



**LAW DEPARTMENT**

**MEMORANDUM**

**TO:** Chris Shorter, Assistant City Manager

**FROM:** Steve Maddoux, Assistant City Attorney

**DATE:** August 19, 2020

**SUBJECT:** Co-Sponsorship Agreement between the City of Austin and West Austin Youth Association for Youth Recreation Center Services

Attached for your signature please find Amendment No. 10 to the above-referenced Co-Sponsorship Agreement. Council authorized this Co-Sponsorship Agreement on November 4, 2018, Item #8. This is the 10th and final extension, and is for the budgeted amount of \$82,000.00. This agreement is legally sufficient and within your authority to sign.

If you have any questions, please do not hesitate to contact me.



Amendment No. 10  
To  
Contract No. NN110000001  
For  
West Austin Youth Recreation Services  
Between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises this extension option for the subject contract. This extension option will be September 30, 2020 through September 29, 2021. Zero options remain.
- 2.0 The total contract amount is increased by \$82,000.00 by this extension period. The total contract authorization is recapped below:

Action	Action Amount	Total Contract Amount
Initial Term: 09/30/2010 – 09/29/2011	\$82,000.00	\$82,000.00
Amendment No. 1: Option 1 – Extension 09/30/2011 – 09/29/2012	\$82,000.00	\$164,000.00
Amendment No. 2: Option 2 – Extension 09/30/2012 – 09/29/2013	\$82,000.00	\$246,000.00
Amendment No. 3: Option 3 – Extension 09/30/2013 – 09/29/2014	\$82,000.00	\$328,000.00
Amendment No. 4: Option 4 – Extension 09/30/2014 – 09/29/2015	\$82,000.00	\$410,000.00
Amendment No. 5: Option 5 – Extension 09/30/2015 – 09/29/2016	\$82,000.00	\$492,000.00
Amendment No. 6: Option 6 – Extension 09/30/2016 – 09/29/2017	\$82,000.00	\$574,000.00
Amendment No. 7: Option 7 – Extension 09/30/2017 – 09/29/2018	\$82,000.00	\$656,000.00
Amendment No. 8: Option 8 – Extension 09/30/2018 – 09/29/2019	\$82,000.00	\$738,000.00
Amendment No. 9: Option 9 – Extension 09/30/2019 – 09/29/2020	\$82,000.00	\$820,000.00
Amendment No.10: Option 10 – Extension 09/30/2020 – 09/29/2021	\$82,000.00	\$902,000.00

- 3.0 MBE/WBE goals do not apply to this contract.
- 4.0 By signing this Amendment the Contractor certifies that the vendor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the GSA List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this amendment is hereby incorporated into and made a part of the above-referenced contract.

Sign/Date:

Printed Name: Melissa Morrow  
Authorized Representative

West Austin Youth Association  
1314 Exposition Boulevard  
Austin, Texas 78703  
(512) 473-2528  
[execulivedirector@waya.org](mailto:execulivedirector@waya.org)

Sign/Date:

Christopher J  
Shorter

Printed Name: \_\_\_\_\_  
City of Austin  
Assistant City Manager

Digitally signed by Christopher J Shorter  
DN: cn=Christopher J Shorter, o=City of Austin,  
ou=City Managers Office,  
email=christopher.shorter@austintexas.gov, c=US  
Date: 2020.09.28 11:07:47 -05'00'

Approved as to form

By:

Printed Name: Deborah L. Thomas  
Assistant City Attorney  
City of Austin  
Law Department



Amendment No. 9  
To  
Contract No. NN110000001  
For  
West Austin Youth Recreation Services  
Between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises this extension option for the subject contract. This extension option will be September 30, 2019 through September 29, 2020. One option will remain.
- 2.0 The total contract amount is increased by \$82,000.00 by this extension period. The total contract authorization is recapped below:

