City of Houston, Texas, Ordinance No. 2010-1065

AN ORDINANCE AMENDING CITY OF HOUSTON ORDINANCE NO. 2009-772 TO MODIFY THE BUDGET SHOWN IN EXHIBIT "B" FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 ("CDBG-R") PROGRAM; CONTAINING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, on May 27, 2009, pursuant to City of Houston ("City") Ordinance No. 2009-457, the City Council of the City of Houston ("City Council") approved and authorized the submission of an Application for Community Development Block Grant Funds under the American Recovery and Reinvestment Act of 2009 (CDBG-R), in the amount of $8,093,613.00, to the United States Department of Housing and Urban Development ("HUD"), and an amendment to the 2008 Consolidated Action Plan ("2008 Plan") to add the CDBG-R funds under the Community Development Block Grant ("CDBG") Program Projected use of Funds Budget ("CDBG Budget"); and

WHEREAS, on August 19, 2009, pursuant to City Ordinance No. 2009-772, the City Council approved and authorized an amendment to Ordinance No. 2009-457 to replace Exhibit "B" to the CDBG Budget under the 2008 Plan with a separate budget for the CDBG-R Program in order to aid in better accounting and budget tracking processes; and

WHEREAS, the Housing and Community Development Department ("HCDD") now desires to amend Ordinance No. 2009-772 to replace the existing Exhibit "B", CDBG-R Budget, with a new CDBG-R Budget to add Fire Station 25 to the list of projects to receive funding under the "Purchase Fire Trucks/Equipment" activity, "Public Facilities and Improvements" category, thereby increasing the number of fire engine pumpers to be purchased with CDBG-R funds from 4 to 5; and

WHEREAS, this amendment will not increase the amount of the CDBG-R Budget, nor the "Purchase Fire Trucks/Equipment" activity line item; and

WHEREAS, in accordance with HUD regulations, the City is required to amend components of a grant agreement when (1) an activity is added; (2) an activity is deleted; (3) there is a change in the scope of an activity or a reallocation of funds that increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) there is a change in the purpose, location or beneficiary of an activity or a priority is changed; and

WHEREAS, on September 28, 2010, HCDD publicized in the Houston Chronicle its intent to amend the CDBG-R Budget to add Fire Station #25 to the list of projects to be funded under the CDBG-R Budget; and

WHEREAS, the public notice period expired on October 28, 2010, without any citizen's comments relating to the proposed changes set forth in this amendment; **NOW THEREFORE,**

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

Section 1. That the City Council hereby adopts the recitals set forth above and approves and authorizes the amendment to Ordinance 2009-772 to replace the existing Exhibit "B", CDBG-R Budget, with a new CDBG-R Budget in substantially the form attached hereto as EXHIBIT "A", to add Fire Station 25 to the list of projects to receive funding under the "Purchase Fire Trucks/Equipment" activity, "Public Facilities and Improvements" category of the CDBG-R Budget.

Section 2. That the City Council finds that citizens residing in community development areas and residents and members of neighborhood-based organizations were given an opportunity to comment on the proposed changes contained in this amendment and that no public comments were received during the public comment period.

Section 3. That the City Council takes cognizance of the fact that in order to facilitate operations of various City community development programs, projects and activities, and to make adjustments occasioned by events transpiring during the year, it may become necessary to make adjustments to the projected uses of some of the CDBG-R program activities as originally adopted. Accordingly, the Mayor, through the Director of the HCDD, has determined:

(1) that a formal amendment may not be required by the United States Department of Housing and Urban Development ("HUD") nor the City Council of the City of Houston for such administrative changes to the budget;

(2) that the proposed transfer complies in all respects with all applicable federal laws and regulations;

(3) That a formal amendment may not be required by the United States Department of Housing and Urban Development nor the City Council of the City for such administrative changes to the budget; and

(4) that this document will serve as a transmittal to HUD in compliance with 24 CFR §91.505 (c), as applicable;

then, the Director of the Department of Housing and Community Development, his/her designee, or successor, may issue a request for the proposed transfer to the Finance Department. Upon receipt of such request, the Director of the Finance Department is hereby authorized to make transfers to and from said budget account or accounts in accordance with the request and to certify to the City Controller the amounts transferred and the accounts affected. Upon receipt of such certification, the City Controller shall treat such funds as if they had been so budgeted in the first instance.

Section 4. 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 22nd **day of** December**, 2010.**

ADOPTED this _____ day of _____, 2010.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is DEC 28 2010.

City Secretary

(Prepared by Legal Dept.
(BJP/12/14/10) Senior Assistant City Attorn
(Requested by Jim Noteware, Director, Housing and Co
(L.D. File No.0291000137001)
FUND REF: Not Applicable
g:bet\ord\ord2008substantialamendmentctionplan2010.doc

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
✓		JOHNSON
✓		CLUTTERBUCK
	ABSENT DUE TO BEING ILL	ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		COSTELLO
✓		LOVELL
	ABSENT ON PERSONAL BUSINESS	NORIEGA
✓		BRADFORD
✓		JONES
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT REVIEW DATE: DEC 28 2010

MAY 017 Rev. 12/09

EXHIBIT A

EXHIBIT B

COMMUNITY DEVELOPMENT BLOCK GRANT
AMERICAN RECOVERY AND REINVESTMENT ACT
(CDBG-R)

PROJECTED USE OF FUNDS BUDGET FOR
July 1, 2008 through June 30, 2009

COUNCIL DISTRICT	PUBLIC FACILITIES AND IMPROVEMENTS	CURRENT ALLOCATION	% of CURRENT ALLOCATION
	Purchase Fire Trucks/Equipment Fire Station 19 Fire Station 23 Fire Station 30 Fire Station 40 Fire Station 25	$ 2,000,000	
	Renovation of Acres Homes Multi-Service Center	$ 3,078,613	
	Renovation of Sunnyside Multi-Service Center	$ 535,000	
	Parking lot expansion of Fifth Ward Multi-Service Center	$ 480,000	
	Sub-Total	**$ 6,093,613**	**75.29%**
COUNCIL DISTRICT	**HOUSING**		
	Single Room Occupancy Projects U.S. Vets/Cloudbreak 4640 Main St. Hope For Families 2505/2507 Southmore	$ 2,000,000	
	Sub-Total	**$ 2,000,000**	**24.71%**
	TOTAL	**$ 8,093,613**	**100.00%**