

June 14, 2023

WHEREAS, on June 26, 2013, by Resolution No. 13-1085, the City Council of the City of Dallas authorized a ten-year lease agreement dated July 29, 2013, (the "Lease") between the City of Dallas, a Texas municipal corporation ("City"), as tenant, and Marcer Investments, LLC, a Texas limited liability company, ("Landlord") as landlord, for approximately 4,272 square feet of office space, located at 6012 Abrams Road, Suite 150, on Lot 1, Block 5433, Dallas, Dallas County, Texas (the "Premises") to be used by the Women, Infants and Children ("WIC") Program Services; and

WHEREAS, the Lease expires by its own terms on August 31, 2023; and

WHEREAS, the parties desire to extend, modify and amend the lease to (1) extend the term for an additional five-year term ("Extension Term"), and (2) upon certain amended terms as provided below.

Now, Therefore,

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

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute a First Amendment to the Lease Agreement between Marcer Investments, LLC, a Texas limited liability company and the City of Dallas.

SECTION 2. That the special terms and conditions of the First Amendment to the Lease Agreement are:

(a) The term of the Lease is hereby extended for an additional for five (5) years (the "Extension Term") beginning September 1, 2023 and ending August 31, 2028, provided however, that City and Landlord retain the right to terminate the Lease as provided elsewhere therein.

(b) Monthly Rental Payments during the Extension Term shall be as follows: (subject to annual appropriations):

September 1, 2023 – August 31, 2024	\$7,743.00 per month
September 1, 2024 – August 31, 2025	\$7,937.00 per month
September 1, 2025 – August 31, 2026	\$8,135.00 per month
September 1, 2026 – August 31, 2027	\$8,339.00 per month
September 1, 2027 – August 31, 2028	\$8,547.00 per month

(c) The first two paragraphs of Section III., of the Lease shall be deleted.

(d) The following three paragraphs will be added to Section III., of the Lease:

"City shall pay all charges for electrical and janitorial services to the Premises."

SECTION 2. (continued)

“Landlord shall pay all charges for utilities, except electrical, services to the Premises.”

“City shall be responsible for the installation, maintenance and expense of the telephone, communication and security services to the Premises.”

(e) All other terms and conditions of the Lease not expressly amended hereby, shall remain in full force and effect.

SECTION 3. That the Chief Financial Officer be and is hereby authorized to draw warrants payable to Marcer Investments, LLC, or its successors and assigns on the first day of each month in advance during the Extension Term beginning September 1, 2023 in the amount specified below:

September 1, 2023 – August 31, 2024 (subject to annual appropriations)	\$7,743.00 per month
September 1, 2024 – August 31, 2025 (subject to annual appropriations)	\$7,937.00 per month
September 1, 2025 – August 31, 2026 (subject to annual appropriations)	\$8,135.00 per month
September 1, 2026 – August 31, 2027 (subject to annual appropriations)	\$8,339.00 per month
September 1, 2027 – August 31, 2028 (subject to annual appropriations)	\$8,547.00 per month

SECTION 4. That the payments will be charged as follows:

September 1, 2023 – September 30, 2023: Fund FY 23 WIC Program - Women, Infants and Children Grant Fund, Fund F716, Department MGT, Unit 307C, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$7,743.00.

October 1, 2023 – August 31, 2024: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$7,743.00.

September 1, 2024 – September 30, 2024: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit

SECTION 4. (continued)

TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$7,937.00.

October 1, 2024 – August 31, 2025: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$7,937.00.

September 1, 2025 – September 30, 2025: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$8,135.00.

October 1, 2025 – August 31, 2026: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$8,135.00.

September 1, 2026 – September 30, 2026: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$8,339.00.

October 1, 2026 – August 31, 2027: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$8,339.00.

September 1, 2027 – September 30, 2027: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$8,547.00.

October 1, 2027 – August 31, 2028: Fund FY TBD WIC Program - Women, Infants and Children Grant Fund, Fund TBD, Department MGT, Unit TBD, Object 3330, Encumbrance/Contract No. CX-WIC-2023-00020834, Commodity 97145, Vendor VS0000031092, Amount \$8,547.00.

SECTION 5. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective telephone, communications, security, electrical provider and janitorial services upon receipt of a bill for such services or other applicable Charges throughout the lease term.

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SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
TAMMY L. PALOMNO, Interim City Attorney

BY: 

Assistant City Attorney