



**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date: 1/28/2020

District K

Item Creation Date: 1/7/2020

25CONS412 – Award Construction Manager at Risk Contract – SpawGlass Construction Corp. New Westbury Library

Agenda Item#: 5.

**Background:**

**RECOMMENDATION:** Award construction manager at risk contract and appropriate funds for the project.

**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council award a Construction Manager at Risk (CMAR) Contract to SpawGlass Construction Corp., to provide pre-construction and construction phase services for a new Westbury Neighborhood Library project, for the Houston Public Library (HPL). HPL desires to build this new library to replace the Meyer Neighborhood Library which remains closed due to damages sustained during Hurricane Harvey, and the Frank HPL Express Library which operates out of a leased space. The requested appropriation will fund pre-construction phase services. City Council will be requested to appropriate funds for construction phase services under a separate Council action.

On June 28 and July 5, 2019, GSD advertised a Request for Proposals containing selection criteria that ranked proposers on experience, key personnel, firm's safety ratings, and construction phase fee for the project services. The proposals were due on August 8, 2019, and eight firms responded. GSD evaluated the proposals and interviewed the five highest ranking firms. SpawGlass Construction Corp. ranked highest and offers the best value for the City based on the advertised criteria.

**PROJECT LOCATION:** 5505 Belrose Drive, Houston, TX 77035

**PROJECT DESCRIPTION:** The project will combine the service areas of the Meyer Neighborhood Library and the Frank HPL Express Library. The replacement facility will be a 20,000 SF library which will include a TECHLink concept, meeting and conference spaces, adult quiet space, teen's area, children's area, public computers, and adequate staff space. Site improvements will include landscaping, parking, storm water detention, fencing and exterior lighting. The new facility will be constructed with energy efficient mechanical, electrical and plumbing systems and will meet all current environmental and LEED™ (Leadership in Energy and Environmental Design) standards.

**FUNDING SUMMARY:**

\$	30,000.00	Pre-Construction Phase Services
\$	10,000.00	Additional Services
\$	40,000.00	<b>Total Pre-Construction Phase Services</b>

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

**HIRE HOUSTON FIRST:** The proposed contract requires compliance with the City's 'Hire Houston First' (HHF) Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, SpawGlass Construction Corp. is a designated HHF company, but they were the successful awardee without application of the HHF preference.

**CIP FISCAL NOTE:** The five-year projected operating and maintenance costs for this project are noted below.

**Capital Project Information:** See the attached Form A for a breakdown of capital costs.

**Estimated Fiscal Operating Impact**

Project	FY20	FY21	FY22	FY23	FY24	FY20-FY24 Total
New Westbury Neighborhood Library	\$0	\$0	\$0	\$50,000	\$50,000	\$100,000
<b>WBS No: E-000262-0001-4</b>						

**DIRECTOR'S SIGNATURE/DATE:**

*C.J. Messiah, Jr.* 1/9/2020

C. J. Messiah, Jr.  
General Services Department

Rhea Brown Lawson, Ph.D.  
Houston Public Library

**Amount of Funding:**

\$ 40,000.00 – Public Library Consolidated Construction Fund (4507)

**Contact information**

Jacquelyn L. Nisby  
Council Liaison  
Phone: 832.393.8023

<sup>DS</sup>  
*JLN*

**ATTACHMENTS:**

**Description**

- 25CONS412 - Maps
- 25CONS412 - Delinquent Tax Report
- 25CONS412 - 1295
- 25CONS412 - CIP Form A
- 25CONS412 - Form A

**Type**

- Backup Material
- Backup Material
- Backup Material
- Backup Material
- Backup Material

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

*Cliff Brown*  
General Folio

Date: 1-28, 2020 City Controller of the City of Houston, Texas

*mg*  
SCC FUND REF: 4507-340-A <sup>520126</sup> AMOUNT: \$40,000.00 ENCUMB. NO.: PO42.9198  
OA46.15884

City of Houston, Texas Ordinance No. 2020-82

*Ⓟ* AN ORDINANCE APPROPRIATING \$40,000.00 OUT OF THE PUBLIC LIBRARY CONSOLIDATED CONSTRUCTION FUND APPROVING AND AUTHORIZING A CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN THE CITY OF HOUSTON AND SPAWGLASS CONSTRUCTION, CORP. FOR PRE-CONSTRUCTION AND CONSTRUCTION PHASE SERVICES FOR THE NEW WESTBURY LIBRARY; 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 sums of money set out in the title of this Ordinance, out of the respective funds set out in such title, as follows: **\$30,000.00** is appropriated for pre-construction costs related to the project described in the title; **\$10,000.00** is appropriated for additional services related to the project described in the title.

Section 2. 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.

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 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 29<sup>th</sup> day of January, 2020.  
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 FEB 04 2020.

[Signature]  
City Secretary **Assistant**

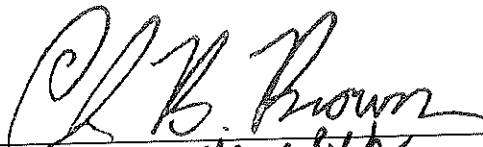
(Prepared by Legal Dept. [Signature])  
(JN:yjs 1/14/2020) Sr. Assistant City Attorney  
(Requested by C. J. Messiah, Director, General Services Department & Rhea Brown Lawson, Director, Houston Public Library)  
(L.D. File No. 03320000012001)

CAPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: **FEB 04 2020**

**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 \$40,000.00 required for the appropriation referenced in the title of this ordinance, do hereby certify as follows:

1. The sum of \$40,000.00 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 Public Library Consolidated Construction Fund. To the extent that this sum will be repaid 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 \$40,000.00 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.

  
City Controller *Chris B. Brown*

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



## CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 6/16/2020

District K

Item Creation Date: 5/21/2020

25CONS430 – Appropriate Additional Funds to Construction Manager at Risk Contract  
SpawGlass Construction Corp. New Westbury Library

Agenda Item#: 11.

### **Background:**

**RECOMMENDATION:** Appropriate additional funds for construction.

**SPECIFIC EXPLANATION:** On January 29, 2020, Ordinance No. 2020-0082, City Council awarded a Construction Manager at Risk (CMAR) Contract to SpawGlass Construction Corp., to provide pre-construction and construction phase services for the new Westbury Neighborhood Library, and appropriated \$40,000.00 for pre-construction phase services. The General Services Department recommends that City Council appropriate an additional sum of \$14,507,750.00 to the CMAR contract with SpawGlass Construction Corp. for construction phase services.

**PROJECT LOCATION:** 5505 Belrose Drive, Houston, TX 77035

**PROJECT DESCRIPTION:** The new Westbury Library will combine the service areas of the Meyer Neighborhood Library and the Frank HPL Express Library. The replacement facility will be an approximately 20,000 SF library which will include a TECHLink concept, meeting and conference spaces, adult quiet space, teen's area, children's area, public computers, and adequate staff space. Site improvements will include landscaping, parking, storm water detention, fencing and exterior lighting.

The project will incorporate the LEED™ (Leadership in Energy and Environmental Design) Green Building Rating System for New Construction (LEED-NC).

The design consultant is BRAVE / Architecture, Inc.

**FUNDING SUMMARY:** It is recommended that City Council appropriate funds for construction phase services, including additional appropriations of \$90,000.00 for engineering testing services under an existing contract with QC Laboratories, Inc.; \$80,000.00 for environmental abatement/demolition services under an existing contract with AAR, Inc.; \$120,000.00 for construction inspection services; and \$1,000,000.00 for HPL equipment; e.g., technology, TECHLink, and new books.

The following amounts for construction and contingency are based on the construction manager's estimate of costs. The final cost of construction will be submitted to the director for approval as part of the Guaranteed Maximum Price (GMP) proposal.

