

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 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

*C. B. Brown*  
*Shannon Hela*

Date: Jan 24, 2019

City Controller of the City of Houston

FUND REF: na      AMOUNT: 0      ENCUMB. NO.: AN36080-19

City of Houston, Texas, Ordinance No. 2019 - 520

**AN ORDINANCE APPROVING AND AUTHORIZING A SECOND AMENDMENT TO AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY FOR THE CONSTRUCTION OF IMPROVEMENTS TO EMANCIPATION PARK; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, pursuant to Ordinance No. 2014-121, passed and adopted by City Council on February 19, 2014, the City and the Old Spanish Trail/Almeda Corridors Redevelopment Authority ("Authority") entered into an Interlocal Agreement ("Interlocal Agreement") for the Construction of Improvements to Emancipation Park ("Project"); and

**WHEREAS**, the City and the Authority entered into a certain First Amendment to the Interlocal Agreement for the Construction of Improvements to Emancipation Park ("First Amendment"), approved by City Ordinance No. 2016-782, passed and adopted by City Council on October 12, 2016, to increase the amount of Texas Parks and Wildlife Department ("TPWD") grant funds allocated to the Project and to approve a supplemental scope of work to be performed by the Authority to include additional park elements on which the grant funds could be expended ("Additional TPWD Grant Eligible Park Improvement Costs"); and

**WHEREAS**, the City and the Authority now wish to further amend the Interlocal Agreement to increase the amount of TPWD grant funds that may be expended on the Additional TPWD Grant Eligible Park Improvement Costs; **NOW, THEREFORE**,

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

**Section 1.** That 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 attached hereto as Exhibit "A" and incorporated herein by this reference. The Mayor is hereby authorized to execute such document and all related documents on behalf of the City. The City Secretary is hereby authorized to attest to all such signatures and to affix the City seal to all such documents.

**Section 2.** That the City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under such contract, agreement, or other undertaking without further authorization from the City Council.

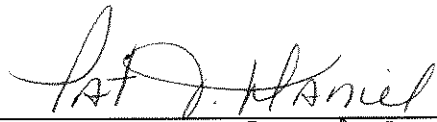
**Section 3.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the 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 10<sup>th</sup> day of July, 2019.

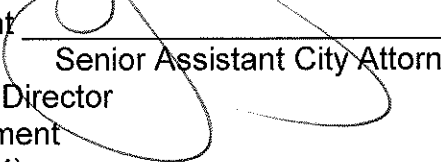
APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JUL 16 2019, 2019.

  
\_\_\_\_\_  
City Secretary **Assistant**

Prepared by Legal Department  
(MFB/ems 6/21/19)  
Requested by Steve Wright – Director  
Parks and Recreation Department  
(L.D. File No. 0491300063004)

  
\_\_\_\_\_  
Senior Assistant City Attorney

Funding Source:  
\$78,940.00 - State Grant Fund (5010)

AYE	NO	
<input checked="" type="checkbox"/>		MAYOR TURNER
....	....	COUNCIL MEMBERS
<del>ABSENT-ON PERSONAL BUSINESS</del>		STARDIG
ABSENT		DAVIS
<input checked="" type="checkbox"/>		COHEN
<input checked="" type="checkbox"/>		BOYKINS
<del>ABSENT-OUT OF CITY ON PERSONAL BUSINESS</del>		MARTIN
<del>ABSENT-ON PERSONAL BUSINESS</del>		LE
<input checked="" type="checkbox"/>		TRAVIS
<input checked="" type="checkbox"/>		CISNEROS
ABSENT		GALLEGOS
<input checked="" type="checkbox"/>		LASTER
<input checked="" type="checkbox"/>		CASTEX-TATUM
<input checked="" type="checkbox"/>		KNOX
<input checked="" type="checkbox"/>		ROBINSON
ABSENT		KUBOSH
<input checked="" type="checkbox"/>		EDWARDS
<input checked="" type="checkbox"/>		CHRISTIE
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: JUL 16 2019

## **Second Amendment to Interlocal Agreement for the Construction of Improvements to Emancipation Park**

This Second Amendment to Interlocal Agreement for the Construction of Improvements to Emancipation Park ("Second Amendment") is made by and between the **City of Houston, Texas** ("City"), a Texas home-rule city, and the **Old Spanish Trail/Almeda Corridors Redevelopment Authority** ("Authority"), a nonprofit local government corporation, organized and existing under the laws of the State of Texas.

