City of Houston, Texas, Ordinance No. 2024 - 435

AN ORDINANCE APPROVING AND AUTHORIZING A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT AMONG THE CITY OF HOUSTON, TEXAS, HARRIS COUNTY, TEXAS, REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS (SOUTHWEST HOUSTON ZONE), AND SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY, RELATING TO THE PARTICIPATION OF HARRIS COUNTY, TEXAS, IN THE REINVESTMENT ZONE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston, Texas ("City"), Harris County, Texas ("County"), Southwest Houston Redevelopment Authority ("Authority"), and Reinvestment Zone Number Twenty, City of Houston, Texas ("TIRZ"), (collectively "the Parties") entered into that certain interlocal agreement (the "Agreement") approved by Ordinance No. 2023-1051, passed and adopted by the City Council on November 29, 2023, that allows the County to participate in the TIRZ; and

WHEREAS, the Parties desire to amend the Agreement to update the County's tax increment participation from the year 2023-2024 to the year 2024-2025; **NOW, THEREFORE,**

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

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. That the City Council hereby approves and authorizes the contracts, agreements or other undertakings described in the title of this Ordinance, in substantially the form as shown in the document which is attached hereto and incorporated herein by this reference. The Mayor (or, in the absence of the Mayor, the Mayor Pro Tem) is hereby authorized to execute such document and take all actions necessary to effectuate the City's intent and objectives in approving such contracts, agreements or other undertakings in the event of changed circumstances. The City Secretary (or, in the absence of the City Secretary, any Assistant City Secretary) is hereby authorized to attest to all such signatures and to affix the seal of the City to all such documents. The City Attorney is hereby authorized to take all action necessary to enforce legal obligations under said contracts, agreements or other undertakings without further authorization from 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 (5) days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 12th day of June, 2024.

APPROVED this _____ day of _____, 2024.

_____
Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is JUN 18 2024.

_____
City Secretary

Prepared by Legal Department

_____
Mark Swaim
Senior Assistant City Attorney
Requested by Gwen Tillotson-Bell
Chief Development Officer, Office of the Mayor
LD-RE-0000002711

Meeting 6/12/2024

Aye	No	
✓		**Mayor Whitmire**
....	....	**Council Members**
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Flickinger
✓		Thomas
✓		Huffman
✓		Castillo
✓		Martinez
✓		Pollard
✓		Castex-Tatum
✓		Ramirez
✓		Davis
✓		Carter
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW
Date: 6/18/2024

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AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT BETWEEN HARRIS COUNTY, CITY OF HOUSTON, REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS, AND SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY

THIS AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT BETWEEN HARRIS COUNTY, CITY OF HOUSTON, REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS, AND SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY (this "**Amendment**") is made and entered into as of the __ day of April, 2024, between CITY OF HOUSTON, TEXAS (the "**City**"), a municipal corporation and home-rule city of the State of Texas, acting by and through its governing body, the City Council of the City ("**City Council**"), HARRIS COUNTY, TEXAS (the "**County**"), a body corporate and politic under the laws of the State of Texas, acting by and through its governing body, the Harris County Commissioners Court (the "**Commissioners Court**"), REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS (the "**TIRZ**"), a tax increment reinvestment zone created by the City, acting by and through its Board of Directors (the "**TIRZ Board**"), and SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY (the "**Authority**"), a local government corporation created by the City, acting by and through its Board of Directors (the "**Authority Board**") (collectively referred to as the "**Parties**").

WHEREAS, the Parties entered into that certain Interlocal Agreement, approved and authorized by City of Houston, Texas Ordinance No. 2023-1051 (the "**Agreement**"), pursuant to which the City, the County, the TIRZ, and the Authority agreed to provide for the participation of the County in the TIRZ in furtherance of the Projecat Plan (as defined in the Agreement); and

WHEREAS, the Parties desire to execute this Amendment to amend the Agreement by updating the tax year in which the County shall begin participating in the TIRZ.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree that the Agreement is amended as follows:

I. Definitions. Each capitalized term used and not otherwise defined herein shall have the respective meanings assigned to such term in the Agreement.

II. County Tax Increment Participation. Section IV.A of the Agreement is hereby deleted in its entirety and replaced with the following:

> For and in consideration of the agreement of the parties set forth herein, the parties agree that the County shall participate in the TIRZ through annual tax increment payments, to the extent authorized by law, by remitting to the Tax Increment Fund or retaining and using as provided in Article V, Sections F and G, one hundred percent (100%) of the funds actually collected with respect to the Captured Appraised Value from the County's total ad valorem tax rate (less the portion of the County's tax rate levied for debt service, and not including any taxes levied by the County on behalf of the Harris County Flood Control

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District, Harris County Hospital District, Port of Houston Authority, or similar entities) (the "County Tax Increment Participation"), for the tax years 2024 through 2040, inclusive (unless the Term of this Agreement is modified as provided in Article VI, Section C), for the area of the TIRZ (other than the area annexed into the TIRZ in 2022) that is located within Harris County Precinct Four.

III. Payment Date & Limitations of County Tax Increment. The second sentence of Section IV.B is hereby deleted in its entirety and replaced with the following:

For example, County Tax Increment Participation generated by the County's 2024 ad valorem tax levy shall be collected and remitted to the Tax Increment Fund by August 31, 2025.

IV. No Modification. The remaining portions of the Agreement remain in full force and effect and unamended except as set out in this Amendment No. 1.

V. Counterparts. This Amendment may be executed in any number of counterparts including electronic signature, each of which for all purposes shall be deemed to be an original, and all of which are identical. The parties hereto consent and agree that this Amendment may be signed and/or transmitted by facsimile, e-mail of a .pdf document or using electronic signature technology (e.g., via DocuSign or similar electronic signature technology) and that such signed electronic record shall be valid and as effective to bind the party so signing as a paper copy bearing such party's handwritten signature. Each party to this Amendment hereby waives any defenses to the enforcement of the terms of this Amendment based on the form of the signature, and hereby agree that such electronically transmitted or signed signatures shall be conclusive proof, admissible in judicial proceedings, of each party's execution of this Amendment.

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IN WITNESS WHEREOF, the City, the County, the TIRZ and the Authority have made and executed this Amendment in multiple copies, each of which is an original, to be effective as of the day and year first written above.

HARRIS COUNTY

DocuSigned by:
By: _____
Name: County Judge Lina Hidalgo

ATTEST:

DocuSigned by:
By: Teneshia Hudspeth
Date Signed: April 23, 2023
County Clerk Teneshia Hudspeth

APPROVED AS TO FORM:

By: Christian D. Menefee, County Attorney

By: Paige Abernathy
Paige Abernathy, Assistant County Attorney CACI: 23GEN3151

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ATTEST/SEAL:

By: _____
Pat Jefferson-Daniel, City Secretary

CITY OF HOUSTON

By: _____
John Whitmire, Mayor

COUNTERSIGNED:

By: _____
Chris B. Brown, Controller

DATE OF COUNTERSIGNATURE:

APPROVED:

By: _____
Gwendolyn Tillotson-Bell, Chief
Development Officer

APPROVED AS TO FORM:

By: _____
Assistant City Attorney
LD-RE-0000000555

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REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS

By: _____
Chair, Board of Directors

ATTEST/SEAL

Date Signed: 4-11-2024

By: _____
Secretary, Board of Directors

Date Signed: 4-11-2024

SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY

By: _____
Chair, Board of Directors

ATTEST/SEAL

Date Signed: 4-11-2024

By: _____
Secretary, Board of Directors

Date Signed: 4-11-2024