

Controller's Office

To the Honorable Mayor and City Council of the City of Houston:

I hereby certify, with respect to the money required for the contracts, agreements, obligation or expenditure contemplated by the ordinance set out below that:

- ( ) Funds have been encumbered out of funds previously appropriated for such purpose.
- ( ) Funds have been certified and designated to be appropriated by separate ordinance to be approved prior to the approval of the ordinance set out below.
- ( ) Funds will be available out of current or general revenue prior to the maturity of any such obligation.
- ( ) No pecuniary obligation is to be incurred as a result of approving the ordinance set out below.
- ( ) That the money required for the expenditure or expenditures specified below is in the treasury, in the fund or funds specified below, and is not appropriated for any other purposes.
- ( ) A certificate with respect to the money required for the expenditure or expenditures specified below is attached hereto and incorporated hereby by this reference.
- ( ) Other - Grant Funds Available

Date: \_\_\_\_\_, 2015

\_\_\_\_\_  
City Controller of the City of Houston

**FUND REF:**

**AMOUNT:**

**ENCUMB. NO.:**

City of Houston, Texas, Ordinance No. 2015 - \_\_\_\_\_

**AN ORDINANCE APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF HOUSTON AND THE HOUSTON HOUSING AUTHORITY TO PROVIDE A GRANT OF \$450,000.00 OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR IMPROVEMENTS TO ALLEN PARKWAY VILLAGE AND THE HISTORIC**

**OAKS OF ALLEN PARKWAY VILLAGE, HOUSING COMMUNITIES LOCATED IN THE HOUSTON, TEXAS, NEAR 1600 ALLEN PARKWAY, HOUSTON, THAT PRIMARILY SERVE LOW TO MODERATE INCOME HOUSEHOLDS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.**

\* \* \* \*

**WHEREAS**, the City Council of the City of Houston (“City Council”) finds that the Houston Housing Authority, a public housing authority operating under Chapter 392 of the Texas Local Government Code (“HHA”) owns the fee interest in the land and improvements which comprise Allen Parkway Village (“APV”), a 278 unit public housing development, and in the land which is the site of Historic Oaks of Allen Parkway Village (“HOAPV”, and collectively with APV, the “Facility”), a 222 unit rental housing facility that primarily serves low to moderate income seniors and families, both of which are located in the vicinity of 1600 Allen Parkway, Houston, Texas; and

**WHEREAS**, the City Council finds that, pursuant to Ground Leases, each dated June 9, 1998, HHA has leased the HOAPV site to APV Historic Community, L.P., a Texas limited partnership, an affiliate of HHA (“Ground Tenant”), which, subject to the Ground Leases, owns the improvements which comprise HOAPV; and

**WHEREAS**, the City Council finds that HHA and Ground Tenant seek to rehabilitate the Facility by making the following improvements: replacement of equipment to five playgrounds to make them ADA accessible; re-configuration of the exit gate at Crosby Street to serve as an entrance/exit gate; replacement of the call boxes (intercom system) located in the buildings restricted to seniors; and installation of surveillance cameras at the entry points of the senior buildings; and

**WHEREAS**, the City Council finds that HHA has requested that the City assist in the rehabilitation of the Facility, by providing a grant (the “Grant”) of federal Community Development Block Grant Funds in the amount of Four Hundred Fifty Thousand and No/100 Dollars (\$450,000.00) to HHA to fund a portion of the construction costs in connection with rehabilitation the Facility; and

**WHEREAS**, the City Council finds that the Ground Tenant has agreed that, so long as it is the ground tenant of HOAPV, the obligations of HHA under its agreement with the City related to the Grant, to the extent they relate to HOAPV, shall be joint and several obligations of HHA and Ground Tenant; and

WHEREAS rehabilitation of rental housing that primarily benefits low and moderate income persons is an activity that is for Community Development Block Grant funding in order to benefit low and moderate income persons, a national objective; and

**WHEREAS**, the City Council finds that rehabilitation of the Facility is in the best interest of HHA, the Ground Tenant and the City and that it is desirable to grant HHA’s requests, subject to the satisfaction of certain requirements which are set forth in the document which is attached hereto; and

**WHEREAS**, the City is acting pursuant to the authority of Chapters 373 and/or 374 of the Local Government Code; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** That the City Council hereby approves and authorizes the contract, agreement or other undertaking described in the title of this Ordinance, in substantially the

form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City of Houston. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents. The City Attorney is hereby authorized to take all action necessary to enforce legal obligations under said contract without further authorization from City Council.

**Section 3.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.**

**APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2015.**

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

(Prepared by Legal Dept. \_\_\_\_\_)  
(RFB/03/24/15) Senior Assistant City Attorney

(Requested by Neal Rackleff, Director, Housing and Community Development Department)

(L.D. File No.0291500010001)