\$ 12,300,000.00	Construction Cost (Estimated)
<u>\$ 702,500.00</u>	6% Contingency (Estimated)
<b>\$ 13,002,500.00</b>	<b>Total Estimated Construction Services</b>
\$ 90,000.00	Engineering Testing
\$ 80,000.00	Environmental Abatement/Demolition Services
\$ 120,000.00	Construction Inspection Services
\$ 1,000,000.00	HPL Equipment
<u>\$ 215,250.00</u>	Civic Art (1.75%)
<b>\$ 14,507,750.00</b>	<b>Total Funding</b>

**CONSTRUCTION GOALS:** An 18% MBE goal and 10% WBE goal have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of the GMP proposal.

**CIP FISCAL NOTE:** The five-year projected operating and maintenance costs for this project are noted below.

-

**Capital Project Information:** See the attached Form A for a breakdown of capital costs.

**Estimated Fiscal Operating Impact**

Project	FY20	FY21	FY22	FY23	FY24	FY20-FY24 Total
New Westbury Neighborhood Library	\$0	\$0	\$0	\$50,000	\$50,000	\$100,000
<b>WBS No:</b> E-000262-0001-4						

**DIRECTOR'S SIGNATURE/DATE:**

DocuSigned by:

*C.J. Messiah, Jr.* 5/27/2020

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C. J. Messiah, Jr.  
General Services Department

DocuSigned by:

*Dr. Rhea Brown Lawson*

363DA421E89945D...

Houston Public Library

DS  
SL

**Prior Council Action:**

Ordinance No. 2020-0082; January 29, 2020

**Amount of Funding:**

**\$14,507,750.00** – Public Library Consolidated Construction Fund (4507)

**Previous Funding:**

\$ 40,000.00 - Public Library Consolidated Construction Fund (4507)

**Contact Information:**

Jacquelyn L. Nisby  
Council Liaison  
Phone: 832.393.8023

DS  
JLN

**ATTACHMENTS:**

**Description**

[25CONS430 - Maps](#)

[25CONS430 - Previous RCA & Ordinance](#)

[25CONS430 - CIP Form A](#)

**Type**

Backup Material

Backup Material

Backup Material

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

*[Handwritten Signature]*  
*[Handwritten Name]*  
 City Controller of the City of Houston, Texas

Date: 6-16, 2020

City Controller of the City of Houston, Texas

*4507-3400-520110-520126-55b10*  
*520140-520155*  
*520141*  
 FUND REF: 520141 AMOUNT: 14,507,500.00 ENCUMB. NO.: PROJ# 42-9481, 82  
*0A 46-15884, 46-14087, 46-14048* 3-5181, 3-0386  
*3-27581* City of Houston, Texas Ordinance No. 2020-537

AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$14,507,750.00 FROM THE PUBLIC LIBRARY CONSOLIDATED CONSTRUCTION FUND TO THE CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN THE CITY OF HOUSTON AND SPAWGLASS CONSTRUCTION, CORP. FOR CONSTRUCTION PHASE SERVICES FOR THE NEW WESTBURY LIBRARY (APPROVED BY ORDINANCE NO. 2020-0082); PROVIDING FUNDING FOR CONSTRUCTION, ENGINEERING TESTING, ENVIRONMENTAL ABATEMENT, AND INSPECTION SERVICES, EQUIPMENT, CIVIC ART, AND CONTINGENCY, FINANCED BY THE PUBLIC LIBRARY 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 appropriates the sums of money set out in the title of this Ordinance out of the respective funds set out in such title, as follows: \$12,300,000.00 is appropriated for construction phase services; \$702,500.00 is appropriated for contingency; \$90,000.00 is appropriated to Outline Agreement No. 4600014043 for engineering testing; \$80,000.00 is appropriated to Outline Agreement No. 4600014867 for environmental abatement/demolition services; \$120,000.00 is appropriated for construction inspection services; \$1,000,000.00 is appropriated for Houston Public Library equipment; and \$215,250.00 is appropriated for civic art.

Section 2. 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 17th day of June, 2020.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JUN 23 2020.

