



**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		12/13/2010			
Department:		Planning			
Department Head		P. Jarrell			
Agenda Coordinator (include phone #): <b>Doris Carter x5350</b>					
<b>CAPTION</b>					
A Resolution of the City Council of the City of Plano, Texas, modifying the contract by and between Legal Aid of Northwest Texas and the City of Plano for the Homelessness Prevention and Rapid Re-Housing Program in Plano; approving its execution by the City Manager or his authorized designee; and providing an effective date.					
<b>FINANCIAL SUMMARY</b>					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2009-10 thru 2011-12</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	48,743	0	<b>48,743</b>
Encumbered/Expended Amount		0	-13,556	0	<b>-13,556</b>
This Item		0	-26,000	0	<b>-26,000</b>
BALANCE		0	9,187	0	<b>9,187</b>
<b>FUND(s):    AMERICAN RECOVERY &amp; REINVESTMENT ACT GRANT</b>					
<p><b>COMMENTS:</b> Legal Aid of Northwest Texas will not be using \$26,000 of the \$48,743 allocated to them. The remaining balance will be used for further contracted projects. The \$26,000 will be used to modify the contract by and between the Interfaith Housing Coalition and the City of Plano.</p> <p><b>STRATEGIC PLAN GOAL:</b> The reimbursement of funds relates to the City's goal of "Partnering for Community Benefit" and "Financially Strong City with Service Excellence."</p>					
<b>SUMMARY OF ITEM</b>					
This item is for a contract modification for the Homelessness Prevention and Rapid Re-Housing (HPRP) funding agreement with Legal Aid of Northwest Texas. The agency has complied with the rules and regulations of the current contractual agreement but will not be able to expend all HPRP funds by the contract termination date. At the agency's request, \$26,000 in unused funds will be reallocated to another HPRP agency.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Memo, Resolution, Contract Modification					

## **MEMORANDUM**

**Date:** November 29, 2010

**To:** Tom Muehlenbeck, City Manager  
Frank Turner, Deputy City Manager

**From:** Christina Day, Community Services Manager

**Subject:** Homelessness Prevention and Rapid Re-Housing Program (HPRP) Contract Modification

In April 2009, the U.S. Department of Housing and Urban Development (HUD) granted the City of Plano \$509,050 in Homelessness Prevention and Rapid Re-Housing Program (HPRP) funds through the American Recovery and Reinvestment Act of 2009.

On September 14, 2009, the City Council approved the terms and conditions of an HPRP Agreement in the amount of \$48,743 with Legal Aid of Northwest Texas to provide legal assistance for those undergoing the eviction process. To date, Legal Aid of Northwest Texas has expended twenty seven percent (27%) of the allocated funds.

On October 26, 2010, city staff sent a letter to the agency inquiring about their ability to expend HPRP funds by the contract termination date, March 31, 2011. On November 19, 2010, the Chief Executive Officer (CEO) of Legal Aid of Northwest Texas responded to the letter and stated that the agency will be unable to spend \$26,000 by the contract termination date. Moreover, the CEO requested a contract amendment for the previously mentioned amount to allow another HPRP agency providing vital services to a mutual client constituency to extend their program.

Staff recommends reducing their funding amount as requested.

xc: Phyllis Jarrell, Director of Planning  
Anita Bell, Budget Analyst

**A Resolution of the City Council of the City of Plano, Texas, modifying the contract by and between Legal Aid of Northwest Texas and the City of Plano for the Homelessness Prevention and Rapid Re-Housing Program in Plano; approving its execution by the City Manager or his authorized designee; and providing an effective date.**

**WHEREAS**, the City Council authorized the City Manager to execute a funding agreement with Legal Aid of Northwest Texas for the expenditure of U.S. Department of Housing and Urban Development Homelessness Prevention and Rapid Re-Housing Program (HPRP) funds on September 14, 2009;

**WHEREAS**, the City recognizes that Legal Aid of Northwest Texas has expended twenty seven percent (27%) of the funds awarded to provide legal assistance to those facing eviction since the program started in October 2009;

**WHEREAS**, Legal Aid of Northwest Texas has determined their allocated Homelessness Prevention and Rapid Re-Housing funds will not be spent by contract termination date, March 31, 2011;

**WHEREAS**, the City has concluded that Legal Aid of Northwest Texas will be able to provide legal assistance to all eligible Plano residents through contract termination date, using the reduced funding amount;

**WHEREAS** the City has determined that it is in the best interest of the citizens of Plano that the Homelessness Prevention and Rapid Re-Housing funding agreement with the Legal Aid of Northwest Texas be modified to reduce the funding amount consistent with the funds needed by the agency.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**SECTION I.** - The Homelessness Prevention and Rapid Re-Housing contract with the Interfaith Housing Coalition has been modified in an amount not to exceed \$24,216 as shown in the attached Exhibit "A".

