

Spring Branch Independent School District
Agenda Item Information

Date of Board Meeting: March 8, 2010

Subject: Request for Approval of SPARK Contract Amendment - Cedar Brook Elementary
(Revision)

Administrator Responsible:

Name: Ruben Reyes

Position: Associate Superintendent for Operations

Purpose of Agenda Item: Action

ADDITIONAL INFORMATION AND/OR BACK-UP:

The Board is being asked to approve a revision to the amendment to the SPARK contract which was approved at the October 26, 2009 Board Meeting. This revision will increase the contract by an additional \$50,000.

Background:

The Cedar Brook SPARK Park was first dedicated in 1999. Cedar Brook had requested, from the City of Houston SPARK Organization, that a 'Re-SPARK' of the existing park take place. This was approved by the governing body of SPARK in June of 2009 and approved by the Board of SBISD in October of 2009. SPARK has an additional \$50,000.00 in funding which can be applied to this project with Board Approval. No additional SBISD funds are being requested.

Current:

Spring Branch ISD	\$ 5,000.00
Cedar Brook ES and Community	\$ 5,000.00
SPARK – Private Sector	\$ 5,000.00
Community Development – Federal Funds	<u>\$ 50,000.00</u>
	\$ 65,000.00

Proposed increase in funding:

Spring Branch ISD	\$ 5,000.00
Cedar Brook ES and Community	\$ 5,000.00
SPARK – Private Sector	\$ 5,000.00
Community Development – Federal Funds	<u>\$ 100,000.00</u>
	\$ 115,000.00

FIRST CONTRACT AMENDMENT

WHEREAS, the **City of Houston**, Texas, a Texas home-rule municipal corporation ("City"), the **Spring Branch Independent School District**, an independent school district of the State of Texas ("District"), and **SPARK** ("SPARK"), a Texas non-profit corporation have previously entered into a ten (10) year agreement ("Agreement") pursuant to Vernon's Texas Codes Annotated, Government Code § 791.001, et seq., and Vernon's Texas Codes Annotated, Local Government Code § 332.021, for the purpose of instituting and operating a SPARK Program ("Program"); and

WHEREAS, pursuant to the Agreement, the City has allocated \$50,000.00 of Community Development Block Grant ("CDBG") funds to cover expenses related to SPARK CDBG Schools under the Program; and

WHEREAS, pursuant to the Agreement, the District agreed to execute any contract for improvements to be performed, and for which CDBG funding was provided, on or before June 30, 2008; and

WHEREAS, the City, the District and SPARK now desire to amend the Agreement (1) to extend to December 31, 2010 by which contracts for improvements must be executed pursuant to the Agreement; and (2) to increase by \$100,000.00 the amount of Community Development Block Grant ("CDBG") funds for the District's SPARK Program pursuant to the revised Budget.

NOW, THEREFORE, in consideration of the mutual covenants, benefits and premises contained herein the City, the District and SPARK hereby agree to amend the Agreement as follows:

I.

Paragraph B of Article II of the Agreement, entitled District Responsibilities, is hereby amended to read as follows:

“B. The District agrees to make improvements at the SPARK CDBG Schools by contracting for those improvements as specified in the plans approved pursuant to Paragraph A of this Section II, the cost of which improvements are to be reimbursed by the City with CDBG funds not to exceed the amount stated in Section III, Paragraph A. The District will notify the City of the approval of the plans, and the City agrees to notify the District as to the availability of CDBG funds for each plan prior to the execution of a contract for improvements by the District. Such improvements shall be completed as expeditiously as possible considering the scope of work involved. The District and its contractor will execute on or before December 31, 2010 any contract for work to be performed and for which CDBG funding will be provided pursuant to this Agreement. CDBG funds will not be available for construction contracts executed after December 31, 2010.”

II.

Paragraph A of Article III of the Agreement, entitled Reimbursement, is hereby amended to read as follows:

“A. For and in consideration of the services to be performed by the District pursuant to Section II hereof in connection with SPARK CDBG Schools, the City agrees to reimburse the District for eligible expenses incurred in making improvements to SPARK School Grounds pursuant to this Agreement; however it is expressly understood and

agreed that the City has allocated a maximum sum of \$150,000.00 from CDBG funds to pay approved reimbursable expenses as set out in the revised budget attached hereto as **Exhibit A-1** and shall at no time be obligated to pay an amount in excess of \$150,000.00 in CDBG funds or any other funds for those purposes. The funds will be divided among the SPARK CDBG Schools as set out in the revised budget."

III.

Except as provided above, no modifications or amendments to the Agreement are made or intended hereby, and the Agreement, as amended by this First Contract Amendment, shall remain in full force and effect. Later amendments take precedence over earlier amendments and the Agreement only to the extent of any conflict.

(Signature pages follow)

IN TESTIMONY OF WHICH this instrument has been executed on behalf of the District, SPARK, and the City in quintuple originals each of which shall be considered of equal force and effect, as of the date countersigned by the City Controller below.

ATTEST/SEAL:

SPRING BRANCH INDEPENDENT SCHOOL DISTRICT

By: _____
Wayne F. Schaper, Sr., Secretary
Board of Trustees

By: _____
David Converse, President
Board of Trustees

By: _____
Duncan Klussmann
Superintendent of Schools

ATTEST/SEAL:

SPARK

By: _____
Kathleen Ownby
Executive Director

By: _____
Mark Lee
President

ATTEST/SEAL:

THE CITY OF HOUSTON, TEXAS

City Secretary

City Mayor

APPROVED:

COUNTERSIGNED BY:

Director, Housing and Community
Development Department

City Controller

DATE COUNTERSIGNED: _____

APPROVED AS TO FORM:

Senior Assistant City Attorney
LD No. 029-0701115-002

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EXHIBIT A -1 = 1st Revised Budget

CITY OF HOUSTON HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT BUDGET FOR COMMUNITY DEVELOPMENT ACTIVITY		
PROJECT TITLE: SPARK Program		PROJECT YEAR: FY08 APPR:
CONTRACTORS: SPARK Spring Branch Independent School District		DATE:
CONTRACT PERIOD: Begin date: Date of countersignature of City Controller End date: December 31, 2010		CONTRACT NO.:
ORIGINAL	REVISION X	REVISION NO. 1
Account Name	CDBG Funds	Contract Total
Spring Woods Middle School	\$ 50,000.00	\$ 50,000.00
Cedar Brook Elementary School	100,000.00	100,000.00
Total	\$ 150,000.00	\$ 150,000.00
Signature and Title of Authorized SBISD Official: Duncan Klussmann, Superintendent		Date:
Signature and Title of Authorized SPARK Official: Kathleen T. Ownby, Executive Director <i>Kathleen T. Ownby</i>		Date: 2/25/10
Signature of Director, Housing and Community Development Department: Richard Celli, Director		Date: