

**AGENDA - COUNCIL MEETING - WEDNESDAY - MAY 30, 2007 - 9:00 A. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE  
CITY SECRETARY PRIOR TO COMMENCEMENT

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Clutterbuck

**9:00 A. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**9:30 A. M. - PUBLIC SPEAKERS** - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

**MAYOR'S REPORT**

**REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

**CONSENT AGENDA NUMBERS 1 through 59**

**MISCELLANEOUS** - NUMBERS 1 through 2A

1. **ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Houston Garden Center
- a. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GARDEN CENTER ADVISORY BOARD**, for terms expiring on June 30, 2009:
  - Position One - **MS. STELENA HOOPER EVANS**, reappointment
  - Position Two - **MS. OLIVIA F. MARSHALL**, appointment
  - Position Three - **MS. JANE F. KWAN**, appointment
  - Position Four - **MS. ELMA BARRERA**, appointment
  - Position Five - **MS. CHERIE H. FLORES**, appointment
  - Position Six - **MS. JANELLE OTSUKI DANIEL**, appointment
  - Position Seven - **MS. MARGARETTE JONES**, appointment
  - Position Eight - **MS. SUSAN BOOTH KEETON**, reappointment
  - Position Nine - **MR. JOHN S. STEELE**, appointment
  - Position Ten - **MS. LAURA R. JARAMILLO**, appointment
  - Position Eleven - **MR. MARVIN M. YAROTSKY**, reappointment
  - Position Twelve - **MR. BART W. BRECHTER**, appointment
  - Position Thirteen - **MS. MEDA DALTON WOGAN**, appointment
  - Position Fourteen - **MS. BRIDGET L. JOHNSON**, appointment

**AGENDA - MAY 30, 2007 - PAGE 2**

**MISCELLANEOUS** - continued

2. ORDINANCE appropriating \$50,410.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Construction of Awty School Lane Paving: Post Oak to Drainage Ditch, WBS N-000755-0001-4, and approving and authorizing first amendment to Construction Contract with **ACM CONTRACTORS, INC** (approved by Ordinance No. 2006-649) - **DISTRICT A - LAWRENCE**
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$88,885.74 on contract with **ACM CONTRACTORS, INC** for Construction of Awty School Lane Paving: Post Oak to Drainage Ditch, WBS N-000755-0001-4 **DISTRICT A - LAWRENCE**

**ACCEPT WORK** - NUMBERS 3 through 7

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$18,045,339.36 and acceptance of work on contract with **SOVEREIGN BUILDERS GROUP, LTD. dba CONSTRUCTION LTD.**, for Central Plant Equipment Chilled/Hot Water Loop at George Bush Intercontinental Airport/Houston, Project 424A, WBS A-00091-0006-4-02, A-000131-0008-4-02 and A-000391-0004-4-01 - 3.65% over the original contract amount - **DISTRICT B - JOHNSON**
4. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,429,031.86 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Sylvester Turner Park fka West Little York Park, WBS F-504B02-0002-4 - 21.20% over the original contract amount - **DISTRICT A - LAWRENCE**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,329,370.02 and acceptance of work on contract with **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project NSR 452; WBS N-000384-0001-4 - 6.05% under the original contract amount - **DISTRICT C - CLUTTERBUCK**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,798,520.91 and acceptance of work on contract with **KENMOR ELECTRIC COMPANY, LP** for Traffic Signal Construction Contract-North Zone, GFS N-0650-09-3 - 0.35% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM and H - GARCIA**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of contract amount of \$1,398,359.40 and acceptance of work on contract with **TROJAN INDUSTRIAL COATINGS, INC** for Rehabilitation of Three Elevated Storage Tanks, WBS S-000600-0030-4 - 8.78% under the original contract amount - **DISTRICTS A - LAWRENCE and B - JOHNSON**

**PROPERTY** - NUMBERS 8 through 12

8. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Edmond & Valerie Thomas, et al., Cause No. 870,735, for acquisition of Parcels AY5-050 and AY5-046; for the **FUQUA ROAD GRADE SEPARATION at Mykawa Project**; WBS N-00530B-0002-2 - **DISTRICT E - WISEMAN**

**PROPERTY** - continued

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronnie D. Harris of Brown & Gay Engineers, Inc., on behalf of ASN Multifamily Limited Partnership [SCA-North Carolina (1) LLC, a Delaware limited partnership {Archstone-Smith Operating Trust, a Maryland real estate investment trust, (Peter Grimm, Vice President), sole member}, General Partner], for abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1, Parcels SY7-082A through D and KY7-248 - **APPRAISERS - DISTRICT H - GARCIA**
10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Ronnie D. Harris of Brown & Gay Engineers, Inc., on behalf of Apartments at Post Oak Hills, Ltd., [Apartments at Post Oak Hills GP, Inc. (Jennette Hunnicutt, President), General Partner], for abandonment and sale of a variable width utility easement, a variable width water line easement, a water meter easement and two fire hydrant easements, all located within the 807 S. Post Oak Lane Apts plat, out of the William White Survey, A-836, Parcels SY7-090A through E - **APPRAISERS - DISTRICT G - HOLM**
11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY5-003, located at 8906 Seeker Street, owned by Joyce Newsome, for the **FRESH WATER SUPPLY DISTRICT #23 BUFFER ZONE PROJECT**, CIP R-000265-0027-2-01 **DISTRICT B - JOHNSON**
12. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY5-004, located at 8407 Kellett Street, owned by The Heirs at Law and Devisees of Huey P. Spikes, deceased and Mary M. Spikes, for the **FRESH WATER SUPPLY DISTRICT #23 BUFFER ZONE PROJECT**, CIP R-000265-0027-2-01 - **DISTRICT B - JOHNSON**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 through 24

13. **TRI-ANIM HEALTH SERVICES, INC** for Laryngeal Tracheal Device Kits for Fire Department \$320,952.00 - General Fund
14. **STAGE LIGHT, INC** for Lighting, Theatrical Replacement Parts and Repair Services for Convention & Entertainment Facilities Department - \$422,500.00 - Enterprise Fund
15. RECOMMENDATION from Director of Housing & Community Development Department that Council determine that the low bidder, **BROWN MECHANICAL SERVICES, INC** is indebted to the City of Houston for tax delinquency and authorize award to the second low bidder, **B AND C CONSTRUCTION, INC** to perform corrective actions related to construction at 225 N. Carolina Street - \$34,390.00 - TIRZ Affordable Housing Fund - **DISTRICT I - ALVARADO**
16. **NEOPOST, INC** for Lease of Mail Processing Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Municipal Courts-Administration Department - \$42,502.98 - General Fund
17. **ALL AMERICA SALES CORPORATION** for Road Spike Systems for Police Department \$39,400.00 - General Fund
18. **TEXAN EQUIPMENT AND TRAILER SALES d/b/a TEXAN TRAILER SALES** for Horse Trailers for Police Department - \$44,750.00 - Police Special Services Fund

**PURCHASING AND TABULATION OF BIDS** - continued

19. ORDINANCE appropriating \$713,128.20 out of Limited Use Roadway Fund for Purchase of Traffic Signal Parts for Public Works & Engineering Department, WBS N-000650-24-5
  - a. **TRASTAR, INC** for Traffic Signal Parts for the Department of Public Works & Engineering \$703,573.20 - Limited Use Roadway Fund
20. **TEXAS HIGHWAY PRODUCTS, LTD. (Bid Nos. 4 and 6), TRAFFIC PARTS, INC (Bid No. 4) and LEOTEK ELECTRONICS USA CORP. (Bid No. 24)** for Traffic Signal Control Hardware for Department of Public Works & Engineering - \$1,221,628.00 minus a commission fee for Internet-based reverse auction services for a net award not to exceed \$1,201,628.00 - General Fund
21. **MARIO CALDERON d/b/a TEXANS AUTO CENTER** for Vehicle Glider Kit for Department of Public Works & Engineering - \$71,900.00 - Storm Water Fund
22. **TEXAS UNDERGROUND, INC** for Cues, Closed Circuit TV Equipment for Department of Public Works & Engineering - \$263,985.00 - Enterprise Fund
23. **BOAT RIGHT MARINE, INC** for Boats, Motors and Trailers for Various Departments - \$97,898.00 Police Special Services and Enterprise Funds
24. **BAILEY'S HOUSE OF GUNS, INC** - \$25,866.89, **PRECISION DELTA CORP.** - \$68,519.00 and **GT DISTRIBUTORS, INC** - \$1,397,339.46 for Ammunition and Accessories for Various Departments - General Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 25 through 59

25. RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City Budgets for the time period July 1, 2007 through June 30, 2008; authorizing notice of such public hearing and making other provisions related to the subject  
**HEARING DATE - TUESDAY - 1:30 P.M. - JUNE 12, 2007**
26. ORDINANCE **AMENDING SECTION 40-27 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Street Functions
  - a. ORDINANCE **AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parades
27. ORDINANCE **AMENDING SECTION 44-5 and adding SECTION 44-29 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the exemption of certain historic sites from ad valorem taxation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause
28. ORDINANCE establishing City of Houston Election Precincts and designating polling places for the City of Houston Runoff Election to be held on June 16, 2007, for the purpose of filling a vacancy in the office of Council Member, At-Large Position 3 on the Houston City Council; containing findings and other provisions related to the subject; providing for severability
29. ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the June 16, 2007 City of Houston Runoff Election to fill a vacancy in the office of Council Member, At-Large Position 3 on the Houston City Council; prescribing the maximum number of Election Clerks for each voting precinct; containing findings and other provisions related to the subject; providing for severability

**RESOLUTIONS AND ORDINANCES** - continued

30. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of the Morin Place (also known as Morin Street) Street right-of-way, from its eastern terminus west 75 feet, more or less, being located within North Side Buffalo Bayou, an Unrecorded Subdivision in Houston, Harris County, Texas; vacating and abandoning said tract of land to the City of Houston, fee owner, Parcel IT6-006 - **DISTRICT H - GARCIA**
31. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide sanitary sewer easement, containing 3,544 square feet of land, more or less, Parcel SY6-075, located in Restricted Reserve "A", Primeway Federal Credit Union, John Austin Two League Survey, A-1, Houston, Harris County, Texas; vacating and abandoning said sanitary sewer easement to Washington Pointe, L.P., the owner, in consideration of owner's dedication of a 15-foot-wide sanitary sewer easement located within the same Restricted Reserve "A", and owner's payment of \$2,970.00 other consideration to the City - **DISTRICT H - GARCIA**
32. ORDINANCE approving and authorizing special warranty deed conveying to William Craig Schmidt a parcel of land containing 5,002 square feet, more or less, the former Campbell Woods Water Plant Site, Michael Cronican Survey, A-219, Harris County, Texas (located at 9480 Neuens Road); and in consideration of William Craig Schmidt's payment of \$23,555.00 and other consideration to the City - **DISTRICT A - LAWRENCE**
33. ORDINANCE approving and authorizing special warranty deed conveying to Squadra Realty, Ltd., a parcel of land containing 12,278 square feet, more or less, the residue of Lots 1, 2, 3, 4 and 8, Block 126, Central Park Addition, S.M. Williams Survey, A-87, Harris County, Texas (Excess Navigation Boulevard right-of-way located at 6400 Navigation Boulevard); and in consideration of Squadra Realty, Ltd.'s payment of \$18,001.00, and other consideration to the City - **DISTRICT I - ALVARADO**
34. ORDINANCE consenting to the addition of 124.454 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460**; for inclusion in its district - **DISTRICT E - WISEMAN**
35. ORDINANCE consenting to the addition of 167.0856 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460**; for inclusion in its district - **DISTRICT E - WISEMAN**
36. ORDINANCE renaming a duplicate street named Fuqua Street to Fuqua Gardens View Road between South Post Oak and West Fuqua Street - **DISTRICT D - EDWARDS**
37. ORDINANCE renaming a duplicate street named Tidwell Road to Tidwell Fountains Lane between North Wayside Drive and the main continuation of Tidwell Road - **DISTRICT B - JOHNSON**
38. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, providing up to \$2,190,135.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the Operation of Multiple Community Residences, administration of a Short-Term Rent, Mortgage and Utility Assistance Program, a tenant based Rental Assistance Program, a Housing Information and Resource Identification Program, and for supportive services

**RESOLUTIONS AND ORDINANCES** - continued

39. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **TEJANO CENTER FOR COMMUNITY CONCERNS** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes **DISTRICT H - GARCIA**
40. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT H - GARCIA**
41. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **GUIDING LIGHT COMMUNITY DEVELOPMENT CORPORATION** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$420,000.00 for eligible costs in connection with the construction of six (6) affordable homes - **DISTRICT D - EDWARDS**
42. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **RE-WARD THIRD WARD** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICTS D - EDWARDS and I - ALVARADO**
43. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **ACRES HOMES COMMUNITY DEVELOPMENT CORPORATION** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT B - JOHNSON**
44. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **MACSC AND HOUSING, INC** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$210,000.00 for eligible costs in connection with the construction of three (3) affordable homes - **DISTRICT D - EDWARDS**
45. ORDINANCE approving and authorizing an agreement between the City of Houston, **UNITY BANK** and **HOLMES COMMUNITY DEVELOPMENT CORPORATION** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT D - EDWARDS**
46. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAM** for solving Cold Case Murder Investigations through the use of DNA Analysis and Police Investigations; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program

**RESOLUTIONS AND ORDINANCES** - continued

47. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the Public Improvement Project known as the Keegan's Bayou Hike and Bike Trail (from Brays Bayou to Kirkwood Street); authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of eight (8) parcels of land situated in the Jas. Alston Survey A-100 and the E. R. Campbell Survey A-1632, in Harris County, Texas and being more specifically located out of property described in deeds recorded in Volume 2761, Page 507, Volume 2712, Page 347, Volume 1380 Page 710 and/or recorded under File Nos. F960713, J256926, P778385, S315223 in the Official Public Records of Harris County, Texas and out of the existing right-of-way of W. Sam Houston Parkway Beltway 8 - **DISTRICTS C - CLUTTERBUCK and F - KHAN**
48. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the Public Improvement Project known as the Keegan's Bayou Hike and Bike Trail (from Brays Bayou to Kirkwood Street); authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of 12 parcels of land situated in the L. Cotton Survey A-1012, in Harris County, Texas and being more specifically located out of property described in deeds recorded in Volume 1246, Page 140, Volume 188, Page 142, and/or recorded under File Nos. V344553, E291492, D381050, S235632, V794484 and R666959 in the Official Public Records of Harris County, Texas - **DISTRICTS C - CLUTTERBUCK and F - KHAN**
49. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the Public Improvement Project known as the Keegan's Bayou Hike and Bike Trail (from Brays Bayou to Kirkwood Street); authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of 10 parcels of land situated in the Leo Roark Survey A-651 and Leo Roark Survey A-652, in Harris County, Texas and being more specifically located out of property described in deeds recorded under File Nos. C828741, R784190, N787588, L308864, X439767, C837637, J834758, C433178 and Volume 3525, Page 277 in the Official Public Records of Harris County, Texas - **DISTRICTS C - CLUTTERBUCK and F - KHAN**
50. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the Public Improvement Project known as the Keegan's Bayou Hike and Bike Trail (from Brays Bayou to Kirkwood Street); authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of nine (9) parcels of land situated in the H.T. & B.R.R. Co. Survey A-397, in Harris County, Texas and being more specifically located out of property described in Volume 3552, Page 484, Volume 5205, Page 419, Volume 7039 Page 317, and/or recorded under File Nos. T938990, W970504, D173862, V084483, in the Official Public Records of Harris County, Texas - **DISTRICTS C - CLUTTERBUCK and F - KHAN**

**RESOLUTIONS AND ORDINANCES** - continued

51. ORDINANCE appropriating \$286,000.00 out of Fire Consolidated Construction Fund; awarding construction contract to **COLUMBIA ENVIRONMENTAL SERVICES, INC** for Removal of Underground Storage Tanks at Various Fire Stations, WBS C-000170-0010-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight services and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund **DISTRICTS A - LAWRENCE; D - EDWARDS; E - WISEMAN; F - KHAN and I - ALVARADO**
52. ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract to **TIBH INDUSTRIES, INC** for Vehicle Car Wash Services for the Houston Police Department - 3 Years with two one-year options - \$1,250,000.00 General Fund
53. ORDINANCE determining that the formal taking of competitive bids is not required for the work described herein; and awarding contract to **TIBH INDUSTRIES, INC** for Trailer Repair Services for the Houston Police Department - 3 Years with two one-year options - \$412,445.00 - General Fund
54. ORDINANCE awarding contract to **EFFECTIVE ENVIRONMENTAL, INC** for Mobilization, Collection, Characterization and Packaging of Household Hazardous Waste for the Solid Waste Management Department
55. ORDINANCE approving and authorizing first amendment contract between the City of Houston and **LIBERTY TIRE RECYCLING, LLC** (originally awarded to **SILVER CREEK MATERIALS, INC**) (#C53573) for Scrap Tire Disposal Services for Various Departments
56. ORDINANCE appropriating \$5,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Construction Management and Inspection Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for the Construction of Long Point Road - Wirt Road Intersection and approaches project, WBS N-000674-0001-4 **DISTRICT A - LAWRENCE**
57. ORDINANCE appropriating \$102,000.00 out of Fire Consolidated Construction Fund and \$65,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing first amendment to Professional Architectural Services Contract (approved by Ord, No. 04-0112) between the City of Houston and **NATEX CORPORATION ARCHITECTS** for Work Order Contract for Various City Departments, WBS C-000142-0002-3 and D-000105-0002-3; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund and the General Improvements Consolidated Construction Fund **DISTRICTS D - EDWARDS and H - GARCIA**
58. ORDINANCE de-appropriating \$173,728.06 out of Water & Sewer System Consolidated Construction Fund from Contract No. 4600007040 (as passed by Ordinance No. 2006-1050); appropriating \$73,918.31 out of Metro Project Commercial Paper Series E Fund and \$86,650.30 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of Segment 2 of Park Row Road from SH 6 to Eldridge Parkway, WBS N-000723-0002-4, S-000521-0029-4 and R-000521-0029-4, under an interlocal agreement with the **HARRIS COUNTY TOLL ROAD AUTHORITY (HCTRA)** (approved by Ordinance No. 2006-1050) **DISTRICT A - LAWRENCE**

**RESOLUTIONS AND ORDINANCES** - continued

59. ORDINANCE granting to **MOUSER CONTAINER SERVICE, INC, a Texas corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**MATTERS HELD** - NUMBERS 60 through 64

60. RECOMMENDATION for supplemental allocation of the following funds for Professional Civic Art and Conservation Administration Services Contract for the Houston Arts Alliance:  
\$183,000.00 - Fire Consolidated Construction Fund  
\$467,500.00 - W&S System Consolidated Construction Fund  
\$369,000.00 - Police Consolidated Construction Fund  
\$161,250.00 - Public Library Consolidated Construction Fund  
\$187,800.00 - Parks Consolidated Construction Fund  
\$140,000.00 - Public Health Consolidated Construction Fund  
**DISTRICTS B - JOHNSON; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO**  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 3 on Agenda of May 16, 2007
61. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **SIEMENS ENERGY AND AUTOMATION** for NextPhase Traffic Signal Timing Operations Software, WBS N-000650-0032-5 - \$300,000.00 - Limited Use Roadway Fund  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 12 on Agenda of May 16, 2007
62. ORDINANCE appropriating \$1,327,533.36 out of Water & Sewer System Consolidated Construction Fund for Security Fence Upgrade at the East Water Purification Plant for the Public Works & Engineering Department, WBS S-000056-0048-4  
**TAGGED BY COUNCIL MEMBER WISEMAN**
- a. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **FOSTER FENCE, LTD.** for Security Fence Upgrade at the East Water Purification Plant for Department of Public Works & Engineering - \$1,264,317.49 and contingencies for a total amount not to exceed \$1,327,533.36 Enterprise Fund - **TAGGED BY COUNCIL MEMBER WISEMAN**  
These were Items 13 and 13A on Agenda of May 16, 2007

**MATTERS HELD** - continued

63. ORDINANCE approving and authorizing an amendment to the Administrative Guidelines of the City's Home Repair Program in the Houston Hope areas of City of Houston  
**TAGGED BY COUNCIL MEMBER WISEMAN**

a. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOUSTON HOUSING FINANCE CORPORATION** for implementation and administration of the Houston Hope Home Repair Program, as set forth in the first amended and restated Administrative Guidelines for the Houston Hope Home Repair Program  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
These were Items 21 and 21A on Agenda of May 16, 2007

64. ORDINANCE amending Ordinance No. 2000-882 to increase the authority of the City's Purchasing Agent to issue purchase orders under contract between the City of Houston and **AT&T, INC (formerly SOUTHWESTERN BELL TELEPHONE)** for Local telephone and data services citywide - \$13,000,000.00 - Central Service Revolving Fund  
**TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM, CLUTTERBUCK, KHAN and BROWN**  
This was Item 25 on Agenda of May 16, 2007

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Garcia first

**ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER**

**NOTE** - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

**NOTICE OF MEETING  
OF THE  
CITY COUNCIL OF THE CITY OF HOUSTON**

**NOTICE** is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **WEDNESDAY, MAY 30, 2007 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 25th day of MAY, 2007.

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City Secretary

**CERTIFICATE**

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall of the City of Houston, Texas, on MAY 25, 2007 at       :       p.m.

by \_\_\_\_\_

for Anna Russell  
City Secretary

**CITY COUNCIL CHAMBER – CITY HALL 2<sup>nd</sup> FLOOR – WEDNESDAY  
MAY 30, 2007 - 9:30 A.M.**

**NON-AGENDA**

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3MIN. 3MIN. 3MIN.

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- MS. STENNIE MEADOURS – Post Office Box 1087 – Baycliff – TX - 77518 – 281-339-1526 – Birds of Houston
- MS. JOY LEVERETT – 1600 Louisiana, No. 802 – 77002 – 713-373-9860 – Weight Off
- MR. DERRICK FORD – 7255 Sims Dr. – 77061 – 713-645-2358 – Racial discrimination against Metro
- MR. GREGORY FOSTER – 8301 North Willow Place Dr., No. 2516 – 77070 – 713-829-4947 – Non-Profit Organization Funding
- MR. WES TIPTON – 4314 Fagan – 77007 – 281-932-8951 – Unnecessary utility poles
- MS. SANDRA WOODARD – 10424 Randolph – 77075 – 713-991-3049 – Lay Offs in HCD
- MR. ISHMAN HUNTER – 5602 Bel Arbor – 77033 – 832-373-5663 – Sidewalks crimes and Traffic in our Neighborhood
- MS. MARY LEE – 8718 Ruthby St. – 77061 – 832-276-6625 – Interested in obtaining property located at 5024 and 5026 Mallow Street, 77033
- MR. HAIM ROZIN – 6218 Rollingbrook – 77096 – 713-779-6209 – Problem with Building Manager
- MR. VERNICE SERIALE – 149 Winkler – 77087 – 281-450-7649 – Chapter 7 (scrap metal)
- MR. DON COOK – 7954 Glen Heath – 77061 – 713-705-5594 – Impeachment Resolution of Cheney and Bush
- MR. IRA MCBRIDE – 3255 Elgin – 77004 – 832-633-9008 – HPD – writing bogus ticket and extortion convicts having free reign in city
- MR. OTIS RUSHING – 1622 Eldorado Blvd. – 77062 – 713-355-0834 – Concerning trash bin/dumpsters around city and potholes
- PASTOR BRIAN ALLEN – 7427 MLK Blvd. – 77033 – 713-645-5683 – Problems/Concerns about our neighborhood on M. L. K. on Sundays (Block Parties)
- MR/COACH R. J. BOBBY TAYLOR - 3107 Sumpter – 77026 – 202-FA3-4511 – Behavior, Coward, Conspiracy Campo Sheet Metal, Workers using People Children

**PREVIOUS**

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1MIN. 1MIN. 1 MIN.

