

AN ORDINANCE 2013 - 01 - 17 - 0032

AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT INCREASING THE AMOUNT OF THE AGREEMENT FROM \$111,000.00 TO AN AMOUNT NOT TO EXCEED \$206,924.00 FOR IMPROVEMENTS AND RENOVATION OF DISTRICT PROPERTIES TO BE USED FOR THE PURPOSE OF INCREASING ACCESS TO PHYSICAL ACTIVITY RESOURCES FOR RESIDENTS OF THE CITY OF SAN ANTONIO AND BEXAR COUNTY FUNDED THROUGH AMERICAN REINVESTMENT AND RECOVERY ACT GRANT FUNDS FROM THE CENTERS FOR DISEASE CONTROL AND PREVENTION THROUGH MARCH 18, 2013.

* * * * *

WHEREAS, in early 2010 the federal government awarded the City of San Antonio (City), on behalf of the San Antonio Metropolitan Health District (Metro Health) an American Reinvestment and Recovery Act (ARRA) - Communities Putting Prevention to Work (CPPW) grant for \$15.6 million in order to make policy, environmental, and systems changes to prevent obesity; and

WHEREAS, in an effort to increase the accessibility of physical activity resources to City and Bexar County residents, the City previously entered into an agreement with the San Antonio Independent School District (District) to utilize District facilities to provide public space for physical activity; and

WHEREAS, District facilities that received improvements will be open to the entire community outside of school hours and remain open within a reasonable curfew to improve access to physical activity resources for the local community for a minimum of five years; and

WHEREAS, the proposed amendment will remove the Maverick Elementary project which could not be completed by the District within the grant period and add projects within the Healthy Kids - Healthy Communities target neighborhood of Collins Garden consistent with recommendations of neighborhood residents, and add \$95,924.00 to the agreement for these additional projects; and

WHEREAS, the City Council finds that the improvements and renovation of district properties that will then be made available to all the citizens of San Antonio is a public purpose that will benefit the health and welfare of the City; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee, or the Director of the San Antonio Metropolitan Health District or his designee, is authorized to execute an amendment to an agreement with the San Antonio Independent School District (District) increasing the amount of the agreement by \$95,924.00, for a total contract value not to exceed \$206,924.00 for improvements and renovation of District properties to be used for the purpose of increasing access

to physical activity resources for residents of the City of San Antonio and Bexar County funded through American Reinvestment and Recovery Act grant funds. A copy of the agreement in substantially final form is attached and incorporated herein for all purposes as **Attachment I**.

SECTION 2. The sum of \$95,924.00 is hereby appropriated in the designated funds below and will be disbursed as follows:

Amount	Internal Order	Fund No	GL No	Cost Center
\$95,924.00	136000000465	230223600	5202020	
Total Amount \$95,924.00				

SECTION 3. Payment is authorized to the District upon amendment of the purchase order.

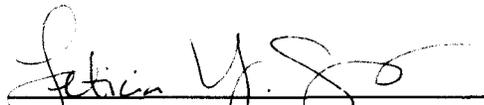
SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

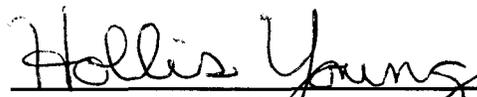
PASSED AND APPROVED this 17th day of January, 2013.


M A Y O R
Julián Castro

ATTEST:


for Leticia M. Vacek, City Clerk

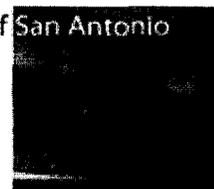
APPROVED AS TO FORM:


for Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 18

Name:	18						
Date:	01/17/2013						
Time:	10:34:54 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing an amendment to the agreement with the San Antonio Independent School District (District) increasing the amount of the Agreement from \$111,000.00 to an amount not to exceed \$206,924.00 for improvements and renovation of District properties to be used for the purpose of increasing access to physical activity resources for residents of the City of San Antonio and Bexar County funded through American Reinvestment and Recovery Act grant funds from the Centers for Disease Control and Prevention . [Gloria Hurtado , Assistant City Manager; Dr. Thomas L. Schlenker, Public Health Director]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x			x	
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

**AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT**

This amendment is entered into by and between the City of San Antonio, a Texas Municipal Corporation, (hereinafter referred to as "City"), on behalf of the San Antonio Metropolitan Health District (SAMHD) acting by and through its City Manager, and the San Antonio Independent School District, which is an Independent School District organized under Education Code Chapter 11 (DISTRICT), both of which may be referred to herein collectively as the "Parties".

