

City of Houston, Texas, Ordinance No. 2005-1051

AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT PROGRAM FOR REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE TIRZ); CONTAINING VARIOUS PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY

WHEREAS, by City Ordinance No. 95-1323, adopted on December 13, 1995, the City Council of the City of Houston (the "City") created Reinvestment Zone Number Three, City of Houston, Texas (the "Zone") pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Code"), for the purposes of redevelopment in the downtown area of the City; and

WHEREAS, the City enlarged the boundaries of the Zone by City Ordinance No. 98-1204, adopted on December 16, 1998 and by City Ordinance No. 2005-1049, adopted on September 14, 2005¹; and

WHEREAS, by Resolution No. 1999-39 adopted on June 30, 1999, the City authorized the creation of the Main Street Market Square Redevelopment Authority (the "Authority") to aid, assist and act on behalf of the City in the performance of the City's governmental and proprietary functions with respect to the common good and general welfare of the Zone; and

WHEREAS, pursuant to Article III, Section 52-a of the Texas Constitution and Chapter 380, Texas Local Government Code, as amended, the City is authorized to establish and provide for the administration of one or more programs, including programs for making loans and grants of public money, to promote state or local

¹ Ordinance number and date of adoption of ordinance enlarging the Zone boundary to be inserted by the City Secretary.

economic development and to stimulate business and commercial activity in the City;
and

WHEREAS, subject to the City's approval, the Zone, as necessary and convenient to implement the project plan and reinvestment zone financing plan for the zone and to achieve their purposes, is authorized, pursuant to Section 311.010(h) of the Code to establish and administer one or more programs for the public purpose of developing and diversifying the economy of the Zone, eliminating unemployment and underemployment in the Zone, and developing or expanding transportation, business, and commercial activity in the Zone, including programs to make grants and loans from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the municipality and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone; and

WHEREAS, on approval of the City, the Board of Directors of the Zone shall have all the powers of the City under Chapter 380, Texas Local Government Code, as amended to implement the Zone's Economic Development Program; and

WHEREAS, the Zone has developed an Economic Development Program pursuant to Chapter 311.010(h) of the Code which is described in Exhibit "A" to this Ordinance; and

WHEREAS, the Zone's program will be administered by the Authority; and

WHEREAS, the City finds that the Economic Development Program complies with Section 311.010(h) of the Code, will diversify the economy of the Zone and the

City, and will develop, and expand business and commercial activity in the Zone and the City; and

WHEREAS, the City desires to approve the Zone's Economic Development Program;

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

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

Section 2. Approval of the Economic Development Program. That the Zone's Economic Development Program attached to this Ordinance as Exhibit "A" is hereby approved. The grants and/or loans to be made by the Zone for its Economic Development Program shall not exceed the amount of the tax increment produced by the City and paid into the tax increment fund created by the City for the Zone, and shall be made in a manner consistent with the Zone's project plan and reinvestment zone financing plan.

Section 3. Severability. That 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 provisions of this Ordinance 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 4. That City Council officially finds, determines, recites and declares a sufficient written notice of the date, hour, place and subject of this meeting of the City Council 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, as amended, 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. That City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. 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 14th day of September, 2005.

APPROVED this _____ day of _____, 2005.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is SEP 20 2005.


City Secretary

(Prepared by Legal Dept. Clem Heston Ford)
(CSL/csl September 6, 2005) Assistant City Attorney
(Requested by Marlene Gafrick, Director, Planning and Development)
(L.D. File No. 061950003042)

AYE	NO	
✓		MAYOR WHITE
....	COUNCIL MEMBERS
✓		LAWRENCE
✓		GALLOWAY
✓		GOLDBERG
✓		EDWARDS
✓		WISEMAN
	ABSENT	KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		ELLIS
✓		QUAN
✓		SEKULA-GIBBS
	ABSENT-ON PERSONAL BUSINESS	GREEN
		BERRY
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: SEP 20 2005

Exhibit A

**Economic Development Program
Reinvestment Zone Number Three**

REINVESTMENT ZONE NUMBER THREE
ECONOMIC DEVELOPMENT PROGRAM

Pursuant to the authority granted by Section 311.010(h), Texas Tax Code, Reinvestment Zone Number Three, Houston, Texas (the "Zone") has established a Economic Development Program to promote, develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone, and develop or expand transportation, business, and commercial activity in the Zone.

Qualifications

1. Property must not be exempt from or have received an abatement of ad valorem taxes levied by the City, Harris County and Houston Independent School District.
2. Funds may only be used to provide assistance for: public infrastructure improvements, streetscape improvements, interior and exterior pedestrian walkways and escalators, public access improvements and public parking garage renovations.
3. Funds may only be used for the project which is to be located on City block numbers 272, 273, 274 and 295 which are in the boundaries of the Zone, as such project is more particularly described in Part C of the Third Amended Project Plan and Reinvestment Zone Financing Plan.

Eligible Applicants

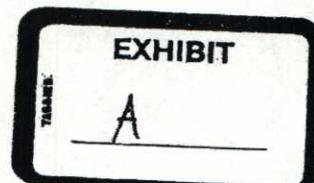
The following parties are eligible to apply for financial assistance:

1. Property Owners
2. Tenants with an existing lease (or in the process of negotiating a lease) with a minimum term of 10 years remaining on the lease.

Selection Criteria

Includes one or more of following:

1. Job creation
2. Financial Viability
3. Provision of Public/Visitor Parking
4. Sales per square foot ratio
5. Ability to attract other retailers to downtown Houston



6. Uniqueness of project to downtown Houston
7. Would not locate in downtown or would leave downtown "but for" the Zone's assistance
8. Amount of property taxes and/or sales taxes generated by project
9. Creation of pedestrian friendly atmosphere
10. Provision or preservation of greenspace and trees
11. Minority, women and disadvantaged business considerations
12. Other public benefits of project

Financial Assistance

Financial assistance may be in the form of grants, loans or reimbursements. The amount of any individual award will be decided by the Board of Directors of the Zone.

