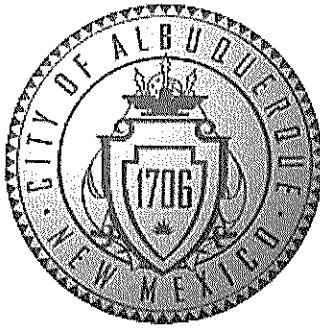


EC-24-221




**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

August 5, 2024

**TO:** Dan Lewis, President, City Council

**FROM:** Timothy M. Keller, Mayor 

**SUBJECT:** First Amendment between the City of Albuquerque and CLNKids (Cuidando Los Ninos) located at 1500 Walter SE known as the John Marshall Health and Social Service Center.

The City owns property located at 1500 Walter SE known as the John Marshall Health and Social Service Center. CLNKids Rapid Rehousing Program wishes to vacate 816 square feet office space and relocate to larger office space comprising of 1,900 square feet. The space will allow CLNKids to more effectively accomplish their purpose which is to better serve the families and citizens of Albuquerque at John Marshall Health and Social Services Center.


The proposed Amendment for the initial annual base rent period is \$6,816.25. The proposed Amendment has two (2) two (2) year renewal term, if the tenant is in compliance with the lease and if properly exercised. The proposed annual rent for initial period is \$6,816.25 with a 2.5% escalation each year thereafter. The initial annual base period will generate \$6,816.25 in revenue for the City.

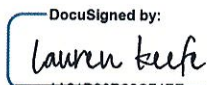
The First Amendment is forwarded to City Council approval.

TITLE/SUBJECT OF LITIGATION-First Amendment between CLNKids (Cuidando Los Ninos) and the City of Albuquerque at John Marshall Health and Social Service Center at 1500 Walter SE.

Approved:

Approved as to Legal Form:

  
Samantha Sengel, EdD  
Chief Administrative Officer

DocuSigned by:  
 8/30/2024 | 9:28 AM MDT  
Lauren Keefe  
City Attorney

9/9/24  
Date

Recommended:

Initial  
NLL

DocuSigned by:  
  
F0705DFAA0B2484...  
Gilbert Ramirez, Director  
Department of Health, Housing and Homelessness

8/27/2024 | 1:55 PM MDT

Date

## **Cover Analysis**

### **1. What is it?**

First Amendment to Lease Agreement between the City of Albuquerque's Health, Housing and Homelessness Department and CLNKids (Cuidando Los Ninos).

### **2. What will this piece of legislation do?**

Amendment will allow CLNKids Rapid Rehousing Program to vacate their current office space comprised of 816 square feet and relocate to alternative larger office space comprising of 1,900 square feet. The space will allow CLNKids to more effectively accomplish their purpose and serve the intended families and citizens of Albuquerque at John Marshall Health and Social Service Center.

### **3. Why is this project needed?**

CLNKids provides Rapid Rehousing Program services for families staying in the Wellness Motels. The City and CLNKids wish to continue provide such services for the community in efforts to support the mission of the Department of Health, Housing and Homelessness. This amendment will continue to generate and increase revenue for the City.

### **4. How much will it cost and what is the funding source?**

There is no cost associated with this lease agreement.

### **5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

The proposed Annual Base Rent for the initial period is \$6,816.25 with a 2.5% escalation each year thereafter effective on the first day of May of each year. The proposed Amendment has two (2) two (2) year renewal terms, if the tenant is in compliance with the lease and if properly exercised. The initial period will generate \$6,816.25 in revenue for the City.

### **6. What will happen if the project is not approved?**

The children and families in the Albuquerque community will not continue to receive the services and support programs provided by CLNKids Rapid Rehousing Program and the City will lose the revenue generated from the lease agreement.

### **7. Is this service already provided by another entity?**

No

**FISCAL IMPACT ANALYSIS**

TITLE: First Amendment to Lease Agreement between the City and CLNKids

R: O:  
FUND: 110

DEPT: 3028003

☒ [X] No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.☐ [ ] (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2025	Fiscal Years 2026	2027	Total
Base Salary/Wages				-
Fringe Benefits at				-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property				-
Indirect Costs	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> [ ] Estimated revenues not affected				
<input checked="" type="checkbox"/> [x] Estimated revenue impact				
Revenue from program	6,816			6,816
Amount of Grant		-	-	
City Cash Match				
City Inkind Match				
City IDOH	-	-	-	-
Total Revenue	\$ 6,816	\$ -	\$ -	\$ 6,816

These estimates do not include any adjustment for inflation.


\* Range if not easily quantifiable.

Number of Positions created

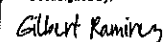
**COMMENTS:** The proposed Amendment for the initial annual base rent period is \$6,816.25. The proposed Amendment has two (2) two (2) year renewal term, if the tenant is in compliance with the lease and if properly exercised. The proposed annual rent for initial period is \$6,816.25 with a 2.5% escalation each year thereafter. The initial annual base period will generate \$6,816.25 in revenue for the City.

