

MAYOR'S OFFICE

HOUSTON, TEXAS

September 3rd 2014

To the Honorable City Council of the City of Houston, Texas  
City Hall Annex

In accordance with the provisions of Article VII, Section 7 of the Charter of the City of Houston, Texas, I submit to you the ordinance set out below with the request that it be passed finally on the date of its introduction. There exists a public emergency requiring such action, and I accordingly request that you pass the same if it meets with your approval.



City of Houston, Texas

Mayor

City of Houston Ordinance No. 2014 - 803

CITY OF HOUSTON, TEXAS  
ORDINANCE NO. 2014-803\*

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AN ORDINANCE AMENDING AND RATIFYING ORDINANCE NOS. 2013-87, 2013-88 AND 2013-89, AS AMENDED BY ORDINANCE NO. 2013-666, RELATING TO THE CITY OF HOUSTON, TEXAS GENERAL OBLIGATION COMMERCIAL PAPER NOTES, SERIES G, H-2, & J; APPROVING AND AUTHORIZING AN AMENDMENT TO THE AUTHORIZED PURPOSES OF SUCH COMMERCIAL PAPER PROGRAMS; AND DECLARING AN EMERGENCY.

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Adopted September 3rd 2014

\*To be completed by the City Secretary.

AN ORDINANCE AMENDING AND RATIFYING ORDINANCE NOS. 2013-87, 2013-88 AND 2013-89, AS AMENDED BY ORDINANCE NO. 2013-666, RELATING TO THE CITY OF HOUSTON, TEXAS GENERAL OBLIGATION COMMERCIAL PAPER NOTES, SERIES G, H-2, & J; APPROVING AND AUTHORIZING AN AMENDMENT TO THE AUTHORIZED PURPOSES OF SUCH COMMERCIAL PAPER PROGRAMS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Houston, Texas (the "City"), has created certain general obligation commercial paper programs to fund the City's capital improvement plan, including constructing, improving and acquiring streets and bridges, traffic control, storm sewers and drainage, parks and recreation, police and fire departments, general public improvements, libraries and low income housing, all as defined and set forth in the bond elections described below; and

WHEREAS, pursuant to the elections held within the City on November 6, 2001 (the "2001 Election"), November 7, 2006 (the "2006 Election") and November 6, 2012 (the "2012 Election," and together with the 2001 Election and the 2006 Election, the "Elections"), the City is authorized to issue obligations for certain authorized purposes and to provide for the payment of, principal of and interest on such obligations through the levy of an annual ad valorem tax, within the limits provided by law, on all taxable property within the City; and

WHEREAS, the City has created the City of Houston, Texas General Obligation Commercial Paper Program, Series G-1 (the "Series G-1 Program"), supported by a standby letter of credit from Comerica Bank, in the aggregate principal amount not to exceed \$75,000,000; and

WHEREAS, the City has created the City of Houston, Texas General Obligation Commercial Paper Program, Series G-2 (the "Series G-2 Program," and together with the Series G-1 Program, the "Series G Programs"), supported by a standby letter of credit from Sumitomo Mitsui Banking Corp., in the aggregate principal amount not to exceed \$125,000,000; and

WHEREAS, the City has created the City of Houston, Texas General Obligation Commercial Paper Program, Series H-2 (the "Series H-2 Program"), supported by a line of credit from U.S. Bank National Association, in the aggregate principal amount not to exceed \$100,000,000; and

WHEREAS, the City has created the City of Houston, Texas General Obligation Commercial Paper Program, Series J (the "Series J Program"), supported by a line of credit from State Street Bank & Trust Co., in the aggregate principal amount not to exceed \$125,000,000; and

WHEREAS, the Series G Programs, the Series H-2 Program and the Series J Program collectively constitute all of the City's general obligation commercial paper programs that utilize voted authority under the Elections as of the date hereof (the "Voter Authorized Programs"); and

WHEREAS, Ordinance No. 2013-666 amended and ratified the Series G Ordinance, the Series H-2 Ordinance and the Series J Ordinance (each as defined herein) to make available additional authorized allocations under the 2006 Election and the 2012 Election; and

WHEREAS, there is capacity under the Voter Authorized Programs to continue to support the 2006 Election and the 2012 Election; and

WHEREAS, the City's Finance Working Group has recommended that the City Council of the City ("City Council"), and the City Council has determined that it is in the best interest of the City to, make available to each of the Voter Authorized Programs additional authorized allocations under the 2006 Election and the 2012 Election, as set forth herein; and