Action	Action Amount	Total Contract Amount
Initial Term: 09/30/2010 – 09/29/2011	\$82,000.00	\$82,000.00
Amendment No. 1: Option 1 – Extension 09/30/2011 – 09/29/2012	\$82,000.00	\$164,000.00
Amendment No. 2: Option 2 – Extension 09/30/2012 – 09/29/2013	\$82,000.00	\$246,000.00
Amendment No. 3: Option 3 – Extension 09/30/2013 – 09/29/2014	\$82,000.00	\$328,000.00
Amendment No. 4: Option 4 – Extension 09/30/2014 – 09/29/2015	\$82,000.00	\$410,000.00
Amendment No. 5: Option 5 – Extension 09/30/2015 – 09/29/2016	\$82,000.00	\$492,000.00
Amendment No. 6: Option 6 – Extension 09/30/2016 – 09/29/2017	\$82,000.00	\$574,000.00
Amendment No. 7: Option 7 – Extension 09/30/2017 – 09/29/2018	\$82,000.00	\$656,000.00
Amendment No. 8: Option 8 – Extension 09/30/2018 – 09/29/2019	\$82,000.00	\$738,000.00
Amendment No. 9: Option 9 – Extension 09/30/2019 – 09/29/2020	\$82,000.00	\$820,000.00

- 3.0 MBE/WBE goals do not apply to this contract.
- 4.0 By signing this Amendment the Contractor certifies that the vendor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the GSA List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this amendment is hereby incorporated into and made a part of the above-referenced contract.

Sign/Date:

MGS 8/21/19

Printed Name: Melissa Greenwood Morvan  
Authorized Representative

West Austin Youth Association  
1314 Exposition Boulevard  
Austin, Texas 78703  
(512) 473-2528

Sign/Date:

Chris J. Sautter

Printed Name: CHRISTOPHER J SAUTTER  
City of Austin  
Assistant City Manager

Approved as to form:

By:

Steven Meadows  
Printed Name: Steven Meadows  
Assistant City Attorney  
City of Austin  
Law Department



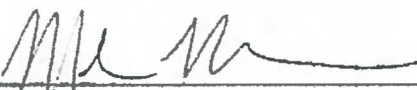
Amendment No. 8  
to  
Contract No. NN110000001  
for  
West Austin Youth Recreation Services  
between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises this extension option for the subject contract. This extension option will be effective September 30, 2018 through September 29, 2019. Two options remain.
- 2.0 The total contract amount is increased by \$82,000 for the extension period. The total contract authorization is recapped below:

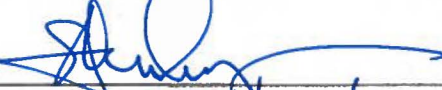
Action	Action Amount	Total Contract Amount
Initial Term: 09/30/2010 – 09/29/2011	\$82,000	\$82,000
Amendment No. 1: Option 1 – Extension 09/30/2011 – 09/29/2012	\$82,000	\$164,000
Amendment No. 2: Option 2 – Extension 09/30/2012 – 09/29/2013	\$82,000	\$246,000
Amendment No. 3: Option 3 – Extension 09/30/2013 – 09/29/2014	\$82,000	\$328,000
Amendment No. 4: Option 4 – Extension 09/30/2014 – 09/29/2015	\$82,000	\$410,000
Amendment No. 5: Option 5 – Extension 09/30/2015 – 09/29/2016	\$82,000	\$492,000
Amendment No. 6: Option 6 – Extension 09/30/2016 – 09/29/2017	\$82,000	\$574,000
Amendment No. 7: Option 7 – Extension 09/30/2017 – 09/29/2018	\$82,000	\$656,000
Amendment No. 8: Option 8 – Extension 09/30/2018 – 09/29/2019	\$82,000	\$738,000

- 3.0 MBE/WBE goals do not apply to this contract.
- 4.0 By signing this Amendment the Contractor certifies that the vendor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the GSA List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.


