

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN HARRIS
COUNTY AND THE CITY OF DEER PARK FOR BAYOU BEND REGIONAL
DETENTION FACILITY AND DRAINAGE IMPROVEMENT PROJECT**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This Amendment to the Agreement is made and entered into by and between Harris County (the “Grantee”) and the City of Deer Park (the “Subrecipient”). The Grantee and the Subrecipient are known individually as “Party” and collectively as “Parties.”

Recitals

On February 25, 2020, the Grantee approved an Agreement (the “Master Agreement”) with the City of Deer Park for the Bayou Bend Regional Detention Facility and Drainage Improvements Project during the term of this Agreement. The scope of the Project is to construct a new thirty-five acre-feet (35 AF) detention pond and associated site work, rehabilitate and install storm sewer with concrete pipes, grade ditches, install storm sewer inlets, culverts, and complete associated appurtenances. The project area is generally bound on the North by Pickerton Drive, South by Temperance Lane, East by Center Street, and West by Drainage Ditch B114-00-00. This is an eligible activity under the rules and regulations regarding CDBG-DR Program Grant Funds (the “Services”).

The Parties now desire to amend the Master Agreement to modify Exhibit “B” Budget adding \$177,811.00 in leverage funds to Architectural/Engineering Design line item and \$363,1973.40 in leverage funds to Construction line item to adequately cover design and construction costs.

Terms

I.

This Amendment is governed by the Master Agreement, incorporated herein by reference as if set forth word for word.

II.

Exhibit B Budget, of the Master Agreement is replaced entirely. The amended Exhibit B, Budget is attached hereto and shall be known as “Exhibit B, Budget for the First Amendment to the Agreement.”

III.

In the event of any conflict between the term and provisions of this Amendment, or any portion thereof, and the terms and provisions of any other part or portion of the Master Agreement, this Amendment shall control.

IV.

All other terms and provisions of the Master Agreement shall remain in full force and effect as originally written and subsequently amended.

V.

EXECUTION

Multiple Counterparts: This First Amendment may be executed in several counterparts. Each counterpart is deemed an original. All counterparts together constitute one and the same instrument. Each Party warrants that the undersigned is a duly authorized representative with the power to execute this First Amendment.

ATTEST:

CITY OF DEER PARK

By: *Angela Smith*
Name: *Angela Smith*
City Secretary

By: *Jerry Mouton Jr.*
Name: *Jerry Mouton Jr.*
Title: *Mayor*
Date Signed: *9/5/2023*

APPROVED AS TO FORM:

HARRIS COUNTY

CHRISTIAN D. MENEFE
Harris County Attorney

By: *Haley New*
Haley New
Assistant County Attorney
C.A. File No.: 23GEN1671

By: _____
LINA HIDALGO
County Judge
Date Signed: _____

Exhibit B, BUDGET for the First Amendment to the Agreement

CITY OF DEER PARK
BAYOU BEND REGIONAL DETENTION FACILITY AND DRAINAGE IMPROVEMENTS
PROJECT

Maximum Amount to be Paid Under this Agreement

It is expressly agreed and understood that the total amount to be paid by the Grantee under this Agreement shall not exceed TWO MILLION NINE HUNDRED TWENTY THOUSAND FIVE HUNDRED and 00/100 Dollars (\$2,920,500.00), as certified available by the Harris County Auditor and as evidenced by the issuance of a Purchase Order from the Harris County Purchasing Agent.

PROJECT SUMMARY

DESCRIPTION	CSD (CDBG)	LEVERAGE	TOTAL
Project Costs			
I. Architectural/Engineering Design	\$348,000.00	\$177,811.00	\$525,811.00
II. Construction	\$2,572,500.00	\$363,197.40	\$2,935,697.40
Project Budget Total	\$2,920,500.00	\$541,008.40	\$3,461,508.40

CDBG PY17 \$2,920,500.00

PROJECT DETAIL

Project Costs	CSD (CDBG)	LEVERAGE	TOTAL
I. Architectural/Engineering Design			
Architectural/Engineering Design	\$348,000.00	\$177,811.00	\$525,811.00
Subtotal	\$348,000.00	\$177,811.00	\$525,811.00
II. Construction			
Construction (new construction, rehabilitation, renovation)	\$2,572,500.00	\$363,197.40	\$2,935,697.40
Subtotal	\$2,572,500.00	\$363,197.40	\$2,935,697.40
Project Detail Total	\$2,920,500.00	\$541,008.40	\$3,461,508.40

ORDER OF COMMISONERS COURT

Authorizing Execution of an Amendment

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the _____ day of _____, 2023, with the following members present, to wit:

Lina Hidalgo	County Judge
Rodney Ellis	Commissioner, Precinct No. 1
Adrian Garcia	Commissioner, Precinct No. 2
Tom S. Ramsey	Commissioner, Precinct No. 3
Leslie Briones	Commissioner, Precinct No. 4

And the following members absent, to-wit _____, constituting a quorum, when among other business, the following was transacted:

ORDER AUTHORIZING EXECUTION OF THE FIRST AMENDMENT BETWEEN HARRIS COUNTY AND CITY OF DEER PARK FOR BAYOU BEND REGIONAL DETENTION FACILITY AND DRAINAGE IMPROVEMENTS PROJECT

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Leslie Briones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The amended order thus adopted follows:

IT IS ORDERED that the Executive Director of Harris County Community Services Department is hereby authorized to execute an Amendment to the Agreement between Harris County and The City of Deer Park to modify Exhibit B Budget. The Amendment is incorporated herein as though fully set forth word for word.

The Harris County Community Services Department and its Executive Director or their designee are authorized to take such actions and execute such other documents as they deem necessary or convenient to carry out the purpose of this First Amendment.