WHEREAS, pursuant to Section 6.01(a)(vi) of Ordinance No. 2013-87 (the "*Series G Ordinance*"), the City may amend the Series G Ordinance without notice to or the consent of any owner of Series G Notes for the purpose of changing the Authorized Purposes (as defined in the Series G Ordinance) with respect to any unissued Series G Notes; and

WHEREAS, pursuant to Section 6.01(a)(vi) of Ordinance No. 2013-88 (the "*Series H-2 Ordinance*"), the City may amend the Series H-2 Ordinance without notice to or the consent of any owner of Series H-2 Notes for the purpose of changing the Authorized Purposes (as defined in the Series H-2 Ordinance) with respect to any unissued Series H-2 Notes; and

WHEREAS, pursuant to Section 6.01(a)(vi) of Ordinance No. 2013-89 (the "*Series J Ordinance*"), the City may amend the Series J Ordinance without notice to or the consent of any owner of Series J Notes for the purpose of changing the Authorized Purposes (as defined in the Series J Ordinance) with respect to any unissued Series J Notes; and

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

Section 1. Amendment to Series G Ordinance, Series H-2 Ordinance and Series J Ordinance.

(a) With regard to Section 2.01 of the Series G Ordinance, the Authorized Purposes are hereby amended as follows:

<u>November 2001 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series G Notes</u>
Streets, Bridges, Traffic Control		
Storm Sewers and Drainage	\$474,000,000	\$474,000,000
Parks and Recreation	80,000,000	80,000,000
Police and Fire Departments	82,000,000	82,000,000
General Public Improvements	80,000,000	80,000,000
Libraries	40,000,000	40,000,000
Housing	<u>20,000,000</u>	<u>20,000,000</u>
Total	<u>\$776,000,000</u>	<u>\$776,000,000</u>

<u>November 2006 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series G Notes</u>
Streets, Bridges, Traffic Control		
Storm Sewers and Drainage	\$320,000,000	\$219,950,000
Parks and Recreation	55,000,000	55,000,000
Police and Fire Departments	135,000,000	135,000,000
General Public Improvements	60,000,000	60,000,000
Libraries	37,000,000	37,000,000
Housing	<u>18,000,000</u>	<u>18,000,000</u>
Total	<u>\$625,000,000</u>	<u>\$524,950,000</u>

<u>November 2012 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series G Notes</u>
Parks and Recreation	\$166,000,000	\$50,900,000
Police and Fire Departments	144,000,000	74,150,000
General Public Improvements	57,000,000	29,425,000
Libraries	28,000,000	13,550,000
Housing	<u>15,000,000</u>	<u>2,000,000</u>
Total	<u>\$410,000,000</u>	<u>\$170,025,000</u>
Combined Total for 2001, 2006 and 2012 Elections		<u>\$1,470,975,000</u>

(b) The City Secretary is hereby directed to file a copy of this Ordinance in the permanent file of the City containing the Series G Ordinance.

(c) With regard to Section 2.01 of the Series H-2 Ordinance, the Authorized Purposes are hereby amended as follows:

<u>November 2001 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series H-2 Notes</u>
Streets, Bridges, Traffic Control		
Storm Sewers and Drainage	\$474,000,000	\$474,000,000
Parks and Recreation	80,000,000	80,000,000
Police and Fire Departments	82,000,000	82,000,000
General Public Improvements	80,000,000	80,000,000
Libraries	40,000,000	40,000,000
Housing	20,000,000	20,000,000
Total	<u>\$776,000,000</u>	<u>\$776,000,000</u>

<u>November 2006 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series H-2 Notes</u>
Streets, Bridges, Traffic Control		
Storm Sewers and Drainage	\$320,000,000	\$219,950,000
Parks and Recreation	55,000,000	55,000,000
Police and Fire Departments	135,000,000	135,000,000
General Public Improvements	60,000,000	60,000,000
Libraries	37,000,000	37,000,000
Housing	18,000,000	18,000,000
Total	<u>\$625,000,000</u>	<u>\$524,950,000</u>

<u>November 2012 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series H-2 Notes</u>
Parks and Recreation	\$166,000,000	\$50,900,000
Police and Fire Departments	144,000,000	74,150,000
General Public Improvements	57,000,000	29,425,000
Libraries	28,000,000	13,550,000
Housing	15,000,000	2,000,000
Total	<u>\$410,000,000</u>	<u>\$170,025,000</u>
Combined Total for 2001, 2006 and 2012 Elections		<u>\$1,470,975,000</u>

(d) The City Secretary is hereby directed to file a copy of this Ordinance in the permanent file of the City containing the Series H-2 Ordinance.