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- MR. BRANDT MANNCHEN – 5431 Carew – 77096 – 713-664-5962 – City Pension
- PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - 832-453-6376 –144.375M – City Govt W/HPD – Murderers W/Terrorists – Brutality W/Take Crimes W/Capital Punishment
- MS. SUE KINNEY – 17435 Imperial Valley – 77060 – 281-405-8394 – Issues

**REQUEST FOR COUNCIL ACTION**

**Draft**

**TO: Mayor via City Secretary**

<b>Subject:</b> Ordinance amending Chapter 32 of the Code of Ordinances relating to the Houston Garden Center Advisory Board (HGCAB)	Category #	Page 1 of 1	Agenda Item  /
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<b>FROM (Department or other point of origin):</b> Houston Parks and Recreation Department	<b>Origination Date:</b> May 22, 2007	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> Joe Turner, Director  <i>Joe Turner</i>	<b>Council District(s) affected:</b> District D
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<b>For additional information contact:</b> Rick Dewees, 713-284-8555 Dan Pederson, 713-845-1248	<b>Date and Identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary):**  
  
Adopt an ordinance amending Chapter 32 of the Code of Ordinances to add three new positions to the Houston Garden Center Advisory Board (HGCAB).

<b>Amount of Funding:</b>  No Funding Required	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

The Houston Parks and Recreation Department recommends that City Council approve an Ordinance amending Chapter 32 of the Code of Ordinances. This amendment will provide for three (3) additional positions on the Houston Garden Center Advisory Board (HGCAB). The amendment will add 3 positions for a total of 16 positions. The current HGCAB has 13 positions. The amendment also gives the option for three more positions to be filled with non-city residents.

Of the three new positions, one position will be the Executive Director of Hermann Park Conservancy (HPC) as an Ex-Officio member, and two additional positions are to be appointed by the Mayor and confirmed by council. Appointed members shall serve for terms of three years each.

The addition of these three positions will increase communications related to the upcoming planning process for the redevelopment of the Houston Garden Center being undertaken by the HPC. The Amendment will also provide for the Garden Center Advisory Board to make recommendations to HPC for matters related to the development of the facility and for those to be consistent with the Hermann Park's Master Plan and development agreement. In addition, there is a provision for additional uses for the facility, when approved by the Director.

The Quality of Life Committee favorably voted it to full council consideration on May 15, 2007.

<b>REQUIRED AUTHORIZATION</b>		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

## Redline

### ARTICLE V. HOUSTON GARDEN CENTER

#### DIVISION 1. GENERALLY

##### Sec. 32-116. Definitions.

~~As used in this article, the term~~ The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement means the Hermann Park Development Agreement between the City of Houston, Texas, and the Friends of Hermann Park, including attachments, as amended from time to time in accordance with the provisions thereof.

"Board" or "advisory board" shall mean the Houston Garden Center Advisory Board created by this article.

Hermann Park Conservancy means the Texas non-profit corporation, formerly known as Friends of Hermann Park.

Master plan means the draft plan for projects developed for Hermann Park public improvements as of the counter-signature date of the agreement as defined in this section, and any subsequent drafts approved by city council.

##### Sec. 32-117. Created and described; permitted use of building, etc.

(a) There is hereby created or recreated and again established an institution known and to be known as the Houston Garden Center, which is located on the five-acre tract of land (together with all improvements thereupon) ~~located in the city's Hermann Park and being the same tract of land upon which there was built, about 1942, the building which has since been known and is now known as the Garden Center Building, and being at No. 1500 Hermann Drive, and~~ which building is subject to all of the terms of this article.

(b) ~~Such building~~ The Garden Center Building is by virtue of its design and surroundings primarily suitable for use of all garden clubs and of all garden club groups in the city having for their purpose the fostering and promotion of programs for the development of garden club movements and community beautification, including educational programs related thereto, and for use by such groups as a place of meeting

**DRAFT NOT YET APPROVED  
BY THE CITY ATTORNEY**

and assembly, provided, that such building may be rented for any lawful use pursuant to article III of this chapter. Such building has at all times been, is, and shall be a public building of the city and a facility and building of Hermann Park and, if approved by the director or his designee, may be used for any purpose that supports Hermann Park including, but not limited to, gardening, horticulture, and educational events.

**Sec. 32-118. Management and control.**

The garden center building, with its grounds appurtenant thereto, shall be under the direct responsibility, management and control of the director to the same extent and effect as other public buildings located in the city parks.

**Secs. 32-119--32-125. Reserved.**

**DIVISION 2. ADVISORY BOARD**

**Sec. 32-126. Created; composition; appointment of members.**

There is hereby created a ~~thirteen~~ sixteen-member advisory board to be known as the Houston Garden Center Advisory Board. The members in positions one through ~~twelve~~ thirteen shall be appointed by the mayor and confirmed by the city council. The director of parks and recreation shall serve, ex officio, as the position ~~thirteen~~ fifteen member and shall be a voting member. The executive director for the Hermann Park Conservancy shall serve, ex officio, as the position sixteen member and shall be a non-voting member.

**Sec. 32-127. Qualifications and terms of members; filling of vacancies.**

The appointed members of the board shall be persons who are active and interested in garden club work. The members in positions one through ~~nine~~ eight shall be residents of the city. The members in positions ~~nine~~ ten, eleven, through twelve, and ~~thirteen~~ fourteen may, but need not, be residents of the city. Appointed members shall serve for terms of three years each, with terms expiring on the last day of June, except in the event of death, resignation, removal or vacancy, and shall serve until their respective successors are duly appointed and confirmed. In the event of death, resignation, or removal from office of any member, a successor shall be appointed and qualified to serve the remaining unexpired portion of the term of office of the vacant position.

**Sec. 32-128. Compensation of members.**

The appointed members of the board shall receive no compensation for their services and the director, as a member of the board, shall receive no additional compensation for his services as such. This shall not prohibit the reimbursing of any

**DRAFT NOT YET APPROVED  
BY THE CITY ATTORNEY**

member for actual and reasonable traveling and living expenses incurred in any trip or in any other matter undertaken by authority of the mayor and city council.

**Sec. 32-129. Removal of members.**

Upon it being made to appear to the mayor by certification by the president of the board or by the director, or otherwise, that any member in positions one through ~~ten~~ nine of the board has ceased to be a resident of the city or that any appointed board member has, without good and sufficient reason therefor, failed to attend four consecutive regular meetings of the board or has become otherwise incapable or unfit to serve as a member of the board, the mayor shall find and declare such fact. The mayor's declaration shall be final and conclusive, subject only to review by the city council, upon petition filed with the city secretary by the affected member within ten days from the date that the mayor issues the declaration.

**Sec. 32-130. Officers.**

The board shall elect a president, a vice-president and a secretary from among its appointed members to serve for such terms and under such conditions as the board shall fix.

**Sec. 32-131. General powers and duties.**

(a) The board shall advise the director, and may from time to time make recommendations to the mayor or to the city council in any and all matters related to the operation and use of the Houston Garden Center and the general supervision, care, maintenance and upkeep of the building and grounds and of the equipment, furnishings, and other physical properties at the garden center.

(b) The board shall make recommendations to the Hermann Park Conservancy Board of Directors in any and all matters related to development of the Houston Garden Center and its surroundings. The advice and recommendations of the board shall be consistent with the agreement and master plan, as defined in this article.

~~(b)~~(c) The board may so advise as to the adoption of rules and regulations pursuant to section 32-5 of this Code relating to the Houston Garden Center.

~~(c)~~(d) The duties and powers of the board shall be advisory only. The board shall have no power to make any contract, lease, or other agreement for the use of the Houston Garden Center or to employ any person to be an employee of or to be paid by the city or to incur any debt or liability whatsoever on behalf of the city.

**DRAFT NOT YET APPROVED  
BY THE CITY ATTORNEY**

**Sec. 32-132. Adoption of rules.**

The board shall adopt such rules covering meetings of the board and other matters related to its organization and functions as it deems proper.

**Sec. 32-133. Annual report.**

The board shall make an annual report to the mayor and city council on or before March first of each calendar year covering its activities and the use of the garden center building during the preceding calendar year, in such detail and in such form as the board may deem proper. There may be included in such report such recommendations related to the garden center and its use as may be deemed appropriate.

**Secs. 32-134--32-145. Reserved.**



BILL WHITE  
MAYOR

May 16, 2007

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

1A  
MAY 30 2007

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: 5-16-07  
DATE  
COUNCIL MEMBER: \_\_\_\_\_

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to Sections 32-126 and 32-127 of the Houston Code of Ordinances, I am nominating the following individuals for appointment to the Garden Center Advisory Board with terms expiring on June 30, 2009, subject to Council confirmation:

Ms. Stelena Hooper Evans, reappointment to Position One;  
Ms. Olivia F. Marshall, appointment to Position Two;  
Ms. Jane F. Kwan, appointment to Position Three;  
Ms. Elma Barrera, appointment to Position Four;  
Ms. Cherie H. Flores, appointment to Position Five;  
Ms. Janelle Otsuki Daniels, appointment to Position Six;  
Ms. Margarette Jones, appointment to Position Seven;  
Ms. Susan Booth Keeton, reappointment to Position Eight;  
Mr. John S. Steele, appointment to Position Nine;  
Ms. Laura R. Jaramillo, appointment to Position Ten;  
Mr. Marvin M. Yarotsky, reappointment to Position Eleven;  
Mr. Bart W. Brechter, appointment to Position Twelve;  
Ms. Meda Dalton Wogan, appointment to Position Thirteen; and  
Ms. Bridget L. Johnson, appointment to Position Fourteen.

Council action on these confirmations will be contingent on council's approval of the forthcoming ordinance that proposes to expand the board. Résumés of the nominees are attached for your review. I will recommend to the new Board that Susan Booth Keeton serve as Board Chair.

Sincerely,

Handwritten signature of Bill White in black ink.

Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Ms. Jill Jewett, Mayor's Assistant for Cultural Affairs, w/attachments



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment and additional appropriation to increase the amount of contingencies and approval of Change Order No. 1 for the construction of Awty School Lane Paving: Post Oak to Drainage Ditch. WBS No. N-000755-0001-4.	<b>Category #</b>	<b>Page</b>	<b>Agenda Item #</b>
	1, 7	1 of 2	2-2A

<b>FROM (Department or other point of origin):</b>	<b>Origination Date</b>	<b>Agenda Date</b>
Department of Public Works and Engineering	5/10/07	MAY 30 2007

<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE., Director	<b>Council District affected:</b> A
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<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074	<b>Date and identification of prior authorizing Council action:</b> Ord. # 2006-649 dated: 06/21/06
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**RECOMMENDATION:** (Summary) Approve an ordinance authorizing contract amendment to increase maximum contingency from 5% to 8.93% and appropriate requested funds. Pass a motion to approve Change Order No. 1 in the amount of \$88,885.74.

<b>Amount and Source of Funding:</b> Total additional appropriation of \$50,410.00 from the Street and Bridge Consolidated Construction Fund No. 4506. <i>Practice 04/04/07</i>	<b>F&amp;A Budget:</b> 
Original appropriation of \$1,474,000.00 with \$1,184,361.00 from the Street and Bridge Consolidated Construction Fund No. 437, \$86,817.00 from Water and Sewer System Consolidated Construction Fund No.755 (\$16,508.00 from S-0802-39-3 and \$70,309.00 from R-0802-41-3) and \$202,822.00 from Water and Sewer Contributed Capital Fund No.733	

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Street & Traffic Control Improvement program and is required to improve public safety, traffic flow /circulation and reduce traffic congestion in that area.

**DESCRIPTION/SCOPE:** This project consists of Construction of approximately 1,500 linear feet of 24-inch and 30-inch storm sewer, approximately 1,500 linear feet of 8-inch water line, approximately 1,500 linear feet of 18-inch sanitary sewer, roadway reconstruction, street lighting and traffic signalization. This project was designed by Sander Engineering Corp. The contract duration for this project is 150 calendar days. This project was awarded to ACM Contractors Inc. with an original Contract amount of \$1,282,531.70.

**LOCATION:** The project area is generally bounded by Clarkson on the north, Interstate I-10 on the south, North Post Oak Road on the east and HCFCD No. W137-00-0 on the west. The project is located in Key Map Grids 491-C and D.

**CHANGE ORDER SCOPE:** The project is approximately 60% complete. Change Order No. 1 to provide temporary drainage for the area during construction, outlets for drainage ditches and overrun of quantity for 4-1/2 inch Reinforced Concrete Sidewalk that were inadvertently unaccounted for in the design process.

REQUIRED AUTHORIZATION

20DQ 85-7

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT: Amendment and additional appropriation to increase the amount of contingencies and approval of Change Order No. 1 for the construction of Awty School Lane Paving: Post Oak to Drainage Ditch. WBS No. N-000755-0001-4.	Originator's Initials	Page 2 of 2
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The total cost of the Change Order No. 1 is \$88,885.74 out of which \$64,126.00 will be covered using the original 5% contingency.

The requested appropriation of \$50,410.00 will cover the remaining amount needed for Change Order No.1 and will leave a contingency balance of \$25,650.26, or two percent (2%) for further change orders, should they become necessary.

Approval of this amendment will increase the revised Contract amount to \$ 1,397,067.70 or 8.93% over the original Contract Amount, including original 5% contingency.

  
MSM:JTL:AR:DO:do

- c: Daniel W. Krueger, P.E.
- Velma Laws
- Michael K. Ho, P.E.
- Craig Foster
- File No.: N-000755-0001-4.21.0

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Document 00666  
CHANGE ORDER No. 1

PROJECT: AWTY SCHOOL LANE PAVING: POST OAK TO DRAINAGE DITCH

CONTRACT No.: 4600007126 PROJECT No.: N-0755-01-3 (N-0755-01)

TO: ACM Contractors, Inc.  
10333 Northwest Freeway, Suite 500  
Houston, TX 77092

Contractor and  
Address for Written Notice

1.01 DESCRIPTION OF CHANGES

CONTRACT CHANGE

		Amount	Time
<b>ITEM 1 SCOPE:</b>	RFI No 6; Proposal No. 1 Provide temporary drainage during Phase II construction	\$3,839.85	0 Days

**JUSTIFICATION:** Per contract drawing Sheet no 27, contractor is required to construct six feet of temporary roadway to maintain 2 lanes of traffic during Phase III construction. Construction of the temporary roadway will require adjustment to three (3) Type "B-B" inlets as they will be in the temporary riding surface. It is recommended to temporarily modify the "B-B" inlets to grate inlets until the roadway is completed. The modified inlets will be converted back to the required B-B inlets once the roadway is completed.

Unit Item No	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
115	Temporary Drainage	LS	1.00	\$3,839.85	\$3,839.85

<b>ITEM 2 SCOPE:</b>	RFI No. 10: Proposal No. 2 Install 5 feet concrete sidewalk	\$78,575.00	0 Days
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**JUSTIFICATION:** Field condition and review of the contract drawings indicate that required quantity for Item No. 65 - 5' Concrete Sidewalk will exceed the quantity indicated in the contract documents.

Unit Item No	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
65	5' Concrete Sidewalk	SF	11225.00	\$7.00	\$78,575.00

<b>ITEM 3 SCOPE:</b>	RFI No.5; Proposal No. 3 Connect drainage ditches to new storm sewer line	\$6,470.89	0 Days
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PROJECT No.: N-0755-01-3 (N-0755-01)

CHANGE ORDER No. 1

**JUSTIFICATION:** Two drainage ditches at Station 6+82 and Station 4+63 currently discharging into the existing ditch along Awty School Road, will be blocked when the new roadway is completed. It is recommended to connect these ditches to the new storm sewer line along Awty School Road using 24-inch Reinforced Concrete Pipe, 1 Ty "E" and Type "A" inlets. The Design Engineer has provided sketches for the connections.

Unit Item No	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
33	24" R.C.P., Open Cut	LF	49.00	\$53.00	\$2,597.00
116	Connect swales at Station 6+82 Rt and Station 4+63 Rt to new storm sewer	LS	1.00	\$3,873.89	\$3,873.89

**TOTALS:** \$88,885.74 0 Days

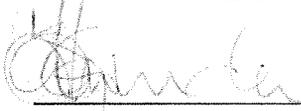
1.02 ACCEPTANCE BY CONTRACTOR

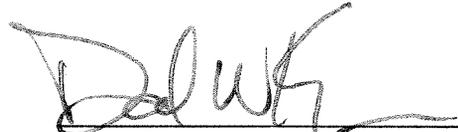
Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

  
Contractor Signature and Title

03/02/07  
Date

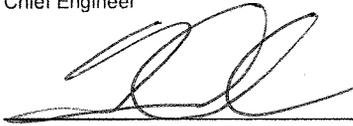
1.03 ACCEPTANCE BY THE CITY

  
Project Manager 03/02/07  
Date

  
Deputy Director 4/16/07  
Date

  
Chief Engineer 3/12/07  
Date

  
City Engineer 4/20/07  
Date

  
Assistant Director 3/22/07  
Date

\_\_\_\_\_  
Mayor - City of Houston Date

cc:

File No. (N-0755-01)

EXECUTIVE SUMMARY

1.01 CONTRACT PRICE SUMMARY

	<u>DOLLAR AMOUNT</u>	<u>PERCENT</u>
A. Original Contract Price	\$1,282,531.70	100.00%
B. Previous Change Orders	\$0.00	0.00%
C. This Change Order	\$88,885.74	6.93%
D. Contract Price	<b>\$1,371,417.44</b>	<b>106.93%</b>

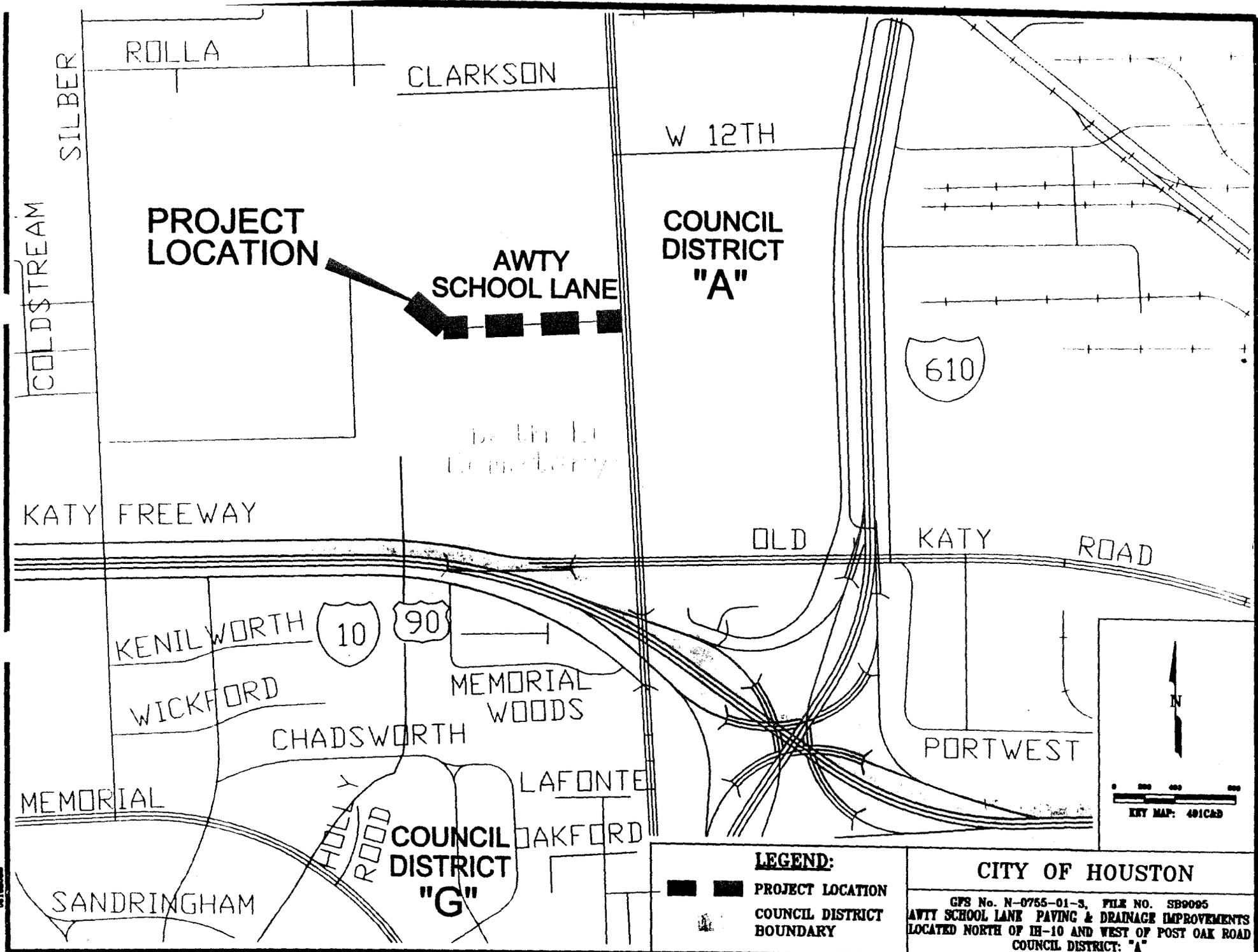
1.02 CONTRACT TIME SUMMARY

	<u>DURATION</u>	<u>COMPLETION DATE</u>
A. Original Contract Time	150 Days	Thursday, April 5, 2007
B. Previous Change Orders	0 Days	Thursday, April 5, 2007
C. This Change Order	0 Days	Thursday, April 5, 2007
D. Contract Time	<b>150 Days</b>	<b>Thursday, April 5, 2007</b>

1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK

A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

<u>CHANGE ORDER</u> <u>No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF ORIGINAL</u> <u>CONTRACT PRICE</u>
1	\$88,885.74	6.93%
<hr/>		
TOTALS	\$88,885.74	6.93%





<b>SUBJECT:</b> Accept Work Carrera Construction, Inc. Sylvester Turner Park fka West Little York Park WBS No. F-504B02-0002-4	Page 1 of 2	Agenda Item 4
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<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b> 5-17-07	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 5/10/07	<b>Council District(s) affected:</b> A
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 05-0911, July 27, 2005 Ordinance No. 06-0751, July 5, 2006 Ordinance No. 06-0844, August 16, 2006
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**RECOMMENDATION:** Pass a motion approving the final contract amount of \$2,429,031.86, accept the work, and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required  <b>Previous Funding:</b> \$2,421,914.00 Parks Consolidated Construction Fund (421) \$ 100,000.00 Parks Special Fund (4012) <b>\$2,521,914.00 Total</b>	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:** The Building Services Department recommends that City Council approve the final contract amount of \$2,429,031.86 or 21.20% over the original contract amount, accept the work and authorize final payment to Carrera Construction, Inc.

**PROJECT LOCATION:** 2800 West Little York (411Z)

**PROJECT DESCRIPTION:** The project installed sports fields, concrete sidewalks, asphalt trails, boardwalk and deck, security lighting, additional parking lots, kiosks, flagpole, benches, picnic tables, irrigation and landscaping; renovated the playground; installed a security fence at park perimeter and at detention pond; installed safety netting at NCAA baseball field outfield fence, irrigation systems for all baseball fields, ornamental fencing along the street frontage of West Little York and Victory, additional trees and irrigation; and upgraded park identification signs.

**CONTRACT COMPLETION AND COST:** The contractor completed the work within the contract time, plus an additional 88 days approved by Change Orders 2-5. The final cost of the project, including Change Orders 1-9 is \$2,429,031.86, an increase of \$424,831.86 over the original contract amount.

The project design consultant and construction manager was Clark Condon Associates, Inc.

**PREVIOUS HISTORY AND PROJECT SCOPE:** On July 5, 2006, City Council approved a First Amendment to the contract to increase the maximum contract contingency amount from 5% to 17% to provide additional improvements at the park to address citizen safety and irrigation of the baseball fields. The Second Amendment to the contract, approved by City Council on August 16, 2006, increased the maximum contract contingency up to 21.20% to facilitate a \$100,000 matching grant reimbursement from the Texas Department of Parks and Wildlife for Sylvester Turner Park, which provided additional improvements and upgrades.