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

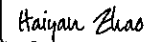
PREPARED BY:

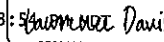
DocuSigned by:  
  
 8/27/2024 | 1:27 PM MDT  
 FISCAL ANALYST


APPROVED:

DocuSigned by:  
  
 8/27/2024 | 1:55 PM MDT  
 DIRECTOR (date)

REVIEWED BY:

DocuSigned by:  
  
 8/27/2024 | 3:40 PM MDT  
 EXECUTIVE BUDGET ANALYST

DocuSigned by:  
  
 8/30/2024 | 9:09 AM MDT  
 BUDGET OFFICER (date)

Signed by:  
  
 8/30/2024 | 9:09 AM MDT  
 CITY ECONOMIST

# FIRST AMENDMENT TO LEASE AGREEMENT

## CITY OF ALBUQUERQUE

AND

CLNKids

THIS FIRST AMENDMENT TO LEASE AGREEMENT (“Amendment”) is made and entered into by and between the City of Albuquerque, a New Mexico municipal corporation, (the “City”) and CLNKids, a New Mexico domestic nonprofit organization, (the “Tenant”) on the date set forth below. Tenant and City may be referred to herein each individually as a “Party” and collectively as the “Parties.”

### RECITALS

WHEREAS, the City owns that certain real property located at 1500 Walter SE, Albuquerque, NM 87102, Albuquerque, New Mexico (“Property”) and the building situated thereupon known as the John Marshall Health and Social Service Center (“Center”); and

WHEREAS, the Parties entered into that certain Lease Agreement (the “Lease”) for a portion of the Property comprised of 816 square feet (“Premise”), which Lease commenced on May 1, 2023 and with a stated expiration date of April 30, 2026; and

WHEREAS, the Tenant wishes to vacate their current occupied Premises, comprised of 816 square feet and relocate to alternate office space within the Property comprised of 1,900 square feet, subject to the same terms and conditions applicable to the Premises under the Lease and further subject to additional consideration as specified therein; and

WHEREAS, the Tenant is able and wishes to continue to provide Rapid Rehousing Programs for families staying in Wellness Motels; and

WHEREAS, the alternate office space will allow for the Tenant to more effectively accomplish their purpose to serve the intended families and citizens of Albuquerque; and

WHEREAS, the Parties desire to amend the Lease to reflect the Tenants wish to vacate their current leased space of 816 square feet and relocate to alternate office space comprising of 1,900 square feet as shown on **Exhibit A**; and

Amendment to Lease 2023  
Cuidando Los Ninos/CLNKids  
John Marshall Center /1900 sq. ft.

NOW, THEREFORE, for mutual consideration, and on the terms set forth herein and in the Lease, the City and the Tenant agree to the following amendments to and confirmations regarding Lease:

1. Rental payments shall commence on the October 1, 2024 and shall be calculated at a rate of \$6.15/square foot for 1,900 square feet for the initial period of Six Thousand Eight Hundred Sixteen Dollars and Twenty-Five Cents (\$6,816.25), to be paid in monthly installments of Nine Hundred Seventy-Three Dollars and Seventy-Five Cents (\$973.75) (“Base Rent”). Base Rent monthly payments shall be paid by Tenant in advance, without notice, due on or before the first day of each calendar month.

2. The Base Rent shall be annually, effective on the first day of May of each year, by an amount equal to two and half percent (2.5%) over the Base Rent paid during the previous Lease year as more specifically set forth below.

<b>Period</b>	<b>Price per Ft<sup>2</sup> 1,900 Sq. Ft.</b>	<b>Monthly Base Rent</b>	<b>Annual Base Rent to be increased 2.5%</b>
10-1-2024 - 4.30.2025 (7 months)	\$6.15	\$973.75	\$6,816.25
5-1.2025 – 4.30.2026	\$6.30	\$997.50	\$11,970.00
Extension Period #2 [if exercised]			
5.1.2026 – 4.30.2027	\$6.46	\$1,022.83	\$12,274.00
5.1.2027 – 4.30.2028	\$6.62	\$1,048.16	\$12,578.00
5.1.2028 – 4.30.2029	\$6.78	\$1,073.50	\$12,882.00
5.1.2029 – 4.30.2030	\$6.95	\$1,100.42	\$13,205.00

**3. Counterparts/Electronic Signatures.** This First Amendment may be executed in any number of separate counterparts, each of which shall be deemed an original and shall together constitute one and the same instrument. This First Amendment may be executed and delivered by electronic means (including electronic image, facsimile, “.pdf”, “.tif” and “.jpeg”), and thereupon this First Amendment shall be treated in each case and in all manner and respects and for all purposes as an original and shall be considered to have the same binding legal effect as if it were an original manually-signed counterpart thereof delivered in person.

Amendment to Lease 2023  
Cuidando Los Ninos/CLNKids  
John Marshall Center /1900 sq. ft.

4. **No Further Amendment.** Except as further modified by this First Amendment, the terms and conditions of the original Lease shall remain unchanged and in full force and effect, and are hereby ratified and confirmed by the Parties hereto.

