,000,000. The City and the Museum have entered into a separate Agreement for Improvement of Cultural Facilities For Public Use Funded With Bond Funds, concerning the conditions under which the funding will be made available to the Museum for the improvement of the facility, and

WHEREAS, the City and the Museum have also entered into a separate Master Lease Agreement and a related Sublease Agreement with set restrictions in order to satisfy certain requirements associated with the Bond Funds Agreement, and

WHEREAS, the City and Museum amended, restated and executed an agreement on September 17, 2010 to update the required services and performance including but not limited to the provision of program reporting, project milestones and a certified audit no later than April 30 annually, and

WHEREAS, the 2010 Agreement for Improvement of Cultural Facilities for Public Use Funded With Bond Funds required that bona fide interior or exterior preparation or construction of the Mexic-Arte project must begin no later than June 30, 2012 and be substantially complete no later than December 31, 2013; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The city manager is authorized to negotiate and execute any necessary amendments to the Agreement between City of Austin and Mexic-Arte Museum for Improvement of Cultural Facilities for Public Use Funded With Bond Funds to include but not limited to extending the deadlines contained in the Agreement by five years from the original required dates, at which time the Agreement shall expire.

ADOPTED: August 23, 2012 **ATTEST:** Shirley A. Gentry

Shirley A. Gentry
City Clerk