**SECTION II.** - This Resolution shall take effect immediately upon its passage.

**DULY PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2010.**

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Phil Dyer, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

Approved as to form:

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Diane C. Wetherbee, CITY ATTORNEY

THE STATE OF TEXAS § First Modification of Funding Agreement  
§ By and Between City of Plano and  
§ Legal Aid of Northwest Texas  
COUNTY OF COLLIN §

THIS FIRST MODIFICATION OF Contract (hereinafter "First Modification") is made and entered into on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between **LEGAL AID OF NORTHWEST TEXAS** (hereinafter "Subrecipient"), Plano, Texas, and the **CITY OF PLANO, TEXAS**, a home rule municipal corporation (hereinafter "City"), acting by and through its City Manager or his authorized designee.

**WITNESSETH:**

**WHEREAS**, City and Subrecipient entered into a Funding Agreement on October 12, 2009, (hereinafter "Agreement") for Homelessness Prevention and Rapid Re-Housing Grant monies; and

**WHEREAS**, City and Subrecipient desire to amend such Agreement in certain respects as set forth herein in this First Modification.

**NOW THEREFORE**, the Agreement is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Agreement shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in this First Modification and the Agreement, priority of interpretation shall be in the following order: First Modification, Agreement. In consideration of the foregoing, and for other good and valuable consideration, the parties hereto agree as follows:

**I.**

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, Section IB Levels of Accomplishment is hereby modified to read in its entirety as follows:

**"B. Levels of Accomplishment**

The Subrecipient agrees to provide the following levels of program service:

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<u>Activity</u>	<u>Total Households/Year</u>
Provide Rental Assistance	16
Provide Utility Assistance	16
Provide Case Management	16
Create unduplicated jobs and retained for at least six months.	0

**Outcome Measure**

Seventy-five (75%) of the number of individuals and families who receive legal assistance through HPRP funding will maintain housing at least six months after receipt of the HPRP assistance."

**II.**

Beginning on the effective date of this Modification and continuing through the remaining term of the Agreement, the first paragraph in Section IV PAYMENT is hereby modified to read in its entirety as follows:

"It is expressly agreed and understood that the total amount to be paid by the City under this contract shall not exceed \$22,743. Drawdowns for the payment of eligible expenses shall be made against the line budgets specified in the modified Exhibit D attached hereto which shall modify and replace the Exhibit D in the original agreement. With the submission of original bills with proper documentation for the services as required by the City, the Subrecipient will be reimbursed within 30 days after the Subrecipient has received all proper documentation to the City."

**IN WITNESS WHEREOF**, the parties enter into this First Modification on the date first written above.

**LEGAL AID OF NORTHWEST TEXAS**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

**CITY OF PLANO, TEXAS**

By: \_\_\_\_\_  
Thomas H. Muehlenbeck  
CITY MANAGER  
1520 Avenue K  
P. O. Box 860358  
Plano, TX 75086-0358

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

**ACKNOWLEDGMENTS**

**STATE OF TEXAS**       §  
                                  §  
**COUNTY OF** \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_, \_\_\_\_\_ of **LEGAL AID OF NORTHWEST TEXAS**, a non-profit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**STATE OF TEXAS**       §  
                                  §  
**COUNTY OF COLLIN**   §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

EXHIBIT D  
**City of Plano**  
**Neighborhood Services Division**  
**Homeless Prevention and Rapid Re-Housing Program**

**AGENCY NAME: Legal Aid of NorthWest Texas**

**18 Month Cost Allocation: \$22,743**

Three Year Cost Category	Total Program Cost				
	Requested from City		Other Sources		<i>Total</i>
	\$ Amount	%	\$ Amount	%	
<b>Housing Relocation and Stabilization</b>					
Legal Services	\$ 22,443	35%	\$ 40,868	65%	\$ 63,311
Direct Administrative Expenses (travel)	\$ 300	100%	\$ -	0%	\$ 300
<b>Subtotal</b>	\$ 22,743	36%	\$ 40,868	64%	\$ 63,611
<i>Grand Total</i>	\$ 22,743	36%	\$ 40,868		\$ 63,611

Issue Date: 5/11/09 (Revised 12-13-10)