\* \* \* \*

**WHEREAS**, the City and the Authority entered into a certain Interlocal Agreement for the Construction of Improvements to Emancipation Park ("Original Interlocal Agreement"), approved by City Ordinance No. 2014-0121, passed and adopted by City Council on February 19, 2014, and made effective on February 27, 2014; and

**WHEREAS**, the City and the Authority entered into a certain First Amendment to the Interlocal Agreement for the Construction of Improvements to Emancipation Park ("First Amendment"), approved by City Ordinance No. 2016-782, passed and adopted by City Council on October 12, 2016, and made effective on October 19, 2016, to include additional Texas Parks and Wildlife Department ("TPWD") Grant Funds and to revise the scope of TPWD Grant Eligible Improvements to include Additional TPWD Grant Eligible Park Improvement Costs; and

**WHEREAS**, the Original Interlocal Agreement, as amended by the First Amendment, shall be referred to hereinafter as the "Interlocal Agreement"; and

**WHEREAS**, the City and the Authority now wish to further amend the Interlocal Agreement to increase the amount of TPWD Grant Funds that may be expended on the Additional TPWD Grant Eligible Park Improvement Costs;

**NOW, THEREFORE**, the City and the Authority agree as follows:

1. Section 4.2.1 of the Interlocal Agreement is hereby amended to read as follows:
  1. "The City shall reimburse the Authority in an amount not to exceed \$636,829.00 from TPWD Grant Funds for TPWD Grant Eligible Park Improvements Costs described in Exhibit A-1, and in an amount not to exceed \$1,328,940.00 from TPWD Grant Funds for Additional TPWD Eligible Park Improvements Costs described in Exhibit A-2, upon receipt of invoices from the Authority with supporting documentation and proof of payments."

2. Each capitalized term not defined herein shall have the meaning assigned to such term in the Interlocal Agreement.
3. No other changes are hereby made or intended to be made to the Interlocal Agreement, and, except as herein specifically amended, the Interlocal Agreement shall remain in full force and effect in accordance with the terms and provisions thereof.
4. In case of any irreconcilable conflict or inconsistency in the terms and provisions of the Interlocal Agreement and this Second Amendment, the terms and provisions of this Second Amendment shall control.

THIS SECOND AMENDMENT IS EXECUTED in multiple counterparts, each of which constitutes an original containing separate signature pages for the City and the Authority, to be effective upon the date of countersignature by the City Controller.

**THE AUTHORITY**

OLD SPANISH TRAIL/ALMEDA  
CORRIDORS REDEVELOPMENT  
AUTHORITY

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**APPROVED:**

By: \_\_\_\_\_

Andy Icken  
Chief Development Officer  
City of Houston

Date: \_\_\_\_\_

**THE CITY**

**CITY OF HOUSTON, TEXAS**

ATTEST:

\_\_\_\_\_  
Anna Russell  
City Secretary

APPROVED AND RECOMMENDED:

\_\_\_\_\_  
Steve Wright  
Director  
Houston Parks and Recreation Department

APPROVED AS TO FORM:

\_\_\_\_\_  
Mary Frances Buzak  
Senior Assistant City Attorney  
L.D. No. 0491300063004

\_\_\_\_\_  
Sylvester Turner  
Mayor

COUNTERSIGNED:

\_\_\_\_\_  
Chris B. Brown  
Controller  
Date: \_\_\_\_\_