

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Parks and Recreation**

AGENDA DATE: **August 23, 2016**

CONTACT PERSON/PHONE: **Tracy Novak, Parks and Recreation Director (212-1708)**

DISTRICT(S) AFFECTED: **3**

STRATEGIC GOAL:

Goal 4 - Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments;

SUBJECT:

Discussion and action on a Resolution authorizing the City Manager to sign an amendment to an interlocal agreement for improvements to Ramona Park, a joint use park and school, with Ysleta Independent School District.

BACKGROUND / DISCUSSION:

On June 30, 2015 City Council took action awarding a 41st Year Community Development Block Grant in the amount of \$162,793 to YISD for lighting improvements and trash receptacles to Ramona Elementary School, a joint use school and park. YISD has agreed to design and construct the improvements to the recreation facility on behalf of the City. The purpose of this amendment is to amend the existing interlocal agreement to allow construction to occur.

PRIOR COUNCIL ACTION:

October 2, 2001, City Council entered into an interlocal agreement with YISD to jointly use the Ramona Elementary School for public recreational use.

June 30, 2015 City Council awarded \$162,793 CDBG grant to YISD for Ramona Elementary School recreation facility.

AMOUNT AND SOURCE OF FUNDING:

41st Year Community Development Block Grant, based on the Consolidated Plan for the City of El Paso and an approved 2015-2016 Annual Action Plan to HUD on July 6, 2015, which enabled the City to receive \$9,253,862 in federal entitlement grant funds with \$162,793 projected for the Ramona Elementary School improvements.

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

STATE OF TEXAS)
)
COUNTY OF EL PASO) **FIRST AMENDMENT TO
INTERLOCAL AGREEMENT**

This **FIRST AMENDMENT TO INTERLOCAL AGREEMENT** (this "Amendment") is made, effective as of the date written below, between the **CITY OF EL PASO, TEXAS** ("City"), a Texas Home Rule Municipality and the **YSLETA INDEPENDENT SCHOOL DISTRICT** ("District" or "YISD"), a Texas Independent School District, for Ramona Elementary School.

WHEREAS, effective October 2, 2001, and pursuant to Texas Government Code Section 791.11, the City and District entered into an Interlocal Government Agreement whereby the Recreational Facility ("Recreational Facility") was constructed and made available for the joint use of the City and the District to provide park and recreational fields for the use of the students of Ramona Elementary School and the citizens of El Paso (the "Agreement"); and,

WHEREAS, the District desires to enhance the quality of the Recreational Facility by providing supplemental lighting and additional permanent trash receptacles ("Improvements"); and,

WHEREAS, the District has applied to the City and has been awarded funding available through the Department of Housing and Urban Development (HUD), the 41st Year Community Development Block Grant Program under the Community Development Act of 1974, as amended (CDBG), for construction of additional lighting and trash receptacles at the Recreational Facility; and

WHEREAS, the City recognizes the benefit of providing parks and recreational facilities with such Improvements;

WHEREAS, the District and the City have entered into that certain Multiple Task Forgivable Loan Agreement of even date herewith (the "Loan Agreement") wherein the City has agreed to make a loan of \$162,793.00 for use by the District to pay a portion of the cost of the design and construction of the Improvements;

WHEREAS, the District has agreed that it will design and construct the improvements to the Recreational Facility on behalf of the City; and

NOW THEREFORE, for these reasons, and in consideration of the mutual promises set forth herein, the Parties mutually agree to amend the October 2, 2001 Interlocal Agreement as follows:

1. The purpose of this Amendment is to enhance the existing Recreational Facility at Ramona Elementary School, i.e. additional lighting and trash receptacles at the joint park site located on the Ramona Elementary School campus.

2. Page 2, Section B. DEFINITIONS, shall be amended to add the following:

“Recreational Facility” shall mean the Recreational Facility which is the subject of the Agreement, as it exists and may be further improved as a result of this Amendment.

“Supplemental Lighting” shall mean the park area lighting and lighting for the canopy over the playground equipment funded by the 41st Year Community Development Block Grant Program, which shall be separately metered from other lighting for the Recreational Facility.

“Supplemental Permanent Trash Receptacles” shall mean the two permanent trash receptacles to be installed as funded by the 41st Year Community Development Block Grant Program.

3. Page 3, Section D. DUTIES, shall be amended to add Subparagraph 1.1 as follows:

1.1 The District in coordination with the City will cause to be designed and constructed the improvements to the Recreational Facility being financed with the proceeds of the Loan on behalf of the District within the time provided in the Loan Agreement and in a good and workmanlike manner the following in accordance with the Revised Site Plan attached hereto as Exhibit “A-1” and the Approved Plans (as such term is defined in the Loan Agreement), to include site development work:

a. 12 energy-efficient solid state LED lights on poles placed along the existing walking path and lighting for the canopy over the playground equipment, as approved by the City.

b. Two additional trash receptacles

1.1.1 The Supplemental Lighting will be used during times that the City has exclusive use of the Recreational Facility in accordance with the Agreement.

1.1.2 Upon completion and acceptance by the City of the improvements to the Recreational Facility, the Supplemental Lighting shall be maintained and repaired by City. Notwithstanding anything in the Agreement to the contrary, the cost of electricity for the Supplemental Lighting shall be paid by City.

1.1.3 Once completed, the District shall assure that the Supplemental Permanent Trash Receptacles are maintained in a safe and good condition.

1.2 District agrees to design and construct the improvements and to perform all of the District's obligations with respect thereto as set forth in the Loan Agreement and in accordance with all applicable laws, including all District Board Policies and in a manner that satisfies all of the obligations of District under the Loan Agreement (the "City Services").

5. Page 6, shall be amended to add Section P. to read as follows:

P. **Governmental Function.** The Parties expressly agree that, in all things relating to this Agreement, the Parties are performing governmental functions, as defined by the Texas Tort Claims Act. The Parties further expressly agree that every act or omission of any Party which, in any way, pertains to or arises out of this Agreement falls within the definition of governmental function.

6. Except as expressly provided herein, all other terms and conditions of the Agreement shall remain in full force and effect.

(Signatures begin on following page)

EXECUTED this ____ day of _____, 2016 (Effective Date).

CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM

Juan S. González
Assistant City Attorney

APPROVED AS TO CONTENT

Tracy Novak
Director, Parks and Recreation Department

YSLETA INDEPENDENT SCHOOL DISTRICT

Dr. Xavier De La Torre, Superintendent

APPROVED AS TO FORM:

John S. Birkelbach
Attorney for YISD

RESOLUTION

WHEREAS, On October 2, 2001 the City of El Paso, Texas (“City”) and the Ysleta Independent School District (“YISD”) entered into an Interlocal Agreement for the Joint Development and Use of play fields at a joint park and school site to be located on the Ramona Elementary School campus; and

WHEREAS, On June 30, 2015 City Council awarded a 41st Year Community Development Block Grant in the amount of \$162,793 to YISD for lighting improvements and trash receptacles to the joint use school and park located at Ramona Elementary School; and

WHEREAS, YISD has agreed to design and construct the improvements to the recreation facility on behalf of the City; and

WHEREAS, the parties desire to execute a First Amendment to the October 2, 2001 Interlocal Agreement to facilitate the planned improvements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager is authorized to execute and deliver the First Amendment to Interlocal Agreement between the City and YISD to allow the construction to occur.

APPROVED this ____ day of _____, 2016.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Juan S. Gonzalez
Assistant City Attorney

APPROVED AS TO CONTENT:



Tracy Novak, Director
Parks and Recreation Department