

City of Houston, Texas, Ordinance No. 2014 - 822

**AN ORDINANCE APPROVING AND AUTHORIZING A NINTH AMENDMENT REINSTATING AND EXTENDING THE CDBG - DISASTER RECOVERY GRANT CONTRACT, GLO CONTRACT NO. 09-6852-000-5275, FORMERLY REFERRED TO AS THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS COMMUNITY DEVELOPMENT PROGRAM CONTRACT NO. 70090001, BETWEEN THE CITY OF HOUSTON AND THE TEXAS GENERAL LAND OFFICE FOR HURRICANE IKE/DOLLY FUNDING UNDER THE CONSOLIDATED SECURITY DISASTER ASSISTANCE AND CONTINUING APPROPRIATIONS ACT OF 2009; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.**

\* \* \* \*

**WHEREAS**, on April 29, 2009 the City Council (the "City Council") of the City of Houston (the "City"), pursuant to Ordinance No. 2009-347, authorized the submission of a Housing Activities Application under the Texas Department of Housing and Community Affairs' Texas Community Development Block Grant Program/2008 Supplemental Disaster Recovery Fund for Hurricane Dolly/Ike pursuant to the Consolidated Security Disaster Assistance and Continuing Appropriations Act of 2009 ("CDBG-DR"); and

**WHEREAS**, the City was awarded \$87,256,565 in CDBG-DR funds to carry out housing activities; and

**WHEREAS**, the City and the Texas Department of Housing and Community Affairs (the "TDHCA"), an agency of the State of Texas, entered into Contract No. 70090001("CDBG-DR Contract"); and

**WHEREAS**, on December 1, 2010, pursuant to Ordinance No. 2010-921, the City Council approved a First Amendment to the CDBG-DR Contract, which (1) increased the program cap for "Reconstruction" and "New Construction" assistance; (2) reduced the amount allocated for "Project Delivery" costs; and (3) increased the amount allocated under the "Homeowners Rehabilitation, Reconstruction, New Construction" category (also referred to as the "SFHR" category); and

**WHEREAS**, on March 23, 2011, pursuant to Ordinance No. 2011-197, the City Council approved a Second Amendment to the CDBG-DR Contract, which extended the term of the CDBG-DR Contract from August 2, 2011 to December 2, 2012 for the "Rental Rehabilitation and Construction" category (also referred to as the "Multi-Family" category) and the "Administration" category, to allow additional time for the construction of multi-family units and expenditure of funds; and

**WHEREAS**, on June 8, 2011, pursuant to Ordinance No. 2011-440, the City Council approved a Third Amendment to the CDBG-DR Contract to: (1) decrease funding under the "Multi-Family" category and the "Down Payment Assistance" category (also referred to as the "Homebuyers Assistance Program (HAP)"); (2) increase funding under the SFHR category to raise the maximum cap on Tier II – Rehabilitation projects; and (3) provide for a provisional extension of the CDBG-DR Contract for the SFHR Program from August 2, 2011 to February 2, 2012; and

**WHEREAS**, in July, 2011 the State of Texas changed the State department responsible for administering the CDBG-DR Program from TDHCA to the Texas General Land Office (the "GLO"); and

**WHEREAS**, the CDBG-DR Contract previously referred to as TDHCA Contract No. 70090001, is now referred to as GLO Contract No. 09-6852-000-5275; and

**WHEREAS**, on May 9, 2012, pursuant to Ordinance No. 2012-434, the City Council approved Fourth and Fifth Amendments to the CDBG-DR Contract; and

**WHEREAS**, the Fourth Amendment to the CDBG-DR Contract realigned the termination dates for all activities to be carried out under the CDBG-DR Program to December 2, 2012; and

**WHEREAS**, the Fifth Amendment to the CDBG-DR Contract (1) moved uncommitted funds from the "Multi-Family" to "SFHR" category; (2) decreased the number of multi-family units to be assisted under the CDBG-DR Contract; and (3) removed the specificity as to the number of units required for either rehabilitation or reconstruction; and