**REQUIRED AUTHORIZATION** CUIC ID # 25RJO037

<b>Other Authorization:</b> <i>[Signature]</i> Wendy Teas Heger, AIA Chief of the Design & Construction Division Building Services Department	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>[Signature]</i> Joe Turner Director Parks and Recreation Department
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<b>DATE:</b>	<b>SUBJECT:</b> Accept Work Carrera Construction, Inc. Sylvester Turner Park fka West Little York Park WBS No. F-504B02-0002-4	<b>Originator's Initials</b> LJ	<b>Page</b> 2 of 2
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**PREVIOUS CHANGE ORDERS:** Change Order 1 enclosed the sides and back of the bleachers to comply with ADA requirements. Change Order 2 modified the perimeter chain link fence and changed the chain link fence enclosure at the electrical yard to ornamental fence electrical enclosures. Change Order 3 added temporary bypass and water line offset needed to make the permanent connection; added sod at the ball field and installed ornamental fencing between the picnic pavilion and detention pond. Change Order 4 adjusted the walkways, landscaping and trails to address CenterPoint Energy's safety concerns. Change Order 5 provided new disconnects for power connections. Change Order 6 installed 620 LF of 8' high concrete wall with anti-graffiti coating between the park and adjacent apartment complex. Change Order 7 installed additional ornamental fencing at entry locations, and installed irrigation systems for the three new ball fields. Change Order 8 installed chain link fencing along the east perimeter of the park, added a safety net to the NCAA ball field, and provided park security and maintenance until acceptance of the project by PARD. Change Order 9 adjusted allowances for permits, and installed park identification sign.

**M/WBE INFORMATION:** The M/WBE goal for this contract was 17%. The contractor achieved 14.41% participation. Affirmative Action reviewed the process and assessed the contractor a satisfactory rating because the City increased the scope of work and there were no opportunities for M/WBE participation on the additional work. However, the contractor had achieved the 17% goal on the original appropriation.

IZD:JLN:RJO:LJ:tc

c: Marty Stein; Jacquelyn Nisby; Mark Ross; Daniel Joseph; Daniel Pederson; Lisa Johnson; James Tillman; Phil Golembiewski; Kim Nguyen, File

**Carrera Construction, Inc.**

5701 Winsome, #13  
Houston, Texas 77057  
Tel: 713-977-5320  
Fax: 713-977-5331

**Date:** January 30, 2007

**To:** City of Houston/Affirmative Action & Contract Compliance Division  
611 Walker, 7<sup>th</sup> Floor  
Houston, Texas 77002

**Attn.:** Mr. Daniel Hamilton

**Re:** West Little York Park aka Sylvester Turner Park, 17% Minority Goal Participation

**VIA:** Facsimile# 713-837-9057  
Telephone# 713-837-9048

**Mr. Daniel Hamilton**

As per our conversation earlier today, please accept this letter of explanation in regards to the 17% Minority Goal Participation requirements for the above referenced project.

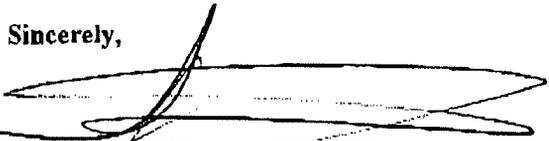
The original amount of the contract awarded to Carrera Construction was in the amount of \$2,004,000.00 dollars. Carrera has fulfilled more than 17% of the original contract value through our electrical subcontractors supplier, Medina Electric, for total amount of \$350,000.00 Dollars.

Once this project was substantially completed in June of 2006, the Owner required some additional work to be performed under the same contract. The additional work did not involve any additional electrical work or supplies and therefore the amount of the Minority Participation remained the same.

Carrera provided prices to the Owner using the same subcontractors that performed the job in the original contract due to warranty requirements for this project. Therefore even though the contract amount was increased, our ability to inquire more minority participation, by hiring new minority subcontractors, in the middle of the project was both limited, if not impossible. Furthermore, Carrera has used C&C Fence, which is listed with State of Texas, Metro and Port of Houston as a minority contractor, and the amount of our fencing contract totals \$118,000.00 Dollars. Apparently we could not use C&C Fence as part of our minority requirement since they are not listed with the City of Houston, even though they are State Certified.

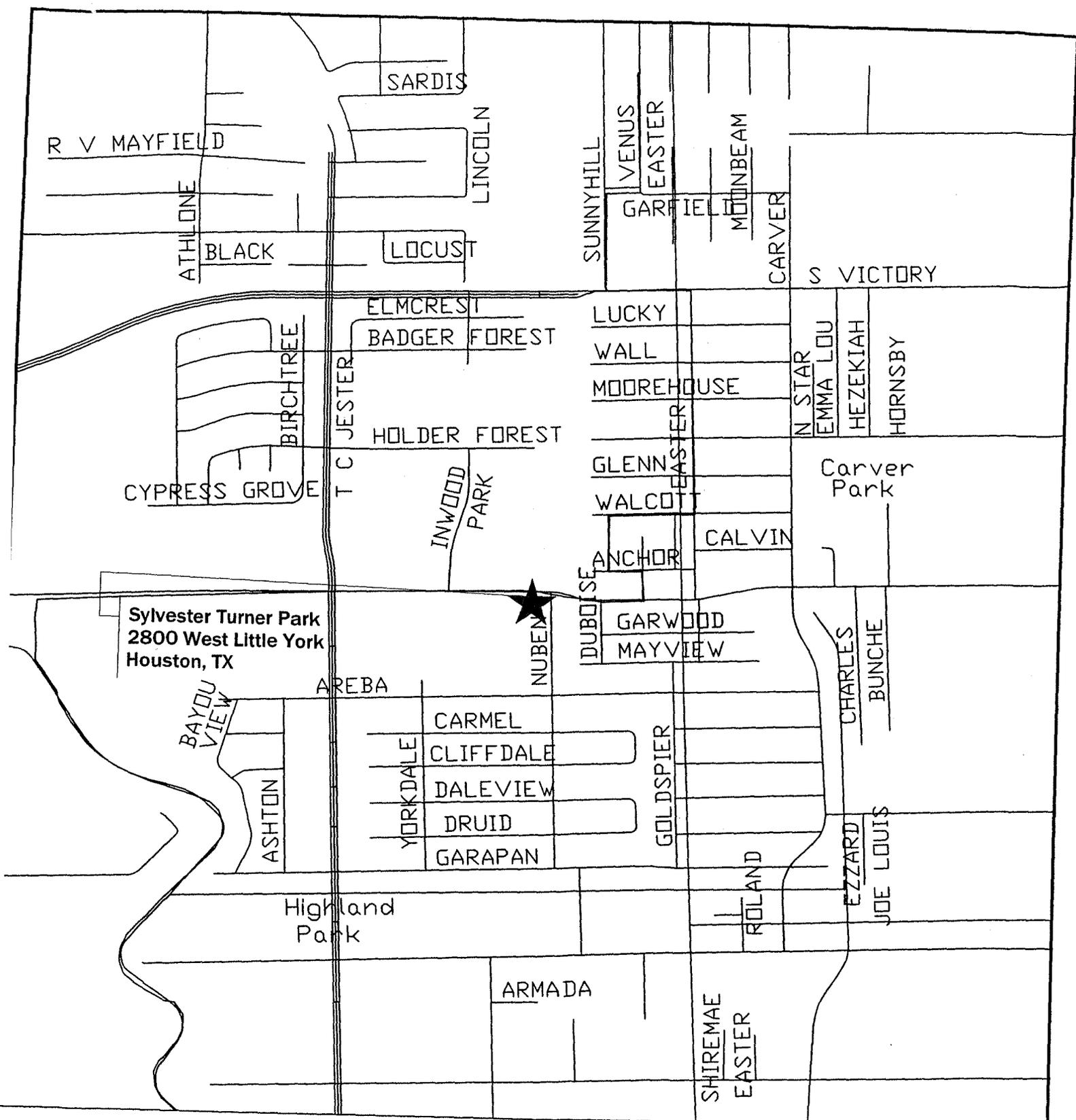
Please do not hesitate to call me at 713-977-5320, if I can be of further assistance

Sincerely,



Ali Reza Motamedi, President

CC: Lisa Johnson, BSD / Mary Davis CCA



Sylvester Turner Park  
2800 West Little York  
Houston, TX

# SYLVESTER TURNER PARK

## 2800 West Little York (Key Map 411Z)

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Neighborhood Street Reconstruction Project NSR 452; WBS No. N-000384-0001-4.	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 5
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 5-16-07	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> C	
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<b>For additional information contact:</b> <i>J. Timothy Lincoln</i> J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone:</b> (713) 837-7074	<b>Date and identification of prior authorizing Council action:</b> Ord. # 2005-813 dated 06/22/2005	
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**RECOMMENDATION:** (Summary)  
Pass a motion to approve the final Contract Amount of \$3,329,370.02 or 6.05% under the original Contract Amount, accept the Work and authorize final payment.

**Amount and Source of Funding:** No additional funding required.  
Total Original appropriation of \$4,357,109.60; with \$3,937,330.52 from the Street & Bridge Consolidated Construction Fund No 437, and \$419,779.08 from the Water and Sewer System Consolidated Construction Fund No. 755.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Neighborhood Street Reconstruction Program and required to improve the street and upgrade the utilities for the various streets.

**DESCRIPTION/SCOPE:** The project consists of the complete reconstruction of six neighborhood streets. The proposed improvements will consist of concrete roadways with curb and gutter, sidewalks and underground utilities. Van De Wiele Engineering Incorporated designed the project with 365 calendar days allowed for construction. The project was awarded to Total Site Inc. with an original Contract Amount of \$3,543,789.58.

**LOCATION:** The street limits and Key Map grid locations are as follows:

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Key Map</u>
Childress	Academy	Weslayan	492W
Purdue	Academy	Edloe	492W
Drake	Academy	Edloe	492W
Law	Academy	Weslayan	492W
Millbanks	Lancelot	SB Beltway 8	570E
Oglethorpe	SB Beltway 8	Wrenthorpe	570A&E

**CONTRACT COMPLETION AND COST:** The Contractor, Total Site, Inc. has completed the Work under the subject Contract. The project was completed 4 days earlier than the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos.1 and 2 will be \$3,329,370.02, a decrease of \$214,419.56 or 6.05% under the original Contract Amount.

The decreased cost is primarily a result of the differences between planned and measured quantities. The decrease is primarily a result of an underrun in Bid Item No. 4 – Trench removal, Bid Item No. 10 – Stabilized construction exit, Bid

REQUIRED AUTHORIZATION

CUIC ID# 20JM03

<b>A Budget:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	<i>MD</i>
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March 1, 2007

Ms. Velma Laws, Director  
Affirmative Action and Contract Compliance Division  
City of Houston  
P.O. Box 1562  
Houston, TX 77251-1562  
Attn: Donald W. Black

Re: NSF No. 452, Childress, Purdue, Drake, etc. GFS No. N-0384-01-3

Dear Ms. Laws:

I would like to address our MWDBE participation for the above referenced project. Our goal for this contract was 17%, and our final participation was 15.85%.

Our final contract amount of \$3,329,370.02 was substantially less than the original contract amount of \$3,543,789.58. Unfortunately, this had a disproportionate effect upon some of the work that was designated for our subcontractor. One subcontractor that was affected in this way was Paradigm. The amount of work that Paradigm was able to perform did not meet our original estimate because of this.

Our other significant shortfall was with Jimerson Underground, Inc., and they were not able to perform due to a scheduling conflict. We have successfully employed Jimerson Underground on past contracts and would not hesitate to use them again.

