

Controller's Office

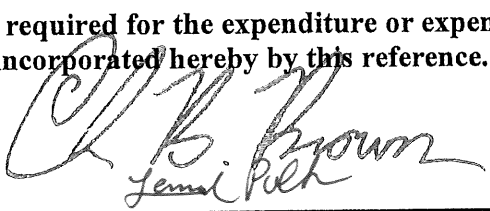
To the Honorable Mayor and City Council of the City of Houston:

I hereby certify, with respect to the money required for the contracts, agreements, 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.
- () That 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 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 Funds Available

Date: 4-6, 2021


Jemai Pelt

City Controller of the City of Houston

msb

FUND REF: 5030-3200 ⁵²⁰¹⁵⁹ AMOUNT: \$6,500,000.00 ENCUMB. NO.: 45-344967
45-344972
45-344971

City of Houston, Texas Ordinance No. 2021-247



AN ORDINANCE AUTHORIZING AND APPROVING A FORM OF AGREEMENT FOR LEGAL SERVICES SUPPORTING ACTIVITIES UNDERTAKEN BY THE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT TO BE EXECUTED BY THE CITY OF HOUSTON, TEXAS, AND EACH OF THE FOLLOWING LAW FIRMS: BAKER DONELSON; BALLARD SPAHR LLP; BARRY BARNES & ASSOCIATES, PLLC; BEST BEST & KRIEGER; AND SHANNON, MARTIN, FINKELSTEIN, ALVARADO & DUNNE, P.C.; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR LEGAL SERVICES WITH EACH FIRM; AUTHORIZING THE MAYOR TO ADD ADDITIONAL FIRMS WHO MEET THE CITY'S SPECIFIED CRITERIA AS SET FORTH IN THIS ORDINANCE; PROVIDING A MAXIMUM CONTRACT AMOUNT; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, pursuant to Chapter 311 of Vernon's Texas Tax Code Annotated, entitled the "Tax Increment Financing Act" ("Act"), the City has designated certain areas within the City of Houston ("City") as Tax Increment Reinvestment Zones ("TIRZs") in order to promote the development or redevelopment of those areas; and

WHEREAS, Section 311.011 (f) of the Act requires that one-third (1/3) of the tax increment collected by each petition-created TIRZ be dedicated to providing affordable housing ("Affordable Housing Component"); and

WHEREAS, certain TIRZ have transferred their Affordable Housing Component to the City to administer; and

WHEREAS, the City Controller has created a TIRZ Affordable Housing Fund ("Fund 2409"), formerly known as the Low-Income Housing Fund ("Fund 872"), in which the Affordable Housing Component from each participating TIRZ is deposited; and

WHEREAS, Fund 2409 contains only tax increment revenue and does not contain revenue from the sale of tax increment bonds or notes or funding from other sources; and

WHEREAS, pursuant to Ordinance Number 99-448 passed and adopted by City Council on May 19, 1999, as amended, the City has designated all funds placed in Fund 2409 (formerly Fund 872), as certified by the City Controller from time to time, for use by the City's Housing and Community Development Department ("HCDD") for low-income housing purposes; and

WHEREAS, HCDD currently administers the City's affordable housing program; and

WHEREAS, HCDD has determined that the use of the TIRZ dollars to fund the activity described as: professional legal services agreement for housing and public facility legal matters and other housing related activities in support of the City's Legal Department and HCDD, including to negotiate and draft contracts, loans, grants for affordable housing and public facilities, public services and consultation with the City regarding the laws, regulations and procedures applicable to the federal and state community and housing development programs, will aid in the provision of affordable housing as required by Chapter 311 of the Texas Tax Code; and

WHEREAS, pursuant to Ordinance 2017-759, passed and adopted by the City Council on October 4, 2017, the City Council authorized the appropriation of up to \$46,114,987.70 from Fund 2409 for single family and multi-family affordable housing activities, including \$17,900,489 for Single Family Housing Activities and \$10,000,000 for Multifamily Housing Activities ("Affordable Housing Activities Funds"); and

WHEREAS, pursuant to Ordinance 2021-93, passed and adopted by the City Council on February 3, 2021, the City Council authorized a new Subrecipient Agreement between the City of Houston and the Texas General Land Office, allocating a total of \$835,087,843.00 in Hurricane

Harvey Community Development Block Grant-Disaster Recovery ("CDBG-DR17") funds to the City; and