BY THE SIGNATURES affixed below, this amendment is hereby incorporated into and made a part of the above-referenced contract.

Sign:   
Printed Name: Melissa Morroc  
Authorized Representative

West Austin Youth Association  
1314 Exposition Boulevard  
Austin, Texas 78703  
512-473-2528

Sign:   
Printed Name: Samantha Stey  
City of Austin  
Assistant City Manager

Approved as to form:

By:   
Printed Name: Chris Shaw  
Assistant City Attorney  
City of Austin Law Department



Amendment No. 7  
to  
Contract No. NN110000001  
for  
West Austin Youth Recreation Services  
between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises this extension option for the subject contract. This extension option will be effective September 30, 2017 through September 29, 2018. Three options remain.
- 2.0 The total contract amount is increased by \$82,000 for the extension period. The total contract authorization is recapped below:

Action	Action Amount	Total Contract Amount
Initial Term: 09/30/2010 – 09/29/2011	\$82,000	\$82,000
Amendment No. 1: Option 1 – Extension 09/30/2011 – 09/29/2012	\$82,000	\$164,000
Amendment No. 2: Option 2 – Extension 09/30/2012 – 09/29/2013	\$82,000	\$246,000
Amendment No. 3: Option 3 – Extension 09/30/2013 – 09/29/2014	\$82,000	\$328,000
Amendment No. 4: Option 4 – Extension 09/30/2014 – 09/29/2015	\$82,000	\$410,000
Amendment No. 5: Option 5 – Extension 09/30/2015 – 09/29/2016	\$82,000	\$492,000
Amendment No. 6: Option 6 – Extension 09/30/2016 – 09/29/2017	\$82,000	\$574,000
Amendment No. 7: Option 7 – Extension 09/30/2017 – 09/29/2018	\$82,000	\$656,000

- 3.0 MBE/WBE goals do not apply to this contract.
- 4.0 By signing this Amendment the Contractor certifies that the vendor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the GSA List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this amendment is hereby incorporated into and made a part of the above-referenced contract.

Sign:

Printed Name: Melissa Morrow  
Authorized Representative

West Austin Youth Association  
1314 Exposition Boulevard  
Austin, Texas 78703  
512-473-2528

Sign:

Printed Name: Sam Hensley  
City of Austin  
Assistant City Manager

Approved as to form:

By:

Printed Name: CHAD SHAW  
Assistant City Attorney  
City of Austin Law Department





Amendment No. 6  
to  
Contract No. NN110000001  
for  
West Austin Youth Recreation Services  
between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises this extension option for the subject contract. This extension option will be effective September 30, 2016 through September 29, 2017. Four options remain.
- 2.0 The total contract amount is increased by \$82,000 for the extension period. The total contract authorization is recapped below.

Action	Action Amount	Total Contract Amount
Initial Term: 09/30/2010 – 09/29/2011	\$82,000	\$82,000
Amendment No. 1: Option 1 – Extension 09/30/2011 – 09/29/2012	\$82,000	\$164,000
Amendment No. 2: Option 2 – Extension 09/30/2012 – 09/29/2013	\$82,000	\$246,000
Amendment No. 3: Option 3 – Extension 09/30/2013 – 09/29/2014	\$82,000	\$328,000
Amendment No. 4: Option 4 – Extension 09/30/2014 – 09/29/2015	\$82,000	\$410,000
Amendment No. 5: Option 5 – Extension 09/30/2015 – 09/29/2016	\$82,000	\$492,000
Amendment No. 6: Option 6 – Extension 09/30/2016 – 09/29/2017	\$82,000	\$574,000

- 3.0 MBE/WBE goals do not apply to this contract.
- 4.0 By signing this Amendment the Contractor certifies that the vendor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the GSA List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this amendment is hereby incorporated into and made a part of the above-referenced contract.

Sign:

9/1/2016

Printed Name: Melissa Morrow, Executive Director  
Authorized Representative

West Austin Youth Association  
1314 Exposition Boulevard  
Austin, Texas 78703  
512-473-2528

Sign:

Bert Lumbreras  
City of Austin  
Assistant City Manager

Approved as to form:

By:

Mitzi Cotton  
Assistant City Attorney  
City of Austin Law Department





Amendment No. 5  
to  
Contract No. NN11000001  
for  
West Austin Youth Recreation Services  
between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises this extension option for the subject contract. This extension option will be effective September 30, 2015 through September 29, 2016. Five options remain.
- 2.0 The total contract amount is increased by \$82,000 for the extension period. The total contract authorization is recapped below:

Action	Action Amount	Total Contract Amount
Initial Term: 09/30/2010 – 09/29/2011	\$82,000	\$82,000
Amendment No. 1: Option 1 – Extension 09/30/2011 – 09/29/2012	\$82,000	\$164,000
Amendment No. 2: Option 2 – Extension 09/30/2012 – 09/29/2013	\$82,000	\$246,000
Amendment No. 3: Option 3 – Extension 09/30/2013 – 09/29/2014	\$82,000	\$328,000
Amendment No. 4: Option 4 – Extension 09/30/2014 – 09/29/2015	\$82,000	\$410,000
Amendment No. 5: Option 5 – Extension 09/30/2015 – 09/29/2016	\$82,000	\$492,000

- 3.0 MBE/WBE goals do not apply to this contract.
- 4.0 By signing this Amendment the Contractor certifies that the vendor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the GSA List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this amendment is hereby incorporated into and made a part of the above-referenced contract.

Sign:

Printed Name: Melissa Morrow  
Authorized Representative  
Executive Director

West Austin Youth Association  
1314 Exposition Boulevard  
Austin Texas 78703  
512-473-2528

Sign:

Bert Lumbreras  
City of Austin  
Assistant City Manager

Approved as to form:

By: Mitzi Cotton  
Mitz Cotton  
Assistant City Attorney  
City of Austin Law Department



Amendment No. 4  
to  
Contract No. NN110000001  
for  
West Austin Youth Recreation Services  
between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises this extension option for the subject contract. This extension option will be effective September 30, 2014 through September 29, 2015. Six options remain.
- 2.0 The total contract amount is increased by \$82,000 for the extension period. The total contract authorization is recapped below:

Action	Action Amount	Total Contract Amount
Initial Term: 09/30/2010 – 09/29/2011	\$82,000	\$82,000
Amendment No. 1: Option 1 – Extension 09/30/2011 – 09/29/2012	\$82,000	\$164,000
Amendment No. 2: Option 2 – Extension 09/30/2012 – 09/29/2013	\$82,000	\$246,000
Amendment No. 3: Option 3 – Extension 09/30/2013 – 09/29/2014	\$82,000	\$328,000
Amendment No. 4: Option 4 – Extension 09/30/2014 – 09/29/2015	\$82,000	\$410,000

- 3.0 MBE/WBE goals do not apply to this contract.
- 4.0 By signing this Amendment the Contractor certifies that the vendor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the GSA List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this amendment is hereby incorporated into and made a part of the above-referenced contract.

Sign: Melissa Morrow 8/27/14  
Printed Name: Melissa Morrow, WAYA Executive Director  
Authorized Representative

Sign: Bert Lumberras 09/19/14  
Bert Lumberras  
City of Austin  
Assistant City Manager

West Austin Youth Association  
1314 Exposition Boulevard  
Austin, Texas 78703  
512-473-2528

Approved as to form:  
By: Mitzi Cotton  
Mitzi Cotton  
Assistant City Attorney  
City of Austin Law Department



Amendment No. 3  
to  
Contract No. NN110000001  
for  
West Austin Youth Recreation Services  
between  
West Austin Youth Association  
and the  
City of Austin

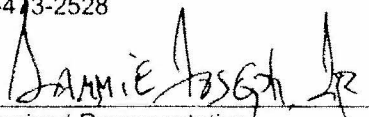
- 1.0 The City hereby exercises this extension option for the subject contract. This extension option will be effective September 30, 2013 through September 29, 2014. Seven options remain.
- 2.0 The total contract amount is increased by \$82,000 for the extension period. The total contract authorization is recapped below:

Action	Action Amount	Total Contract Amount
Initial Term: 09/30/2010 – 09/29/2011	\$82,000	\$82,000
Amendment No. 1: Option 1 – Extension 09/30/2011 – 09/29/2012	\$82,000	\$164,000
Amendment No. 2: Option 2 – Extension 09/30/2012 – 09/29/2013	\$82,000	\$246,000
Amendment No. 3: Option 3 – Extension 09/30/2013 – 09/29/2014	\$82,000	\$328,000

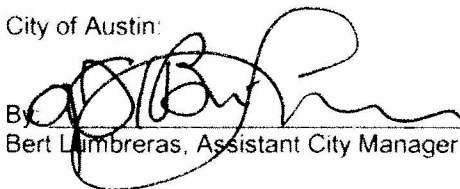
- 3.0 MBE/WBE goals do not apply to this contract.
- 4.0 By signing this Amendment the Contractor certifies that the vendor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the GSA List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this amendment is hereby incorporated into and made a part of the above-referenced contract.

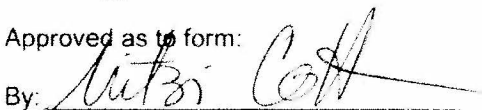
West Austin Youth Association  
1314 Exposition Boulevard  
Austin, Texas 78703  
512-473-2528

By:   
Authorized Representative

City of Austin:

By:   
Bert Lumberras, Assistant City Manager

Approved as to form:

By:   
Mitzi Cotton, Assistant City Attorney  
City of Austin Law Department



Amendment No. 2  
of  
Contract No. NN110000001  
for  
West Austin Youth Recreation Services  
between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises the extension option for the above-referenced contract. Effective September 30, 2012, the term for the extension option will be September 30, 2012 to September 30, 2013 and there are eight remaining options.
- 2.0 The total contract amount is increased by \$82,000.00 for the extension option period. The total Contract authorization is recapped below:

Term	Action Amount	Total Contract Amount
Basic Term: 09/29/10 – 09/30/11	\$82,000.00	\$82,000.00
Amendment No. 1: Option 1 09/29/11 – 09/30/12	\$82,000.00	\$164,000.00
Amendment No. 2: Option 2 09/29/12 – 09/30/13	\$82,000.00	\$246,000.00

- 3.0 MBE/WBE goals were not established for this contract.
- 4.0 By signing this Amendment the Contractor certifies that the Contractor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the General Services Administration (GSA) List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this Amendment is hereby incorporated into and made a part of the above-referenced contract.

West Austin Youth Association  
1314 Exposition Blvd.  
Austin, TX 78703

By:

Authorized Representative

CITY OF AUSTIN

By:

  
Bert Lumberras, Assistant City Manager

APPROVED AS TO FORM:

By:

  
Mitzi Cotton, Assistant City Attorney  
City of Austin Law Department



Amendment No. 1  
of  
Contract No. NN110000001  
for  
West Austin Youth Recreation Services  
between  
West Austin Youth Association  
and the  
City of Austin

- 1.0 The City hereby exercises the extension option for the above-referenced contract. Effective September 30, 2011, the term for the extension option will be September 30, 2011 to September 30, 2012 and there are nine remaining options.
- 2.0 The total contract amount is increased by \$82,000.00 for the extension option period. The total Contract authorization is recapped below:

Term	Action Amount	Total Contract Amount
Basic Term: 09/29/10 – 09/30/11	\$82,000.00	\$82,000.00
Amendment No. 1: Option 1 09/29/11 – 09/30/12	\$82,000.00	\$164,000.00

- 3.0 MBE/WBE goals were not established for this contract.
- 4.0 By signing this Amendment the Contractor certifies that the Contractor and its principals are not currently suspended or debarred from doing business with the Federal Government, as indicated by the General Services Administration (GSA) List of Parties Excluded from Federal Procurement and Non-Procurement Programs, the State of Texas, or the City of Austin.
- 5.0 All other terms and conditions remain the same.

BY THE SIGNATURES affixed below, this Amendment is hereby incorporated into and made a part of the above-referenced contract.

CITY OF AUSTIN:

By: N/A  
Byron Johnson, Purchasing Officer  
City of Austin  
Purchasing Department

CITY OF AUSTIN:

By: [Signature]  
Bert Lumberras, Assistant City Manager

West Austin Youth Association  
1314 Exposition Blvd.  
Austin, TX 78703

By: [Signature]  
Printed name: Courtney Houston  
Authorized Representative

APPROVED AS TO FORM:

By: [Signature]  
Mitzi Cotton, Assistant City Attorney  
City of Austin Law Department



**Financial and Administrative Service Department**  
**Purchasing Office**  
PO Box 1088, Austin, Texas, 78767

June 30, 2011

West Austin Youth Association, Inc.  
1314 Exposition Boulevard  
Austin, Texas 78703

The City has awarded a contract to your association for the YOUTH RECREATION CENTER SERVICES for the City of Austin, Parks and Recreation Department, in accordance with the referenced documents.

Responsible Department:	PARD
Department Contact Person:	Catherine Tanguis
Department Contact Email Address:	<a href="mailto:Catherine.tanguis@ci.austin.tx.us">Catherine.tanguis@ci.austin.tx.us</a>
Department Contact Telephone:	512-445-6003
Project Name:	West Austin Youth Recreation Services
Contractor Name:	West Austin Youth Association
Contract Number:	MA – 8600-NN110000001
Contract Period:	September 30, 2010 through September 29, 2011
<b>Contract Amount:</b>	<b>\$82,000</b>
Extension Options:	10 additional one year terms
Extension Amount Per Option:	Contingent Upon Available Funds from the Department
Requisition Number:	RQS 8600-11050500337
Solicitation Number:	Co-Sponsorship
Agenda Item Number:	No.8
Council Approval Date:	November 4, 2010

A copy of the contract/purchase order will be forwarded by mail.

Thank you for your interest in doing business with the City of Austin. If you have any questions regarding this contract, please contact the person referenced under Department Contact Person.

Sincerely,

Cruz Banda, Buyer II  
Purchasing Office  
Finance and Administrative Service Department

cc:

**CO-SPONSORSHIP AGREEMENT BETWEEN  
THE CITY OF AUSTIN AND WEST AUSTIN YOUTH ASSOCIATION  
for  
YOUTH RECREATION CENTER SERVICES**

This Co-Sponsorship Agreement (the "Agreement") is entered into by and between the City of Austin, a home-rule municipal corporation situated in Hays, Travis and Williamson counties (the "City") and West Austin Youth Association, Inc., ("WAYA"), a Texas non-profit corporation acting by and through its president, R. Louis Bratton.

**I. FINDINGS AND STATEMENT OF PUBLIC PURPOSE**

The City Council finds that the services provided by WAYA at its Recreation Center benefit the public by providing opportunities to the youth of Austin to participate in sports, fitness, and recreational programs at its recreation center located at 1314 Exposition Boulevard.

The City Council further finds that WAYA receives donations from various individuals to provide the programs and that the services performed by WAYA promote the well-being of the City's youth.

The City and WAYA have worked cooperatively on youth services for more than 30 years and wish to continue that relationship into the future.

WAYA, in furtherance of its mission, seeks to continue collaborating with the City to provide youth services to the City as set forth in this Agreement.

Because of the above-stated public benefits, the City Council finds that the City's co-sponsorship of the youth services provided by WAYA at its recreation center serve a public purpose.

**II. CITY OF AUSTIN CO-SPONSORSHIP RESPONSIBILITIES**

The City agrees to co-sponsor the youth services provided to Austin citizens by WAYA at its recreation center (the "programs") by providing funding in the amount of \$82,000.00 for the initial term of September 30, 2010- September 29, 2011 and in the amount specified in the City's annual budget for additional years if this Agreement is extended under section V B of this Agreement.

**III. WAYA CO-SPONSORSHIP RESPONSIBILITIES**

A. In exchange for the City's co-sponsorship, WAYA must:

- a. implement the programs in accordance with the conditions listed in section III B of this Agreement; and
- b. acknowledge the partnership between the City and WAYA in its program brochures, using language reviewed and approved by the director of the Parks and Recreation Department.



B. The program conditions are as follows:

- a. The youth served must be predominantly City of Austin residents.
- b. The programs must be open to all City of Austin youth regardless of race, color, religion, national origin, sexual orientation, or athletic ability.
- c. The programs must provide supervised recreational, fitness, or sports opportunities to the citizens of Austin aged 19 or younger on a non profit basis.

C. WAYA further agrees to:

- a. comply with the City's water and energy conservation rules and regulations in its use of its recreation center;
- b. conduct annual background checks on all volunteers or paid employees who will interact with youth;
- c. provide documentation of its status as a non-profit organization, attached as **EXHIBIT A**; and
- d. Provide a certificate of insurance naming the City of Austin as an additional insured, attached as **EXHIBIT B** and provide proof of comprehensive general liability insurance with a combined single limit of \$1,000,000 per occurrence, attached as **EXHIBIT C**.

D. WAYA and the City's Parks and Recreation Department agree to work together to ensure that the services provided under this Agreement are coordinated with the policy objectives of the City.

E. Upon approval by the City, WAYA may use an electronic copy of the City of Austin seal to display in conjunction with WAYA's logos or indicia in materials exclusively designed to promote WAYA youth services at its recreation center.

F. WAYA shall provide the following to the Parks and Recreation Department director not later than May 1 of each year this Agreement is in effect:

- a. an annual activity report summarizing the programs provided or supported with City funds, including documentation of the residency of youth participants and the number of youth served, and
- b. the required exhibits to this Agreement, updated for the upcoming year.

G. WAYA shall provide the City with an annual accounting of the funds spent under this Agreement and the programs provided or supported with City funds under this Agreement no later than June 1 of each year this Agreement is in effect.

H. WAYA shall indemnify and hold harmless the City, its officers, employees and agents against any claims, causes of action or demands related to damages or injuries in connection with: (1) the youth services provided in performance of this co-sponsorship agreement by WAYA, its officers, employees or agents, (2) any acts, omissions, or activities of WAYA or of an agent, employee, contractor, or volunteer of WAYA providing youth services under this co-sponsorship agreement, and (3) the condition of the property or premises where the services under this co-sponsorship agreement are performed. The City assumes no

responsibility and is expressly released and discharged from any liability for damage to personal property placed in or on the WAYA property or premises where the services under this co-sponsorship agreement are performed. Nothing in this Agreement shall limit the rights of the City against any third party who may be liable for an indemnified claim.

#### **IV. PAYMENT FOR SERVICES**

A. WAYA shall submit to the City statements in a form acceptable to the City, on a quarterly basis. The statements shall include a description of youth services provided. The statements shall be sent to:

City of Austin  
Parks and Recreation Department  
Attn: Kimberly McNeeley  
200 South Lamar  
Austin, Texas 78704

Remittance will be made payable to West Austin Youth Association, Inc. and will be sent to:

West Austin Youth Association, Inc,  
Attn: Courtney Houston  
P.O. Box 50198  
Austin, Texas 78763

B. After the initial term, this Agreement is contingent on the continued availability of funding through appropriations. If funds become unavailable through lack of future appropriation, then the City will issue written notice to WAYA within five (5) business days of knowledge of such future appropriation decision and the City may terminate this Agreement without further duty or obligation. Failure to notify shall not give rise to any legal rights under this Agreement.