(e) With regard to Section 2.01 of the Series J Ordinance, the Authorized Purposes are hereby amended as follows:

<u>November 2001 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series J Notes</u>
Streets, Bridges, Traffic Control		
Storm Sewers and Drainage	\$474,000,000	\$474,000,000
Parks and Recreation	80,000,000	80,000,000
Police and Fire Departments	82,000,000	82,000,000
General Public Improvements	80,000,000	80,000,000
Libraries	40,000,000	40,000,000
Housing	20,000,000	20,000,000
Total	<u>\$776,000,000</u>	<u>\$776,000,000</u>

<u>November 2006 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series J Notes</u>
Streets, Bridges, Traffic Control		
Storm Sewers and Drainage	\$320,000,000	\$219,950,000
Parks and Recreation	55,000,000	55,000,000
Police and Fire Departments	135,000,000	135,000,000
General Public Improvements	60,000,000	60,000,000
Libraries	37,000,000	37,000,000
Housing	18,000,000	18,000,000
Total	<u>\$625,000,000</u>	<u>\$524,950,000</u>

<u>November 2012 Election</u>		
<u>Purposes</u>	<u>Voter Authorized Amount</u>	<u>Approved for Issuance as Series J Notes</u>
Parks and Recreation	\$166,000,000	\$50,900,000
Police and Fire Departments	144,000,000	74,150,000
General Public Improvements	57,000,000	29,425,000
Libraries	28,000,000	13,550,000
Housing	15,000,000	2,000,000
Total	<u>\$410,000,000</u>	<u>\$170,025,000</u>

Combined Total for 2001, 2006 and 2012 Elections \$1,470,975,000

(f) The City Secretary is hereby directed to file a copy of this Ordinance in the permanent file of the City containing the Series J Ordinance.

Section 2. Ratification and Confirmation of Series G Ordinance, Series H-2 Ordinance and Series J Ordinance, as amended; Ratification of Transaction Documents Related to Voter Authorized Programs; Approval of Amendments to Series G Ordinance, Series H-2 Ordinance and Series J Ordinance.

(a) The Series G Ordinance, the Series H-2 Ordinance, and the Series J Ordinance, each as hereby amended, are hereby ratified and confirmed in all respects.

(b) All prior transaction documents relating to each of the Voter Authorized Programs are hereby ratified and confirmed in all respects.

(c) The City Council hereby finds the amendments to the Series G Ordinance, Series H-2 Ordinance and Series J Ordinance contained herein to be necessary and desirable and finds and determines that such amendments will not have a material adverse effect on the interests of the owners of the Outstanding Series G Notes, Series H-2 Notes or Series J Notes, and that such amendments are hereby approved.

Section 3. Findings; Further Proceedings.

(a) The findings and determinations set forth in the recitals of this Ordinance are hereby determined to be true and correct.

(b) The Mayor, City Controller, City Secretary, the City Attorney, the Director of Finance (or such person acting in such capacity) and all other officers, employees, agents and bond counsel to the Voter Authorized Programs of the City, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the Series G Ordinance, the Series H-2 Ordinance and the Series J Ordinance, each as hereby amended. In case any officer whose signature appears on any Series G Note, Series H-2 Note or Series J Note shall cease to be such officer before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. For purposes of this section, Bracewell & Giuliani LLP is appointed as bond counsel to the Voter Authorized Programs.

Section 4. Open Meeting. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place, and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 5. Declaration of Emergency. 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 APPROVED this 3rd day of September, 2014.

Annise D. Parker  
Mayor, City of Houston, Texas

APPROVED AS TO FORM:

Gary L. Wood  
Senior Assistant City Attorney,  
City of Houston, Texas

Requested by Kelly Dowe,  
Director of the Department of Finance.

L.D. File No. 0341400242001

AYE	NO	
✓		<b>MAYOR PARKER</b>
....	....	<b>COUNCIL MEMBERS</b>
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
✓		<b>ABSENT-ON PERSONAL BUSINESS</b> PENNINGTON
✓		GONZALEZ
	<b>ABSENT</b>	GALLEGOS
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		ROBINSON
	<b>ABSENT</b>	KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: SEP 09 2014