Est. J. Haniel  
City Secretary

**FUNDING SOURCE:**  
\$14,507,750.00 – Public Library Consolidated Construction Fund (4507)  
\$14,507,750.00 – Total Appropriation

(Prepared by Legal Dept. J. Williams)  
(JN: 6-3-2020) Sr. Assistant City Attorney

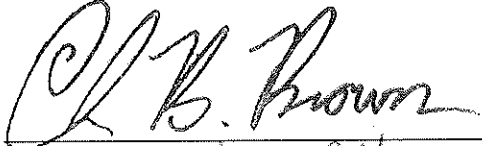
(Requested by C.J. Messiah, Jr., Director, General Services Department and Rhea Lawson, Director, Houston Public Library)

(L.D. File No. \_\_\_\_\_)

**CERTIFICATE OF CITY CONTROLLER**

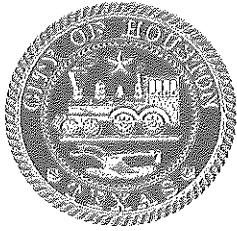
I, Chris Brown, City Controller of the City of Houston, Texas, pursuant to Article II, Section 19a of the Charter of the City of Houston, with respect to the sum of **\$14,507,750.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

- (1) The sum of **\$14,507,750.00** 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 **Public Library 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 **\$14,507,750.00** 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.

  
City Controller *Jenny Pelt*

Fund 4507

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



## CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 2/2/2022

District K

Item Creation Date: 12/15/2021

25CONS497 – Appropriate Additional Funds to Construction Manager at Risk Contract

SpawGlass Construction Corp. Westbury Library (New)

Agenda Item#: 23.

### **Background:**

**RECOMMENDATION:** Appropriate additional funds for construction.

**SPECIFIC EXPLANATION:** On January 29, 2020, by Ordinance No. 2020-0082, City Council awarded a Construction Manager at Risk (CMAR) Contract to SpawGlass Construction Corp., to provide pre-construction and construction phase services for the new Westbury Neighborhood Library, and appropriated \$40,000.00 for pre-construction phase services.

On June 17, 2020, by Ordinance No. 2020-0537, City Council appropriated an additional \$14,507,750.00 to the Construction Manager at Risk (CMAR) Contract with SpawGlass Construction Corp., to provide construction phase services for the new Westbury Neighborhood Library.

The COVID-19 pandemic has caused construction cost escalations in roofing, structural steel, and furniture due to labor shortage, manufacturing production, and delays in raw material transportation. The project is currently in design and needs additional funding to cover these cost escalations. The General Services Department recommends that City Council appropriate an additional sum of \$1,092,074.00 to the CMAR contract with SpawGlass Construction Corp. for pre-construction and construction phase services.

**PROJECT LOCATION:** 5505 Belrose Drive, Houston, TX 77035

**PROJECT DESCRIPTION:** The new Westbury Library will combine the service areas of the Meyer Neighborhood Library and the Frank HPL Express Library. The replacement facility will be an approximately 20,000 SF library which will include a TECHLink concept, meeting and conference spaces, adult quiet space, teen's area, children's area, public computers, and adequate staff space. Site improvements will include landscaping, parking, storm water detention, fencing and exterior lighting.

The project will incorporate the LEED™ (Leadership in Energy and Environmental Design) Green Building Rating System for New Construction (LEED-NC).

The design consultant is BRAVE / Architecture, Inc.

**FUNDING SUMMARY:** It is recommended that City Council appropriate additional funds for pre-construction and construction phase services.

\$ 25,000.00	Pre-Construction Cost
\$ 996,692.50	Construction Cost (Estimated)
\$ 52,457.50	5% Contingency (Estimated)
<b>\$ 1,074,150.00</b>	<b>Total Estimated Construction Services</b>
\$ 17,924.00	Civic Art (1.75%)
<b>\$ 1,092,074.00</b>	<b>Total Funding</b>

**CONSTRUCTION GOALS:** An 18% MBE goal and 10% WBE goal have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of the GMP proposal.

