

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 hereby by this reference.
- ( ) Other - Grant available

Date: \_\_\_\_\_, 20\_\_

City Controller of the City of Houston, Texas

**FUND REF: \_\_\_\_\_ AMOUNT: \_\_\_\_\_ ENCUMB. NO.: \_\_\_\_\_**

**City of Houston, Texas Ordinance No. \_\_\_\_\_**

**AN ORDINANCE DE-APPROPRIATING THE SUM OF \$172,865.00 OUT OF THE PARKS CONSOLIDATED CONSTRUCTION FUND (APPROVED BY ORDINANCE NO. 2015-318); APPROPRIATING THE SUM OF \$496,303.00 OUT OF THE PARKS & RECREATION DEDICATION FUND AND THE SUM OF \$197,865.00 OUT OF THE PARKS CONSOLIDATED CONSTRUCTION FUND; AWARDING A CONSTRUCTION CONTRACT TO LANDSCAPE ART, INC. FOR HARWIN PARK; SETTING A DEADLINE FOR THE PROPOSER'S EXECUTION OF THE CONTRACT AND DELIVERY OF ALL BONDS, INSURANCE AND OTHER REQUIRED CONTRACT DOCUMENTS TO THE CITY; HOLDING THE PROPOSER IN DEFAULT IF IT FAILS TO MEET THE DEADLINES; PROVIDING FUNDING FOR ENGINEERING AND MATERIALS TESTING SERVICES AND CONTINGENCIES RELATING TO CONSTRUCTION OF FACILITIES FINANCED BY THE PARKS & RECREATION DEDICATION FUND AND THE PARKS CONSOLIDATED CONSTRUCTION FUND; 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 de-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.

**Section 2.** The City council appropriates/allocates the sum or sums of money set out in the title and signature page of this Ordinance, out of the respective fund or funds set out in such title and signature page as follows: The sum of **\$617,425.00** is appropriated/allocated for construction of the Project described in the title and signature page, the sum of **\$61,742.50** for contingencies and the sum of **\$15,000.50** for engineering and materials testing services under **Outline Agreement No. 4600016455**, relating to construction of facilities financed by the funds described in such title and signature page.

**Section 3.** Having duly advertised for and received competitive sealed proposals for the work described in the title of this Ordinance, the City Council hereby finds and determines that the proposal offering the best value was submitted by the proposer named in the title hereof in the amount of **\$617,425.00** (which amount is only an estimate if unit prices are included in the proposal of said proposer). The Contract for said work is hereby awarded to said proposer. The proposer must execute the Contract and deliver to the City's Director of the **General Services Department** (Director) all required bonds, insurance certificates, MWBE/SBE information, and all other contract documents required to be provided in post proposal procedures in a form acceptable to the City Attorney within 5 days of the date of passage of this Ordinance by City Council. If the proposer does so, the Mayor is hereby authorized to execute the Contract.

**Section 4.** If proposer fails to comply by the above deadline, it shall be in default. The Director shall give the proposer notice of default and recommend award of the Contract to the next proposer that would offer the best value to the City. The City Attorney is authorized to declare forfeit the bid bond of the proposer.

**Section 5.** 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 undertakings referenced in the title of this Ordinance, in the event of changed circumstances.

**Section 6.** The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said Contract without further authorization from Council.

**Section 7.** 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 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 \_\_\_\_\_, 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 \_\_\_\_\_.

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

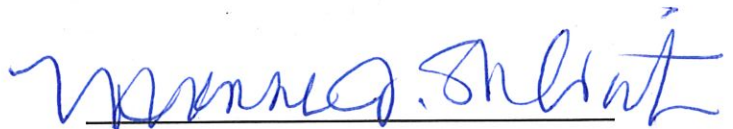
**Prepared By:** Sara Krouskop, General Services Department (832) 393-8015

**Contact:** Sara Krouskop, Project Manager

**Phone:** (832) 393-8015

This Ordinance and/or Contract has (have) been reviewed as to form by the undersigned legal assistant and has (have) been found to meet established Legal Department criteria. The Legal Department has not reviewed the content of these documents.

Date: 12.20.21

  
\_\_\_\_\_

Legal Assistant

## CERTIFICATE OF CITY CONTROLLER

I, Chris B. Brown, City Controller of the City of Houston, Texas, pursuant to Article II, Section 19a of the Charter of the City of Houston, with respect to the sum of **\$197,865.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

- (1) The sum of **\$197,865.00** will be funded from public improvement bond proceeds and/or public improvement commercial paper proceeds (first-in-first-out basis) pursuant to Ordinance No. 94-405 authorizing the creation of the Parks Consolidated Construction Fund. To the extent that this sum will be paid with bond proceeds, it is in the treasury in the said fund, and is not appropriated for any other purpose.
- (2) To the extent that the **\$197,865.00** will be paid by commercial paper proceeds, funds will be received into the treasury and available before the maturity of said obligation, and such anticipated funds have not already been appropriated for any other purpose. Such sum will be received as a cash draw(s) to the City of Houston pursuant to the General Obligation Commercial Paper Ordinance, Ordinance No. 93-1149.

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City Controller