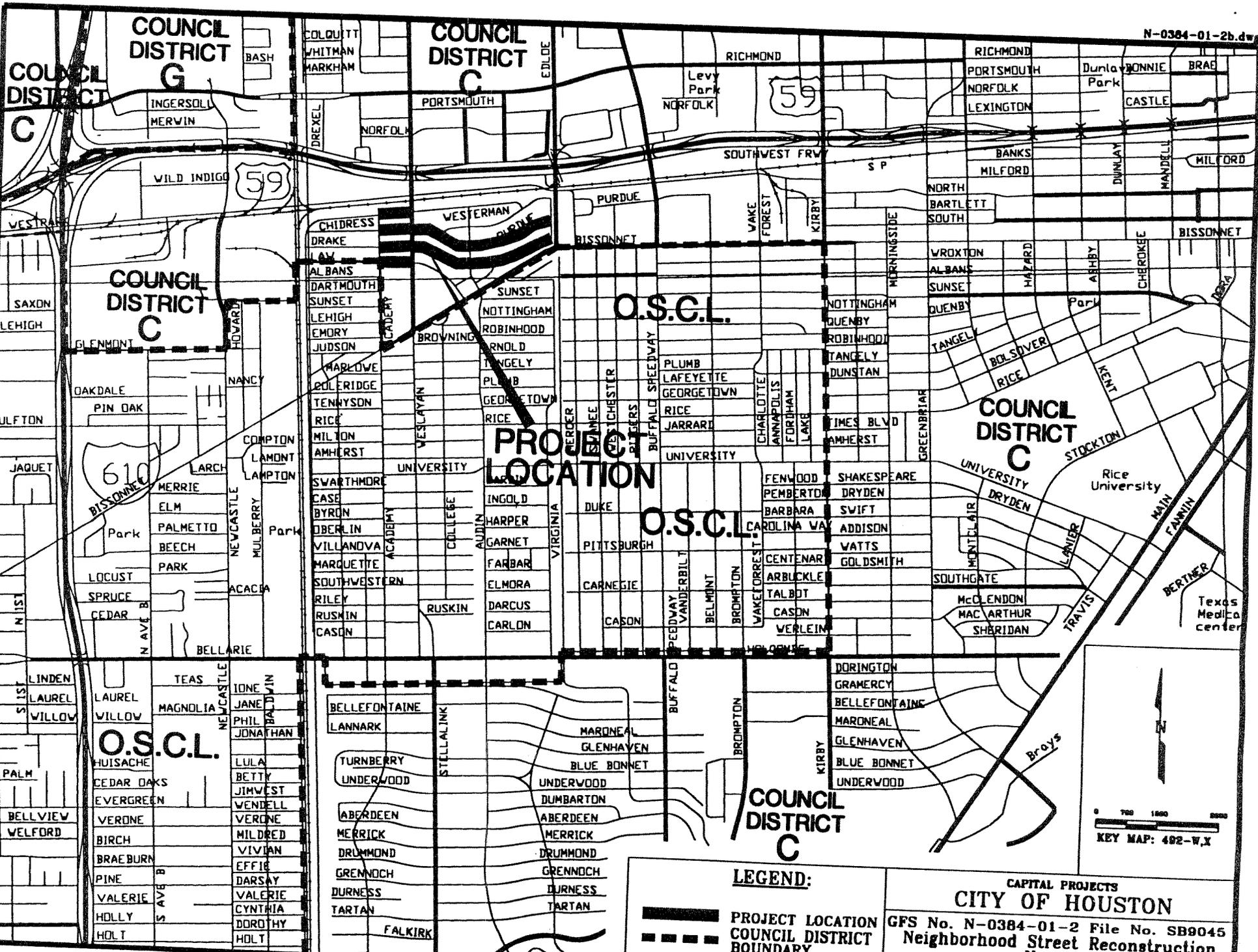
Another subcontractor that did not meet our projection was C.M. Nunez. This was due to a performance issue, and we substituted another MWDBE subcontractor to make up for this shortfall.

Statewide Trees performed additional work in their contract that offset the shortfall represented by Loko Environmental, as we did not use the services of Loko Environmental.

Please contact me if you need any additional information.

A handwritten signature in cursive script that reads "Chris Jarman".

Chris Jarman, vice president  
Total Site, Inc.



O.S.C.L.

PROJECT LOCATION

O.S.C.L.

COUNCIL DISTRICT C

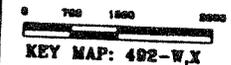
COUNCIL DISTRICT C

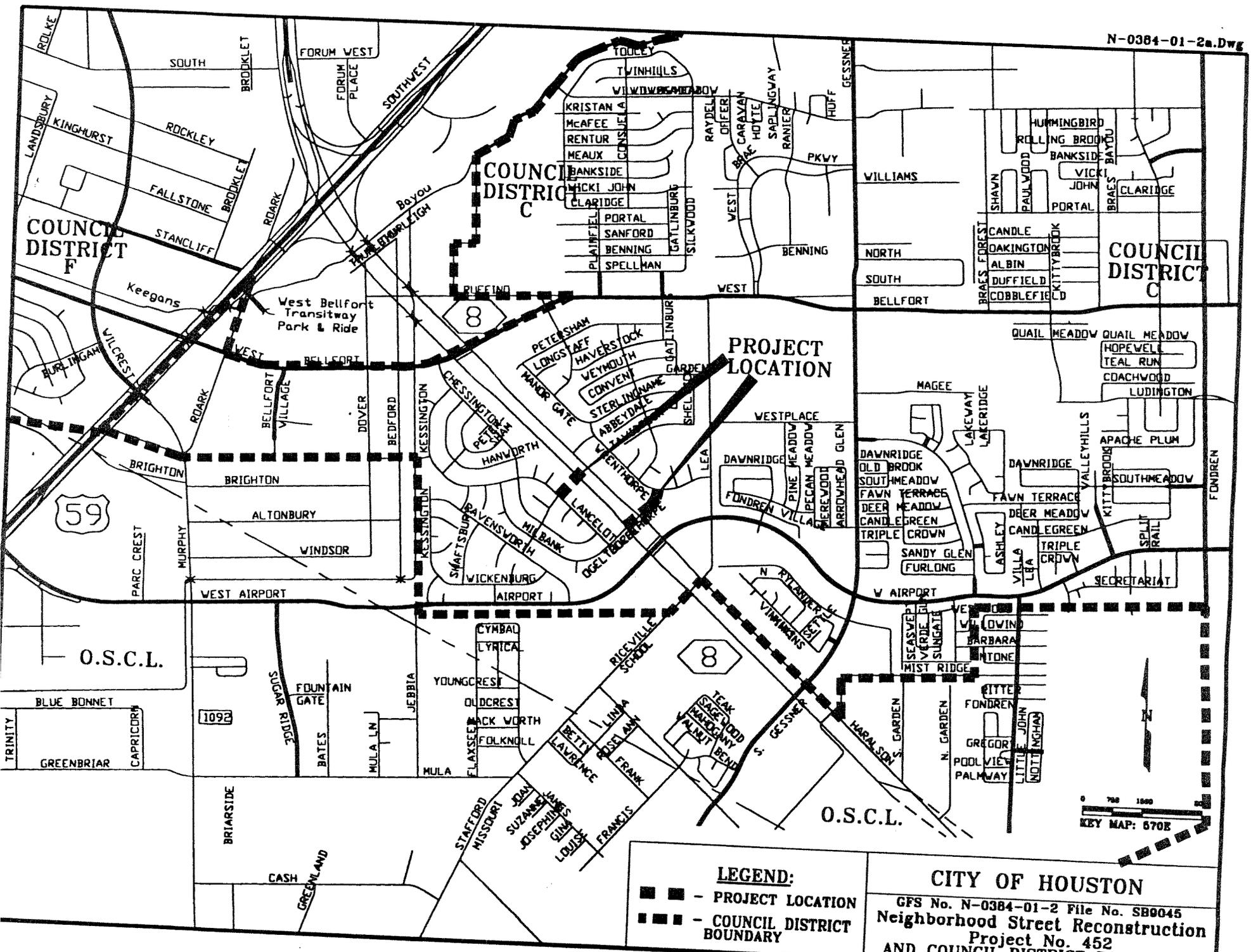
**LEGEND:**

-  PROJECT LOCATION
-  COUNCIL DISTRICT BOUNDARY
-  BOUNDARY

**CAPITAL PROJECTS  
CITY OF HOUSTON**

GFS No. N-0384-01-2 File No. SB9045  
 Neighborhood Street Reconstruction  
 No. 452  
 AND COUNCIL DISTRICT BOUNDARIES





**LEGEND:**

- ■ ■ - PROJECT LOCATION
- - - - COUNCIL DISTRICT BOUNDARY

**CITY OF HOUSTON**

GFS No. N-0384-01-2 File No. SB0045  
 Neighborhood Street Reconstruction  
 Project No. 452  
 AND COUNCIL DISTRICT BOUNDARIES

Drawn By: Rater Jordan

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Traffic Signal Construction Contract –North Zone GFS No.: N-0650-09-3.		<b>Category</b>	<b>Page</b> 1 of 2	<b>Agenda Item</b> # 6	
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 5-16-07		<b>Agenda Date</b> MAY 30 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>MS Michael S. Marcotte, P.,E., DEE</i>	<b>Council District affected:</b>  A,B,C,D,E,G,H				
	<b>For additional information contact:</b> Jeffery Weatherford, P.E., Assistant Director (713) 881-3044 Gary Norman, Council Liaison (713) 837-7425				
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final Contract Amount of \$1,798,520.91 or 0.35% over the original Contract Amount, accept the work, and authorize the final payment.		<b>Date and identification of prior authorizing Council action:</b> Ord. # 2003-563 dated 6/11/03			
<b>Amount and Source of Funding:</b> No Additional Funding Required. Original appropriation of \$2,007,224.80 from Street & Bridge Consolidated Construction Fund No. 437.				<b>F&amp;A Budget:</b>	
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project constructed or reconstructed traffic signals at selected locations around the City to improve mobility and traffic signal operability.					
<b>DESCRIPTION/SCOPE:</b> The contract was awarded to KenMor Electric Company, LP, with an original contract amount of \$1,792,165.00 and 730 days allowed for construction.					
<b>LOCATIONS:</b> Signal construction or reconstruction was at the following locations:					
<u>Location</u>	<u>Council District</u>	<u>Key Map</u>	<u>Location</u>	<u>Council District</u>	<u>Key Map</u>
1. Carver @ S. Victory Dr.	B	412S	13. Sage @ Woodway	G	491L
2. Greens Rd. @ Way Forest	B	373N	14. Kingwood High School	E	337A
3. Shadowbriar @ Westheimer	G	488V	15. Ferguson Way @ W. Montgomery	B	412N
4. Richmond @ Westheimer	G	487V	16. Royal Oaks @ Westheimer	G	489W
5. Nordling @ Parker	H	413W	17. Barker Cypress @ South Parkview	A	447W
6. W. Bellfort @ Sandpiper	C	570D	18. 20 <sup>th</sup> @ Yale	H	452V
7. Briar Forest @ Citywest	G	489Q	19. 20 <sup>th</sup> @ Heights	H	452V
8. Cleburne @ Scott	D	533D	20. 11 <sup>th</sup> @ T. C. Jester	A	452Y
9. T. C. Jester @ Washington	H	492G	21. Bay Area @ Brookforest	E	618H
10. W. Orem @ Waterloo	D	572K	22. Fannin @ W. Holcombe	C	532H
11. Clearlake City Blvd. @ Middlebrook	E	578Z	23. S. Post Oak @ Fire Station #59	D	571Q
12. Brook Forest @ El Dorado	E	618G	24. Hiram Clark @ Simsbrook	D	571R
		<b>REQUIRED AUTHORIZATION</b>	<b>CUIC ID# 20DCW30</b>		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b> <i>Raymond D. Chong</i> Raymond D. Chong, P.E., PTOE Deputy Director Traffic & Transportation Division		

<b>Date:</b>	<b>SUBJECT:</b> Accept Work for Traffic Signal Construction Contract-North Zone GFS No. N-0650-09-3.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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**CONTRACT COMPLETION AND COST:** The contractor has completed the Work under the subject Contract. The contract was completed within the required time with 365 additional days allowed by written notice. The final cost of the project is \$1,798,520.91, an increase of \$6,355.91 or 0.35% over the original Contract Amount of \$1,792,165.00.

The increased cost is a result of an overrun in Bid Item #2 – Traffic Control/Flagmen, Bid Item #3 – Flashing Board, Bid Item #18 – Install 332 Controller Cabinet, Bid Item #19 – Furnish & Install Infrared Vehicle Detector which were necessary to complete the work.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 20.11%. The contractor was awarded an Outstanding rating.

DCW:LHM

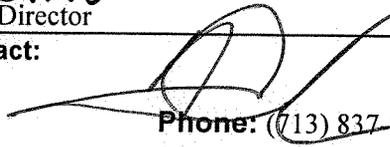
cc: Mary Stein  
Daniel W. Krueger, P.E.  
Susan Bandy  
Velma Laws  
Craig O. Foster  
Michael Ho, P.E.  
Gary Norman  
LaVerne Hollins-McGlothen  
Project File No.(SB9125-01)

**TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Accept Work for Rehabilitation of Three Elevated Storage Tanks. WBS No. S-000600-0030-4.	<b>Category #7</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  <b>7</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 5-16-07	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> A & B      SKF
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<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director  <b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2003-614 dated 06/25/2003
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$1,398,359.40 which is 8.78% under the original Contract Amount, accept the Work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required.  
Original appropriation of \$1,842,300.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755. **F&A Budget:**

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Water Storage Tank Rehabilitation Program and is required to meet the Texas Commission on Environmental Quality's (TCEQ) regulations.