(Signature Page Follows)

IN WITNESS WHEREOF, City and Tenant have executed this First Amendment as of the date indicated by each signature, and being effective after approval by the City Council and upon the signature of the City's Chief Administrative Officer or her authorized designee.

**CITY OF ALBUQUERQUE**  
**A New Mexico Municipal Corporation**  
**Approved By:**

Approved by the City Council

EC# \_\_\_\_\_

Approval Date: \_\_\_\_\_

\_\_\_\_\_  
Samantha Sengel, EdD  
Chief Administrative Officer

Date: \_\_\_\_\_

**Recommended By:**

\_\_\_\_\_  
Gilbert Ramirez, Director  
Department of Health, Housing & Homelessness

Date: \_\_\_\_\_

Amendment to Lease 2023  
Cuidando Los Ninos/CLNKids  
John Marshall Center /1900 sq. ft.

**TENANT:**

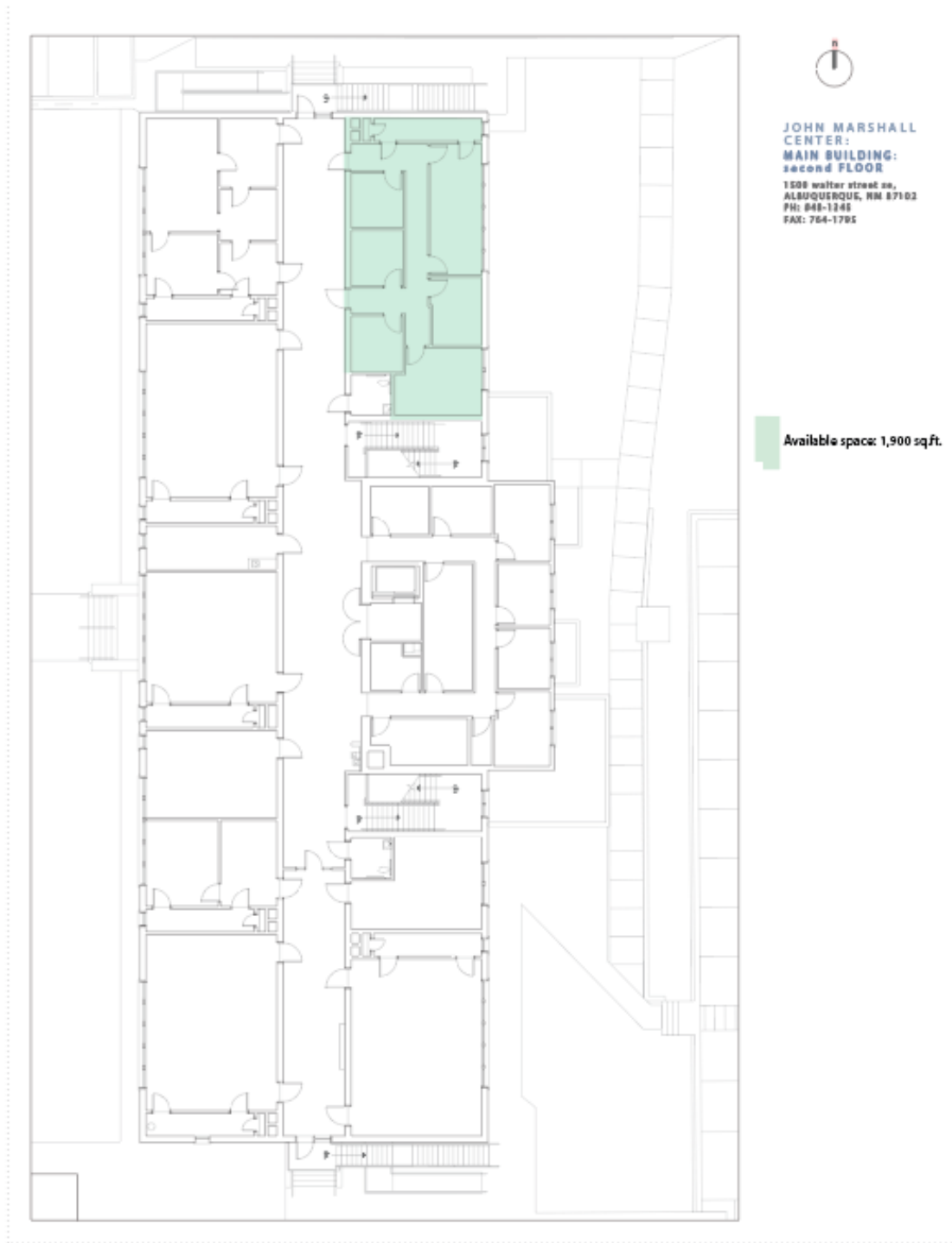
**CLNKids**, a New Mexico non-profit corporation

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Trina Jellison, Executive Director

Date: \_\_\_\_\_

## EXHIBIT A



Amendment to Lease 2023  
Cuidando Los Ninos/CLNKids  
John Marshall Center /1900 sq. ft.