#### **V. TERM; TERMINATION**

A. This Agreement becomes effective September 30, 2010 and expires September 29, 2011, unless previously terminated under Section V C of this Agreement or extended under Section V B of this Agreement.

B. This Agreement may be extended annually for up to 10 additional one year terms, subject to written approval of the WAYA Board and the City of Austin City Manager or designee.

C. If either party defaults in performance of any of the terms or conditions of this Agreement, the defaulting party shall have 30 days after receipt of written notice of the default within which to cure the default. If the default is not cured within the time period allowed, then the other party shall have the right without further notice to terminate this Agreement.

## **VI. GENERAL RESPONSIBILITIES**

A. The Agreement does not obviate the responsibility of WAYA or its agents, employees, contractors, or volunteers to comply with federal, state, and local laws.


B. This Agreement constitutes the entire agreement between the parties regarding the City's co-sponsorship of WAYA youth services provided in its recreation center. This Agreement may not be modified except as agreed by the parties in writing. WAYA may not assign, transfer or convey this Agreement without the City's express written consent.

C. If a term or provision of this Agreement is determined to be void or unenforceable by a court of competent jurisdiction, the remainder of this Agreement will remain in full force and effect, as if it never contained the offending term or provision.

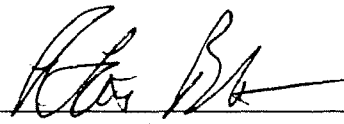
D. Venue of any dispute arising under this Agreement shall be filed and maintained in Austin, Travis County, Texas.

This Agreement is entered into and executed by:

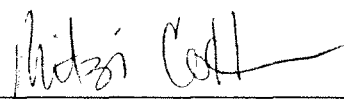
### **CITY OF AUSTIN:**

  
By: Bert Lumbreras  
Assistant City Manager

### **WEST AUSTIN YOUTH ASSOCIATION, INC.:**

  
By: R. Louis Bratton  
President

**APPROVED AS TO FORM:**

  
City of Austin Law Department

**RESOLUTION NO. 20100128-042**

**WHEREAS**, an important element valued in Austin's quality of life is the availability of a wide range of recreational activities for its citizenry and especially its youth; and

**WHEREAS**, the City supports sports and recreational programming for all Austin youth through programs taking place at City of Austin Recreational Centers; and

**WHEREAS**, there are areas of the city that are currently without city-owned recreational centers; and

**WHEREAS**, the City supports public-private partnerships to offer cost-effective and high quality programming for all Austin youth; and

**WHEREAS**, successful private youth sports organizations in Austin can be considered for public-private partnerships to further the goals of increasing quality of life, lowering the rates of childhood obesity and creating safe extracurricular, recreational activities to serve Austin's youth in geographic areas of the city where there are no City of Austin Recreational Centers; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Manager is directed to negotiate a co-sponsorship agreement with the West Austin Youth Association for sports and recreational programming for Austin citizens aged 19 or younger to be provided at the WAYA gyms located at 1314 Exposition Boulevard.

**BE IT FURTHER RESOLVED:**

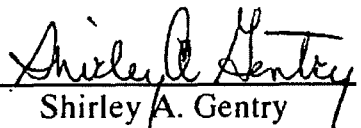
That the City Manager review funding requirements for such an agreement; and bring the agreement and any necessary action for funding to City Council for consideration not later than 60 days after the passage of this resolution.

**BE IT FURTHER RESOLVED:**

That the City Manager is hereby directed to research additional opportunities for public-private partnerships that would increase youth recreational and sports activities with additional organizations and to report on the progress of such opportunities to City Council not later than 60 days after the passage of this resolution.

**ADOPTED:** January 28, 2010

**ATTEST:**

  
Shirley A. Gentry  
City Clerk