

City of Houston, Texas, Ordinance No. 2009-1215

AN ORDINANCE EXTENDING THE DURATION OF REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY ZONE) UNTIL DECEMBER 31, 2029; MAKING FINDINGS AND CONTAINING PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, by Ordinance No. 1999-767 approved July 21, 1999 (the "Creation Ordinance"), the City Council designated Reinvestment Zone Number Nineteen, City of Houston, Texas (the "Zone"), over the area known as Upper Kirby, pursuant to Chapter 311 of the Texas Tax Code, to provide for the development or redevelopment of land within the boundaries of the Zone; and

WHEREAS, in the Creation Ordinance, the termination date specified for the Zone was December 31, 2014, thereby establishing a 15-year duration period for the Zone; and

WHEREAS, the duration period for other City reinvestment zones with similar purposes and area redevelopment objectives is typically 30 years; and

WHEREAS, the current magnitude of mixed-use development within the Upper Kirby area has created a greater than expected demand on already distressed public infrastructure in the area; and

WHEREAS, the Zone, in conjunction with the City, has commenced a broad public infrastructure rehabilitation and improvement program, pursuant to its Project Plan and Reinvestment Zone Financing Plan, as amended (the "Plan"), which, due to

the increased infrastructure demand and a more comprehensive project participation with the City, has become more extensive than originally anticipated; and

WHEREAS, because the Plan is now more extensive, it will take longer to implement the public infrastructure rehabilitation and improvement programs in the Plan; and

WHEREAS, the Zone, in conjunction with Harris County Improvement District No. 3 (the "District"), has facilitated a District improvement program pertaining to: the relocation of overhead utilities; upgraded uniform public lighting and safety programs; enhanced uniform wayfinding, area identity, and streetscape elements; and related landscaping and beautification, which has been and will be of significant benefit to the Upper Kirby area, and

WHEREAS, the Zone's efforts in implementing the Plan have resulted in cost-savings and project efficiencies to the City and the District and, along with the District's improvement program, have resulted in enhanced, more complete improvements for the Upper Kirby area; and

WHEREAS, due to the foregoing and a pay-as-you-go financing approach by the Zone, the originally planned 15-year duration for the Zone is now inadequate; and

WHEREAS, an additional 15 years of existence for the Zone, for a total duration period of 30 years, will permit the Zone to complete the purposes for which it was established under current conditions and circumstances and implement the Plan; and

WHEREAS, an amendment to the Plan to allow for an additional 15 years of existence has been approved by the Zone's Board of Directors and submitted to the City for review and approval; and

WHEREAS, pursuant to Acts 2009, 81st Leg., Ch. 910 effective June 19, 2009, amending Section 311.017(a) of the Texas Tax Code, the City Council may, by ordinance, extend a reinvestment zone's termination date to a date later than the date originally established for termination of the zone; and

WHEREAS, the Zone's Board of Directors has requested the City Council to extend the termination date of the Zone for an additional 15 years; and

WHEREAS, the findings contained in the Creation Ordinance continue to apply to the Zone and all terms and conditions of the Creation Ordinance, except as modified herein, remain in full force and effect; **NOW, THEREFORE;**

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

Section 1. That the facts contained in the recitals herein are hereby found to be true and correct.

Section 2. That the termination date of Reinvestment Zone Number Nineteen, City of Houston, Texas, is hereby extended to December 31, 2029. Except as provided in the preceding sentence of this Ordinance, the Creation Ordinance shall continue in full force and effect.

Section 3. That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings law, Tex. Gov't Code Ann., ch. 551; and that this meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof was discussed, considered and formally acted upon. The City Council

further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 4. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if 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 2nd day of December, 2009.

APPROVED this ____ day of _____, 2009.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is DEC 08 2009.



City Secretary

(Prepared by Legal Dept. Donna Capps DFA)
(DRC:drc 11/17/09) Assistant City Attorney
(Requested by Michelle Mitchell, Director, Finance Department)
(L. D. File No. 0619900057039)

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CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: DEC 08 2009

AYE	NO	1232
✓		MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
✓		JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		KHAN
✓		HOLM
✓		<i>Gonzalez</i>
✓		RODRIGUEZ
✓		BROWN
✓		LOVELL
✓		NORIEGA
✓		GREEN
✓		JONES
CAPTION	ADOPTED	