

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

Date: _____, 20__

City Controller of the City of Houston, Texas

FUND REF: _____ AMOUNT: _____ ENCUMB. NO.: _____

City of Houston Ordinance No. _____

AN ORDINANCE APPROPRIATING THE SUM OF \$1,356,811.00 OUT OF THE HOUSTON AIRPORT SYSTEM CONSOLIDATED 2011AMT CONSTRUCTION FUND AND THE SUM OF \$21,294.00 OUT OF THE AIRPORTS IMPROVEMENT FUND AND APPROVING AND AUTHORIZING AMENDMENT NO. 2 TO A CONSTRUCTION MANAGER-AT-RISK AGREEMENT BETWEEN THE CITY OF HOUSTON AND HENSEL PHELPS CONSTRUCTION COMPANY/CBIC CONSTRUCTION & DEVELOPMENT, LLC (JOINT VENTURE) AND APPROVING A GUARANTEED MAXIMUM PRICE FOR FIRE PROTECTION AND PRECONSTRUCTION SERVICES AT WILLIAM P. HOBBY AIRPORT (PROJECT NOS. 685, 692); PROVIDING FUNDING FOR CONTINGENCIES RELATING TO CONSTRUCTION OF FACILITIES FINANCED BY SUCH FUNDS AND THE CIVIC ART PROGRAM; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

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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 for the purpose or purposes set out in such title as follows: The sum of **\$1,216,811.00** is appropriated for construction of the project described in the title; the sum of **\$140,000.00** is appropriated for contingency; and the sum of **\$21,294.00** is appropriated as funding for the Civic Art Program financed by the fund described in such title or as otherwise designated and allowed under the City of Houston Ordinance No. 99-1351, as amended and restated in City of Houston Ordinance No. 2006-73.

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 ____ 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 Legal Dept. WRD)
(MPB:lg 11/17/2014) Sr. Assistant City Attorney
(Requested by Mario C. Diaz, Director, Houston Airport System)
(L.D. File No. 0041300058006)

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CERTIFICATE OF CITY CONTROLLER

I, Ronald C. Green, 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 \$1,356,811.00 required for the project referenced in the title of this ordinance, do hereby certify as follows:

- (1) The sum of \$1,356,811.00 will be funded from airport bond proceeds and/or airport commercial paper proceeds pursuant to Ordinance No. 2003-1010 authorizing the creation of two (2) Houston Airport System Consolidated Construction Funds: the Consolidated 2011 AMT Construction Fund and the Consolidated 2011 Non-AMT 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 \$1,356,811.00 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 Airport Commercial Paper Ordinance, Ordinance No. 99-1337.

City Controller