**DESCRIPTION/SCOPE:** The project consisted of rehabilitation of three elevated water storage tanks and related site work. Pate Engineers, Inc. designed the project with 450 calendar days allowed for construction. The project was awarded to Trojan Industrial Coatings, Inc. with an original Contract Amount of \$1,533,000.00.

**LOCATION:** The project areas are located as follows:

No.	Address	Key Map Grid
1.	Park Ten West Pumping Station at 18324 Addicks Levee	447-W
2.	Willowbrook Pumping Station at 7403 W. Greens	370-K
3.	District 203 Pumping Station at 10903 Ella Blvd.	372-T

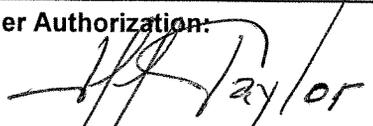
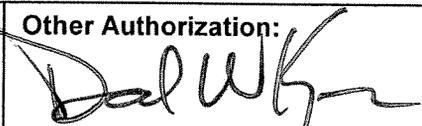
**CONTRACT COMPLETION AND COST:** The Contractor, Trojan Industrial Coatings, Inc. has completed the Work under the subject contract. The project was completed beyond the established completion date and Liquidated Damages in the amount of \$103,950.00 have been assessed and are reflected in the final payment. The final cost of the project, including Liquidated Damages and overrun and underrun of estimated bid quantities is \$1,398,359.40, a decrease of \$134,640.60 or 8.78% under the original Contract Amount.

The decreased cost is a result of the differences between planned and measured quantities. The cost underrun is primarily due to Work not requiring use of most Extra Unit Price Items and Liquidated Damages.

**M/WBE PARTICIPATION:** The Original M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 9.34%. The Contractor received an "Unsatisfactory" rating for the M/WBE Compliance.

MSM:JTL:CWS:SKF:mq  
S:\constr\Admin\CONST\Projects\10596-30\Closeout\RCA\RCA\_CL-2.DOC

c: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E.      File No. 10596-30 - Closeout

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20SKF090</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division

## Summary of MWDBE Activities

Project Description/#: Water #10596-30 - Rehabilitation of Three Elevated Storage Tanks. S-0600-30-3. #C4600004616

Prime Contractor: Trojan Industrial Coatings, Inc.

MWDBE Goal at award of contract: 17%

Amount of Contract: **\$1,533,000.00**

Change Orders: **\$(134,640.60)**

Final Contract Amount : **\$1,398,359.40**

Amount of MWDBE goal with change order:

**\$237,721.10**

MWDBE actual participation: 9.34%

**Original MWDBEs listed on RCA  
& Letter of Intent**

**MWDBEs Used:**

**List of original MWDBE, that  
were not used:**

A-1 Hydro-Mulching of Texas, Inc.  
B & B Valves and Fittings, Inc.  
Houston Electrical Concepts  
Kodiak Contractors  
Medcalf Fabrication, Inc.  
Oil Products Distribution, Ltd.  
Roar LLC

A-1 Hydro-Mulching of Texas, Inc.  
B & B Valves and Fittings, Inc.  
Houston Electrical Concepts  
Kodiak Contractors  
Medcalf Fabrication, Inc.  
Oil Products Distribution, Ltd.  
Texas Landscape Co. (Roar LLC)

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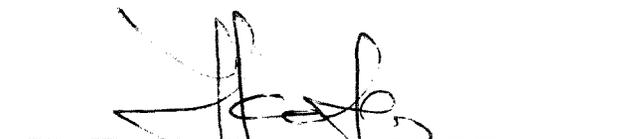
**If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:**

After repeated calls to the prime contractor, no response was obtained. Per Paul Wallick, Project Manager at Pate Engineers, Trojan Industrial Coatings, Inc. is no longer in business.

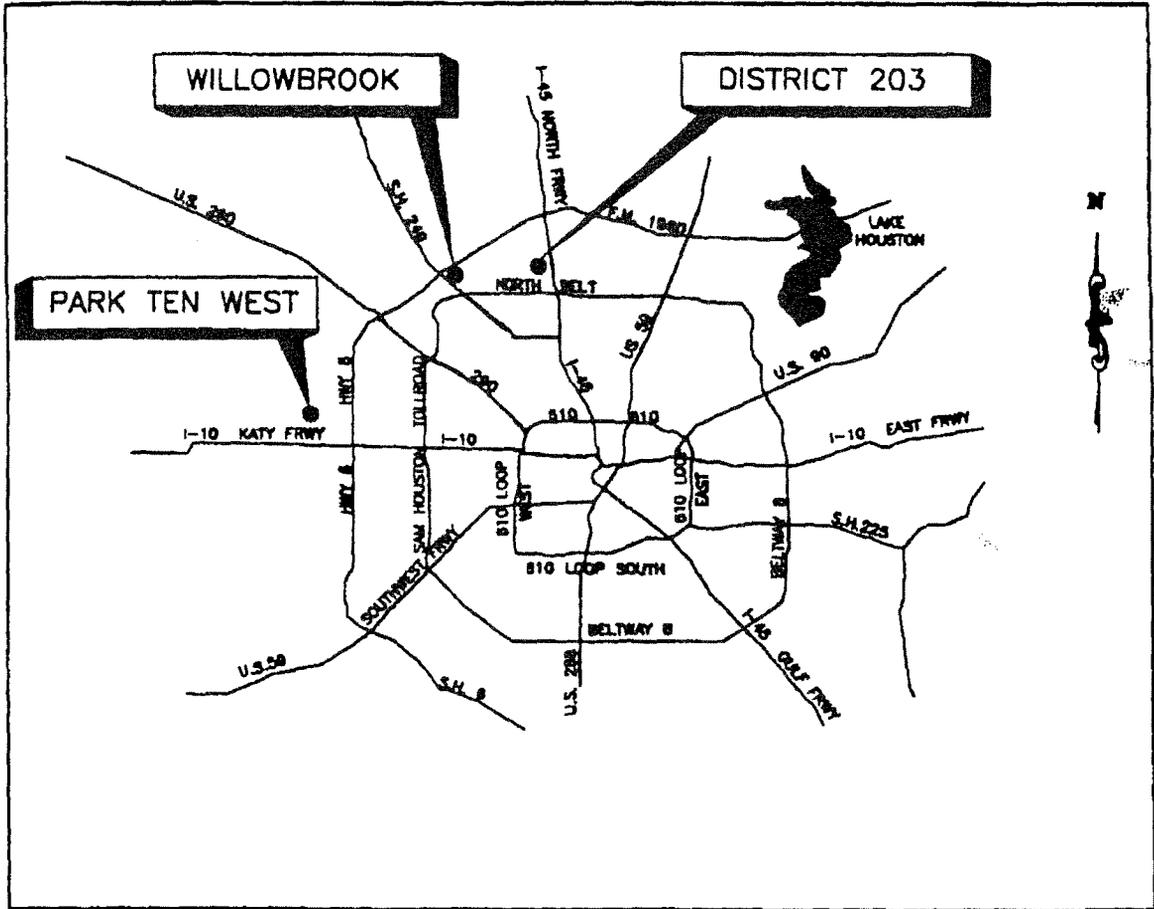
**Briefly state reason given by MWDBE why they were not used or not used to the full amount originally projected:**

Approved by:

  
\_\_\_\_\_  
Daniel Hamilton  
Contract Compliance Officer

  
\_\_\_\_\_  
Joseph Kurian, Division Manager  
Contract Compliance Section

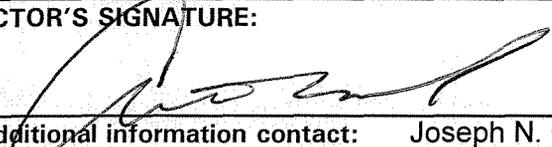
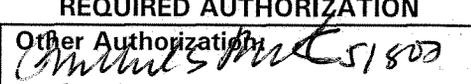
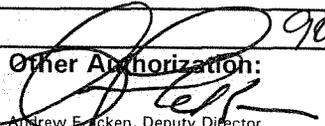
January 10, 2007  
\_\_\_\_\_  
Date



VICINITY MAP

N.T.S.

<u>WATER PLANT</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>KEY MAP NO.</u>	<u>COUNCIL DISTRICT</u>
PARK TEN WEST	18324 ADDICKS LEVEE DR.	77084	447W	A
WILLOWBROOK	7403 W. GREENS RD.	77064	370K	A
DISTRICT 203	10903 ELLA BLVD.	77067	372T	B

<b>SUBJECT:</b> Parcels AY5-050 & AY5-046; <i>City of Houston v. Edmond &amp; Valerie Thomas, et al.</i> , Cause No. 870,735; Fuqua Road Grade Separation at Mykawa Project (WBS No. N-00530B-0002-2); L.D. File No. 052-0300037-006		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  8
<b>FROM (Department or other point of origin):</b> Legal Department, Real Estate Division Arturo G. Michel, City Attorney		<b>Origination Date</b> 03/12/07	<b>Agenda Date</b> MAY 30 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> "E" Addie Wiseman K.M. # 574V		
<b>For additional information contact:</b> Joseph N. Quintal Phone: 713 437-6748 (alternatively Russell G. Richardson @ 713 437-6750)		<b>Date and identification of prior authorizing Council action:</b> Ord.#2005-397, psd. 04/20/05		
<b>RECOMMENDATION: (Summary)</b> That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners, being \$370,000.00, into the registry of the Court, pay all costs of Court and not file any objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.				
<b>Amount of Funding:</b> \$376,622.00; No additional funding required (covered under blanket Appropriation Ordinance No. 2005-397, psd. 04/20/05; WBS# N-000663-00RE-2)		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund Street and Bridge Consolidated Construction Fund 437; SAP Fund No. 4506 <input type="checkbox"/> Other (Specify) Blanket Appropriation Ordinance No. 2005-397, psd. 04/20/05				
<b>SPECIFIC EXPLANATION:</b> The Fuqua Road Grade Separation at Mykawa Project will provide for design, right-of-way acquisition, engineering and construction of a grade separation over the Santa Fe Railroad property at Mykawa Street. The project will provide for the east and west continuity of Fuqua Road, and is required due to the existing and proposed railroad tracks the street will cross. This project is scheduled in conjunction with Capital Improvement Projects N-0490 & N-0530A.  This particular eminent domain proceeding involves the fee simple acquisition of 11.534 acres (502,435 s.f.) of land and a 23,826 square foot (0.547 acre) temporary construction easement. The property is located in the 6600 block of Fuqua and is effectively vacant with some agricultural related appurtenances enclosed by fencing. The City's final offer of \$243,836.00 (i.e. \$0.43 psf) was based upon the City acquiring 13.14 acres (572,263 s.f.) of land contained in four (4) separate parcels of land. The landowners are active in the real estate market and rejected the City's final offer as being well below market value. They submitted several documented counter-offers, in the range of \$7.00 psf for the land being acquired, based upon their recent sales and purchases of other properties in the vicinity. Efforts by Public Works & Engineering, Real Estate Division to negotiate the purchase of the needed parcels failed and the matter was referred to the Legal Department to initiate condemnation proceedings. The Legal Department initiated eminent domain proceedings against the property, cited the landowners as parties to the lawsuit and retained a different appraiser to value the property and testify at the Special Commissioners' Hearing. It was determined that the landowners sold two of the needed tracts (i.e Parcels AY5-048 & AY5-051) and the Legal Department amended its Petition to exclude those properties from the pending eminent domain lawsuit. Those parcels were subsequently purchased by the Legal Department from the new owners.				
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<b>F&amp;A Director:</b>		<b>REQUIRED AUTHORIZATION</b>		
		<b>Other Authorization:</b>  Michael S. Marcotte, Director Public Works & Engineering		
		<b>Other Authorization:</b>  Andrew Erickson, Deputy Director, Planning and Development Services Division		

Date 03/12/07	Subject: Parcels AY5-050 & AY5-046; <i>City v. Edmond &amp; Valerie Thomas, et al</i> ; Fuqua Road Grade Separation at Mykawa Project (WBS No. N-00530B-0002-2); L.D. File No. 052-0300037-006	Originator's Initials JNQ	Page 2 of 2
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**Landowner:** Edmond and Valerie Thomas

**Project:** Fuqua Road Grade Separation at Mykawa Project

**Property:** Parcel AY5-050 11.534 acres (502,435 s.f); fee simple title  
Parcel AY5-046 23,826 s.f. (0.547 acre); one year temporary construction easement

