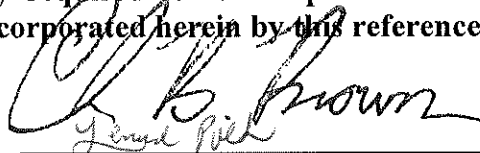


Controller's Office

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

I hereby certify, with respect to the money required for the contract, agreement, 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.
- () 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 herein by this reference.
- () Other - Grant Funds Available


Gerald R. Brown

City Controller of the City of Houston, Texas


Date: 8-4, 2020

meb
SCC FUND REF: 4040-200-530126 AMOUNT: 2,250,000.00 ENCUMB. NO.: FR 3-5315-5316

46-15677
46-14284

FR 3-3577

City of Houston, Texas Ordinance No. 2020-710

 AN ORDINANCE APPROPRIATING THE SUM OF \$2,250,000.00 OUT OF THE DEDICATED DRAINAGE AND STREET RENEWAL FUND – DRAINAGE CHARGE AS AN ADDITIONAL APPROPRIATION; APPROVING AND AUTHORIZING A FIRST AMENDMENT TO A CONTRACT BETWEEN THE CITY OF HOUSTON AND DL GLOVER, INC. FOR FY2020 LOCAL DRAINAGE PROGRAM CONTRACT #2 (AS APPROVED BY ORDINANCE NO. 2019-0818); PROVIDING FUNDING FOR CIP COST RECOVERY AND ENGINEERING AND TESTING SERVICES RELATING TO CONSTRUCTION OF FACILITIES FINANCED BY THE DEDICATED DRAINAGE AND STREET RENEWAL FUND – DRAINAGE CHARGE; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

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

Section 1. The City Council hereby appropriates the sum or sums of money set out in the title of this Ordinance, out of the respective fund or funds set out in such title as follows: the sum of **\$2,000,000.00** is appropriated for contract services related to the project described in the title, the sum of **\$50,000.00** for engineering and testing services under **Outline Agreement No. 4600014284**, and the sum of **\$200,000.00** is appropriated for **CIP Cost Recovery** relating to construction of facilities financed by the fund described in such title.

Section 2. The City Council hereby approves and authorizes this First Amendment as 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.

Section 3. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such agreement, agreements or other undertaking described in the title of this ordinance, in the event of changed circumstances.

Section 4. The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from the City Council.

Section 5. 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 19th day of August, 20 20.

APPROVED this _____ day of _____, 20____.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is AUG 25 2020.

Atty. General

City Secretary

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: AUG 25 2020

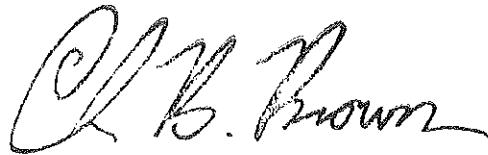
(Prepared by Legal Dept. Marina Banks)
(MNB/sjl 06/16/2019) Assistant City Attorney
(Requested by Carol Ellinger Haddock, P.E., Director, Houston Public Works)
(L.D. File No. 0661900034002)

CERTIFICATE OF CITY CONTROLLER

I, Chris B. Brown, Controller of the City of Houston, Texas, pursuant to Article II, Section 19a of the Charter of the City of Houston, Texas, with respect to the sum of **\$2,250,000.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

DEDICATED DRAINAGE AND STREET RENEWAL FUND – DRAINAGE CHARGE (Fund Number - 4042)

- (a) General Obligation Commercial paper Series K, Ordinance No. 2011-1088, is available as an “initial” funding source for the project referenced above in the amount of **\$2,250,000.00**.
- (b) The department has responsibility to ensure that cash in **DEDICATED DRAINAGE AND STREET RENEWAL FUND 2310** is sufficient to fund 4042 when bills are presented for payment.


City Controller *J. Ernest Polk*

DDSRFDC4042

AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
ABSENT-ON PERSONAL BUSINESS		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

**FIRST AMENDMENT TO THE CONTRACT FOR FY2020 LOCAL DRAINAGE PROGRAM
(LDP) CONSTRUCTION CONTRACT # 2 BETWEEN THE CITY OF HOUSTON AND DL
GLOVER, INC.**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS FIRST AMENDMENT TO THE CONTRACT FOR FY2020 LOCAL DRAINAGE PROGRAM (LDP) CONSTRUCTION CONTRACT # 2 ("FIRST AMENDMENT") is made on the counter-signature date by and between the CITY OF HOUSTON, TEXAS (the "City"), a home-rule city of the state of Texas, and DL GLOVER, INC. (the "Contractor"), a Texas corporation.

RECITALS:

1. Pursuant to Ordinance 2019-0818 (October 29, 2019), the City and the Contractor entered into a Contract for FY2020 Local Drainage Program Construction Contract #2 (the "Original Agreement").
2. It is stated in the Texas Local Government Code that a contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. Tex. Local Gov't Code Section 271.060.
3. The City and the Contractor desire to amend the Original Agreement to appropriate additional funding more than 25 percent of the original contract price, and must receive approval from City Council in order to do so.
4. **NOW THEREFORE**, the parties agree as follows:

ARTICLE I.

Section 3.1 of Article 3, "Contract Price", of Document 00496, "Agreement", is deleted in its entirety and replaced with the following:

3.1 Subject to terms of the Contract, the City will pay Contractor the Contract Price set out in each Work Order in current funds for Contractor's performance of the Contract. The total Contract Price, as sum of Contract Prices for all Work Order issued, shall not exceed \$5,400,000.00 (0.840 Adjustment Factor), which includes Allowances, and Alternates, if any, accepted below.

ARTICLE II.

Except as modified under this First Amendment, the Original Agreement will remain in full force and effect. In the event of a conflict between the Original Agreement, and this First Amendment, this First Amendment shall prevail.

[Signatures on page to follow]

E. Signatures

The Parties have executed this Agreement in multiple copies, each of which is an original.

ATTEST/SEAL (if a corporation):
WITNESS (if not a corporation):

CONTRACTOR: DL GLOVER, INC

By: _____
Name: _____
Title: _____

By: D. Glover
Name: Danny Glover
Title: President

ATTEST/SEAL:

CITY OF HOUSTON, TEXAS
Signed by:

City Secretary

Mayor

APPROVED:

Signed by:

David Haddock

Director, Houston Public Works

COUNTERSIGNED BY:

—DS

CD

City Controller

APPROVED AS TO FORM:

DATE COUNTERSIGNED:

Marina Bantz

Assistant City Attorney
L.D. File No. 066190003402