**FISCAL NOTE:** Funding for this item will be included in the FY2023 Budget.

**Capital Project Information:** See the attached Form A for a breakdown of capital costs.

**Estimated Fiscal Operating Impact**

Project	FY22	FY23	FY24	FY25	FY26	FY20-FY24 Total
Westbury Neighborhood Library (New)	0	\$50,000	\$50,000	\$50,000	\$50,000	\$200,000
<b>WBS No:</b> E-000262-0001-4						

**DIRECTOR'S SIGNATURE/DATE:**

DocuSigned by:  
*C.J. Messiah, Jr.* 1/13/2022

C. J. Messiah, Jr.  
 General Services Department

DocuSigned by:  
*Rhea Lawson* 1/19/2022

Rhea Brown Lawson, Ph.D.  
 Houston Public Library

DS  
 SC

**Prior Council Action:**

Ordinance No. 2020-0082; January 29, 2020  
 Ordinance No. 2020-0537; June 17, 2020

**Amount and Source of Funding:**

**\$1,092,074.00** – Public Library Consolidated Construction Fund (4507)

**Previous Funding:**

\$14,547,750.00 – Public Library Consolidated Construction Fund (4507)

**Contact Information:** DS  
*EH*

Enid M. Howard  
 Council Liaison  
 Phone: 832.393.8023

**ATTACHMENTS:**

Description	Type
<u>25CONS497 - Maps</u>	Backup Material
<u>25CONS497 - Previous RCAs &amp; Ordinances</u>	Backup Material
<u>25CONS497 - Tax Delinquent</u>	Backup Material
<u>Form A</u>	Financial Information

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

*[Signature]*  
Lemuel Holt

City Controller of the City of Houston, Texas

Date: 2-1, 2022

4507-3400-520126-520140  
520755

FR 3-5669  
3-0386

FUND REF: \_\_\_\_\_ AMOUNT: 1,092,074.00 ENCUMB. NO.:

*me*  
7c OA 46-15884  
FM93 2-31640

City of Houston, Texas Ordinance No. 2022-78

AN ORDINANCE APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$1,092,074.00 FROM THE PUBLIC LIBRARY CONSOLIDATED CONSTRUCTION FUND TO THE CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN THE CITY OF HOUSTON AND SPAWGLASS CONSTRUCTION, CORP. FOR PRE-CONSTRUCTION AND CONSTRUCTION PHASE SERVICES FOR THE NEW WESTBURY LIBRARY (APPROVED BY ORDINANCE NO. 2020-0082); PROVIDING FUNDING FOR CIVIC ART, AND CONTINGENCY, FINANCED BY THE PUBLIC LIBRARY 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 appropriates the sums of money set out in the title of this Ordinance out of the respective funds set out in such title, as follows: **\$1,021,692.50** is appropriated for pre-construction and construction phase services; **\$52,457.50** is appropriated for contingency; and **\$17,924.00** is appropriated for civic art.

Section 2. 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 2nd day of February, 2022.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is FEB 08 2022.

Asst. J. H. Smith  
City Secretary

(Prepared by Legal Dept. Carmen M. [Signature])  
(CRC:yjs 01-21-2022) Sr. Assistant City Attorney  
(Requested by C.J. Messiah, Jr., Director, General Services)  
(L.D. File No. 0332200006001)

Meeting 2/02/2022

Aye	No	
✓		<b>Mayor Turner</b>
....	....	<b>Council Members</b>
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Huffman
✓		Cisneros
✓		Gallegos
✓		Pollard
Absent		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
Plummer absent on personal business		Plummer
✓		Alcorn
<b>Caption</b>	<b>Adopted</b>	

Captions Published in DAILY COURT REVIEW

Date: 2/8/2022

**CERTIFICATE OF CITY CONTROLLER**

I, Chris 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 **\$1,092,074.00** required for the project referenced in the title of this ordinance, do hereby certify as follows:

- (1) The sum of **\$1,092,074.00** 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 **Public Library 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 **\$1,092,074.00** 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.

  
City Controller *General Public*

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- (2) To the extent that the **\$1,092,074.00** 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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