**WHEREAS**, on November 28, 2012, pursuant to Ordinance No. 2012-1011, the City Council approved a Sixth Amendment to the CDBG-DR Contract to extend the end date of the Contract from December 2, 2012 to December 31, 2013, thus providing additional time to complete expenditure of funds under the CDBG-DR Program; and

**WHEREAS**, on April 24, 2013, pursuant to Ordinance No. 2013-354, the City Council approved a Seventh Amendment to the CDBG-DR Contract to reallocate unused funds in the amount of \$1,507,827.00 from the "Multi-Family" category to the "SFHR" category; and

**WHEREAS**, on April 2, 2014, pursuant to Ordinance No. 2014-251, the City Council approved an Eighth Amendment to the CDBG-DR Contract, to reinstate the CDBG-DR Contract; to adjust to 222 the minimum number of households to receive homeowner repair, rehabilitation and new construction assistance; to reallocate unused funds from the "Multi-Family" category to the "SFHR" category; and to extend the end date of the CDBG-DR Contract from December 31, 2013 to June 30, 2014; and

**WHEREAS**, the City Council finds that the City has requested and the GLO has agreed to a Ninth Amendment to the CDBG-DR Contract, in substantially the form attached hereto as **Exhibit "A"**, to reinstate the CDBG-DR Contract, which has lapsed due to a delay in the delivery and execution of the Ninth Amendment and to extend the end date of the CDBG-DR Contract from June 30, 2014 to September 30, 2014, thus providing additional time to complete expenditure of funds under the CDBG-DR Program; and

**WHEREAS**, the City Council finds that through a 15-day public notice published in the Houston Chronicle (and on the HCDD website) on Tuesday, April 29, 2014, the City publicized its intent to amend the CDBG-DR Contract in the manner indicated above, without any citizen's comments relating thereto; **NOW, THEREFORE**,

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

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

**Section 2.** That the City Council hereby approves and authorizes the Ninth Amendment to the CDBG-DR Contract, in substantially the form attached hereto as **Exhibit "A"** and incorporated herein by reference, to reinstate the CDBG-DR Contract and to extend the end date of the CDBG-DR Contract from June 30, 2014 to September 30, 2014. 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 10th day of September, 2014.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is SEP 16 2014.

City Secretary

(Prepared by Legal Dept. Ren F Bell GWD)

(RFB/08/25/14) Senior Assistant City Attorney

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

(L.D. File No. 0290900087009)

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

CAPTION PUBLISHED IN DAILY COURT  
 REVIEW  
 DATE: **SEP 16 2014**

MAY 017 Rev. 01/14



**SIGNATURE PAGE FOR AMENDMENT NO. 9 TO  
GLO CONTRACT NO. 09-6852-000-5275  
ROUND 1 FUNDING**

**GENERAL LAND OFFICE**

**CITY OF HOUSTON**

\_\_\_\_\_  
Larry L. Laine, Chief Clerk/  
Deputy Land Commissioner

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date of execution: \_\_\_\_\_

Date of execution: \_\_\_\_\_

<sup>DS</sup> JA      <sup>DS</sup> ASH  
LEGAL  
<sup>DS</sup> W4  
PM  
Deputy <sup>DS</sup> JB  
AGC <sup>DS</sup> W  
GC <sup>DS</sup> JA

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**City of Houston  
Signature Page for Amendment #9 between  
Texas General Land Office and  
City of Houston  
GLO Contract No. 09-6852-000-5275  
Amendment No. 9**

**SEAL / ATTEST:**

**CITY OF HOUSTON, TEXAS**

\_\_\_\_\_  
Anna Russell, City Secretary

\_\_\_\_\_  
Annise D. Parker, Mayor

**APPROVED:**

**COUNTERSIGNED:**

\_\_\_\_\_  
Neal Rackleff, Director  
Housing & Community Development  
Department

\_\_\_\_\_  
Ronald C. Green, Controller

**APPROVED AS TO FORM:**

**COUNTERSIGNATURE DATE**

\_\_\_\_\_  
Senior Assistant City Attorney  
LD#

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