WHEREAS, the City Council finds that the Director of HCDD ("Director") recommends that the City enter a professional services agreement with various firms selected through solicitation number S83-T29297, and where appropriate and necessary, to pay a portion of the costs associated with the agreement up to \$100,000.00 of Affordable Housing Activities Funds where such costs involve the provision of affordable housing; and

WHEREAS, the City intends to use a variety of funding sources for the Agreements, including but not limited to Affordable Housing Activities Funds and CDBG-DR17 funds; **NOW THEREFORE**,

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

Section 1. The City Council hereby finds and determines that the facts and recitals contained in the preamble of this Ordinance are true and correct and hereby adopts the recitals set forth above.

Section 2. The City Council hereby determines that the use of funds from Fund 2409 for single family and multi-family affordable housing activities as set forth above is for the provision of affordable housing as required by Chapter 311 of the Texas Tax Code.

Section 3. The City Council hereby approves and authorizes the contract, agreement or undertaking described in the title of this Ordinance, in substantially the form as shown in the Agreement which is attached hereto as Exhibit A and incorporated herein by this reference. The Mayor and City Controller are hereby authorized to execute the Agreement with each firm described in the title of this Ordinance and all related documents on behalf of the City of Houston without further authorization from City Council. The City Secretary is hereby authorized to attest to all such signatures and to affix the seal of the City to all such agreements and documents.

Section 4. The City Council hereby authorizes the Director, in consultation with the City Attorney or his designee, to change or modify the attached form Agreement (including but not limited to contract amendments, change orders, and similar documents to add to, delete from, or otherwise modify the Agreements with existing and additional contractors, in connection with the purposes set forth in the title of this Ordinance) without further authorization from City Council.

Section 5. The Mayor or his designee is authorized to execute an Agreement and all related documents on behalf of the City of Houston, without further authorization from City Council, with each firm selected through solicitation number S83-T29297, Request for Proposals (RFP): Legal Services Supporting Activities Undertaken by the Housing and Community Development Department. The list of additional firms selected through solicitation number S83-T29297 is attached hereto as Exhibit B. The City Secretary is authorized to attest to all such signatures and to affix the seal of the City to all such documents.

Section 6. The Mayor is hereby authorized to take all actions necessary to effectuate the City's intent and objectives in approving such contract, agreements or other undertaking described in this Ordinance.

Section 7. The City Council takes cognizance of the fact that to facilitate prompt legal services to the City on an as needed basis (which services, collectively, are referred to in this Ordinance as the "Program"), it may be necessary to increase, decrease, or transfer allocated funds from one firm's Agreement to another firm's Agreement. Accordingly, the Director or his designee, from time to time, may increase or decrease the amounts allocated to each firm's Agreement (including any firms from Exhibit B added at a later date) or transfer amounts between each Agreement and shall notify the City Controller of the amounts transferred, decreased, or increased for each Agreement, as applicable. Upon receipt of such notification, the City Controller shall approve the amended contract ceiling. The Director or his designee is authorized to increase or decrease the amounts allocated to each Agreement or to transfer funds between each Agreement, without further authorization from City Council, provided: (a) the aggregated total amount allocated to all of the Agreements shall not exceed the Program Allocation as defined in Section 9 of this Ordinance; and (b) sufficient funds remain allocated to pay each selected law firm for any costs, fees, or services actually performed or incurred under the Agreement with the law firm, but not already paid for by the City.

Section 8. 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 9. The total cumulative and combined allocation for all contracts, agreements or other undertakings approved and authorized under this Ordinance for the Program ("Program Allocation") shall never exceed \$1,500,000.00, unless and until this sum is increased by ordinance of City Council.

Section 10. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

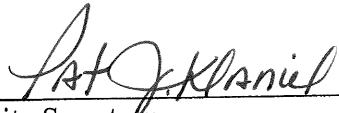
Section 11. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; 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 7th day of April, 2021.

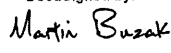
APPROVED this _____ day of _____, 2021.

Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is APR 13 2021.



City Secretary

DocuSigned by:

C683899FD1D54B5...

Prepared by Legal Dept. _____
MPB: 04/02/2021) Sr. Assistant City Attorney
Requested by Arturo G. Michel, City Attorney, and Tom McCasland, Director Housing and Community
Development Department
L.D. File Nos. 0292100152001; 0292100158001; 0292100154001; 029100153001; 0292000882001

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