WHEREAS, the City entered into an agreement with DISTRICT pursuant to Ordinance No. 2012-06-21-0515, passed and approved on June 21, 2012 for the improvement of school recreational facilities and properties that would then be made available to the public for a period of 5 years as part of the Communities Putting Prevention to Work (CPPW) program; and

WHEREAS, the City has determined that additional facilities and projects should be included within the aforementioned agreement; and

WHEREAS, DISTRICT has agreed to the inclusion of such language; **NOW THEREFORE:**

City and DISTRICT agree to amend the Agreement as follows:

1. Section 5.1.1 (d) of Article V, is deleted in its entirety and replaced by the underlined language as set out below:

5.1.1 (d) Installation of basketball court and walking path at Harris Middle School.

2. Article V of the agreement is amended by the addition of Section 5.1.1 (e) as set out below:

5.1.1 (e) Installation of bicycle racks at Storm Elementary, Collins Garden Elementary, Harris Middle and Burbank High Schools.

3. Article V of the agreement is amended by the deletion of language struck-through (~~abcd~~) below, and the revision and addition of the underlined language (abcd) in Section 5.2 as set out below:

5.2 DISTRICT agrees that all work to the locations identified above will be completed by ~~November 30, 2012~~ March 18, 2013.

4. Article V of the agreement is amended by the deletion of language struck-through (~~abcd~~) below, and the revision and addition of the underlined language (abcd) in Section 5.8 as set out below:

5.8 DISTRICT shall submit all invoices for work, materials or services provided under this Agreement by ~~December 18, 2012~~ no later than April 1, 2013.

5. Article V of the agreement is amended by the addition of the underlined language in Section 5.11 as set out below:

5.11 DISTRICT agrees that the properties developed and improved under this Agreement will be operational and open to the public for recreational use outside of school hours in accordance with DISTRICT policies and practices for the duration of this Agreement.

6. Article V of the agreement is amended by the addition of Section 5.12 as set out below:

5.12 DISTRICT agrees that it will place signage at each of the properties developed and improved under this Agreement stating that each property is open to the public in accordance with Section 5.11 above.

7. Attachment I (Scope of Work and Projected Budget) is amended by the deletion of language struck-through (~~abcd~~) below, and the revision and addition of the underlined language (abcd) set out below:

Project	Scope of Work	Budget	Completion Date
Maverick Elementary School	Purchase and installation of outdoor basketball goals	\$4,000	November 30, 2012
<u>Harris Middle School</u>	<u>Installation of basketball court and walking path</u>	<u>\$93,000</u>	<u>March 18, 2013</u>
<u>Collins Garden Neighborhood Bicycle Improvements</u>	<u>Install bike racks at Storm Elementary, Collins Garden Elementary, Harris Middle and Burbank High Schools</u>	<u>\$2,724</u>	<u>March 18, 2013</u>
<u>Signage</u>	<u>Place signage in accordance with 5.12 at Lowell Academy, Rogers Middle School, Rhodes Middle School, Young Women's Leadership Academy and Harris Middle School</u>	<u>\$ 200</u>	<u>March 18, 2013</u>
Total Budget		<u>\$206,924</u>	

7. All other terms, conditions, covenants and provisions of the Agreement are hereby continued and shall remain in effect in their original form, except for the provisions modified by this Amendment.

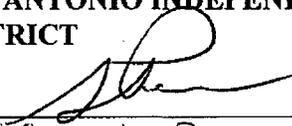
8. This Agreement may be executed in several counterparts by the Parties hereto and each counterpart, when so executed and delivered, shall constitute an original instrument and such separate counterparts shall constitute but one and the same instrument.

EXECUTED IN DUPLICATE ORIGINALS, EACH OF WHICH SHALL HAVE THE FULL FORCE AND EFFECT OF AN ORIGINAL, this the _____ day of _____, 2013.

City:
CITY OF SAN ANTONIO

District:
SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

GLORIA HURTADO
Assistant City Manager



By: Sylvester Perez
Title: Interim Superintendent

Date: _____

Approved as to Form:

City Attorney