**City's Testimony Before the Special Commissioners:** \$297,245.00 (R)  
(i.e. \$0.55 psf for the property being acquired in fee simple, \$19,596.00 for the improvements situated thereon, \$1,310.00 for the one year temporary construction easement and no damages to the remainder)

**Award of Special Commissioners:** \$370,000.00

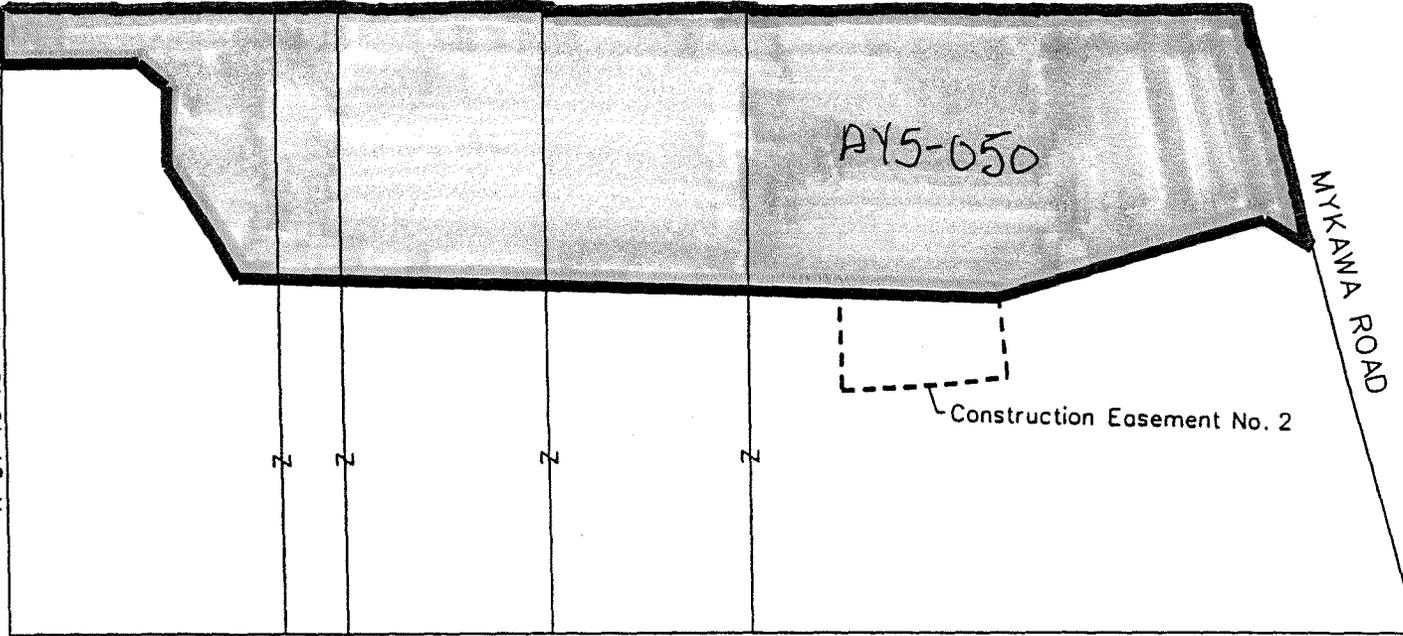
The "**Costs of Court**" are as follows, to wit: \$167.00 Filing fee; \$930.00 Service of process fee; \$1,125.00 Special Commissioners' fees (i.e. \$375.00 x 3); \$4,400.00 Appraiser's fee; **Total:** \$6,622.00. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds being requested herein.

We recommend that the City Attorney be authorized, by Motion to deposit the amount of the Award of Special Commissioners, being \$370,000.00, into the registry of the Court, pay all costs of Court and not file any objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

FUQUA ST.

P.O.B., Set

710.86'  
N 01° 46' 46" W



P.O.C.  
Fnd 5/8" Iron w/Cap

PARENT TRACT INSET  
N.T.S.

EXISTING	TAKING	REMAINING
31.125 AC.	11.534 AC.	19.591 AC.
	502,435 SQ. FT.	

JOB No. 20107-000 DATE: DECEMBER, 2004

**RODS SURVEYING, INC.**

6810 LEE ROAD SPRING, TEXAS 77379  
TEL (281) 379-6388 FAX (281) 379-1602



CITY OF HOUSTON  
PUBLIC WORKS AND  
ENGINEERING DEPARTMENT

APPROVAL

12/21/04  
DATE

CHIEF SURVEYOR

Monica Conner  
RIGHT OF WAY SECTION

DATE: 12/21/04

PARCEL NO. 4

AY5-050

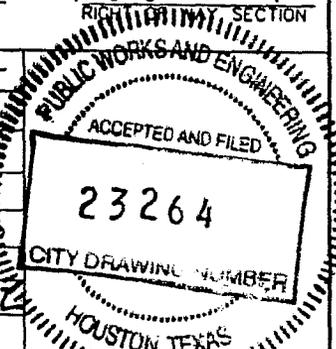
574 V+U

5551 B+D

CIP NO.

GFS NON-6530-2-2

C.M. NO.



I do hereby certify that the plat shown hereon conforms to the current General Rules of Procedures and Practices as adopted by the Texas Board of Professional Land Surveyors.

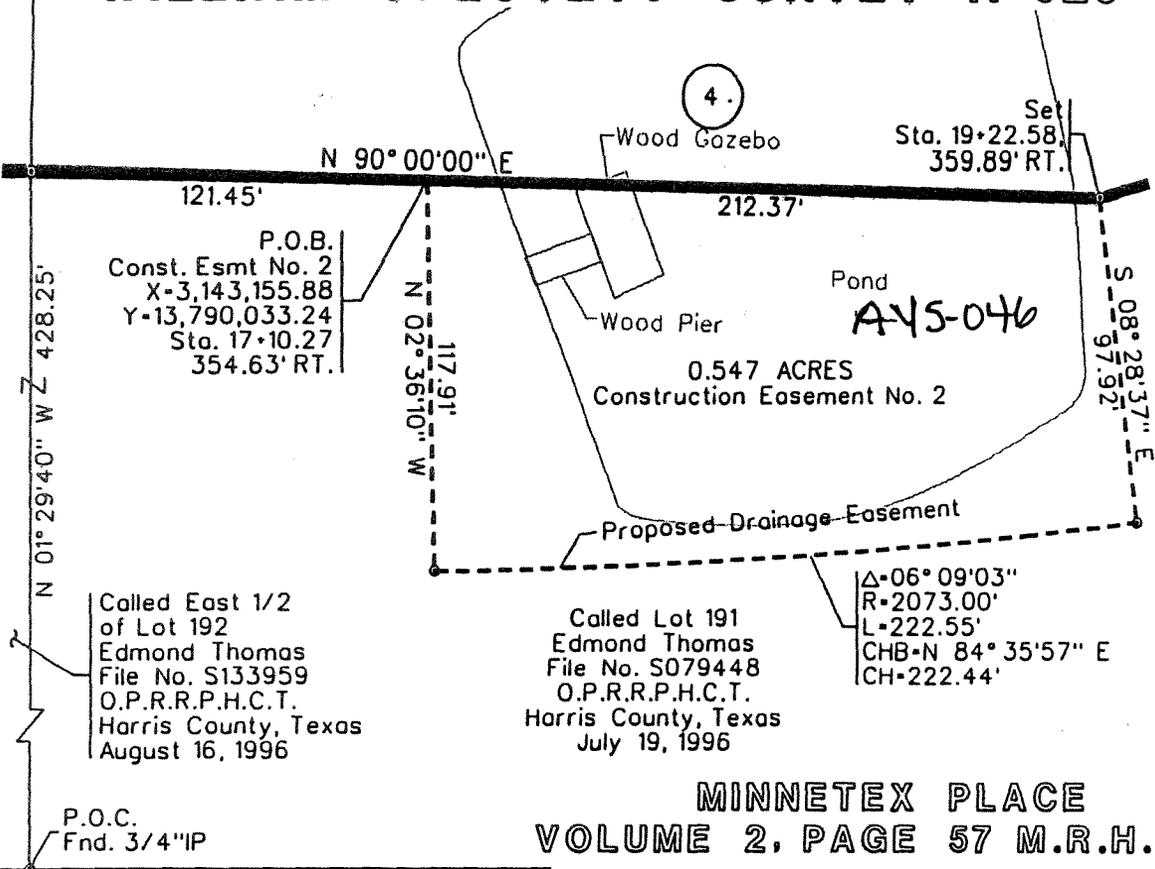
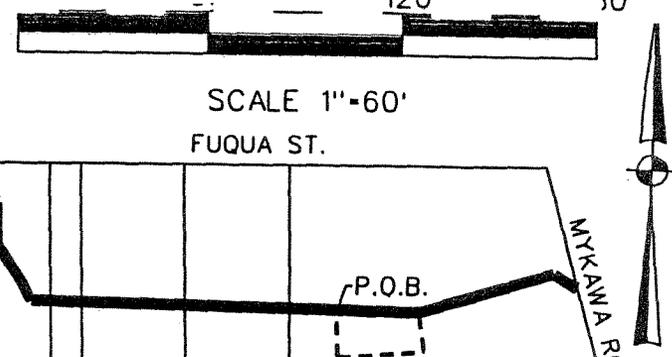
*John David Kenney*  
JOHN DAVID KENNEY, R.P.L.S. 2080



Parcel 4  
Sheet 1 of 3

Notes:

- All bearings and coordinates are based on the Texas State Plane Coordinate System, Central Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 1.00013.
- Set : Indicates a 5/8 inch iron rod with plastic cap marked "RODS SURVEYING".
- A metes and bounds description of even date accompanies this plat.



P.O.B.  
Const. Esmt No. 2  
X=3,143,155.88  
Y=13,790,033.24  
Sta. 17+10.27  
354.63' RT.

N 02° 36' 10\"/>

Set  
Sta. 19+22.58  
359.89' RT.

S 08° 28' 37\"/>

Δ=06° 09' 03\"/>

Called East 1/2  
of Lot 192  
Edmond Thomas  
File No. S133959  
O.P.R.R.P.H.C.T.  
Harris County, Texas  
August 16, 1996

Called Lot 191  
Edmond Thomas  
File No. S079448  
O.P.R.R.P.H.C.T.  
Harris County, Texas  
July 19, 1996

P.O.C.  
Fnd. 3/4\"/>

**MINNETEX PLACE  
VOLUME 2, PAGE 57 M.R.H.C.T.**

EXISTING	TAKING	REMAINING
19.519(net)AC	0.547 AC.	19.044 AC.
	23,826 SQ. FT.	

JOB No. 20107-000 DATE: DECEMBER, 2004

**RODS SURVEYING, INC.**  
6810 LEE ROAD SPRING, TEXAS 77379  
TEL (281) 379-6388 FAX (281) 379-1602

**CITY OF HOUSTON  
PUBLIC WORKS AND  
ENGINEERING DEPARTMENT**

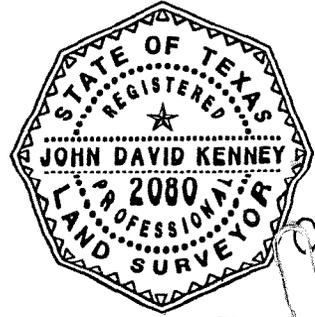
APPROVAL: *[Signature]* DATE: 12/21/04  
CHIEF SURVEYOR: *[Signature]* RIGHT OR PRIVATE SECTION: *[Signature]*

DATE: 12/21/04  
CONST. ESMT. NO. 2  
PARCEL A-15-046  
574 UTU  
5551 B+D  
CIP NO.  
GFS NO. N-0530-200  
C.M. NO.

ACCEPTED AND FILED  
23264  
CITY DRAWING NUMBER  
HOUSTON, TEXAS

I do hereby certify that the plat shown hereon conforms to the current General Rules of Procedures and Practices as adopted by the Texas Board of Professional Land Surveyors.

*[Signature]*  
JOHN DAVID KENNEY, R.P.L.S. •2080



Const. Esmt. 2  
Sheet 1 of 1

Notes:

- All bearings and coordinates are based on the Texas State Plane Coordinate System, Central Zone, North American Datum of 1983, 1993 Adjustment. All distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 1.00013.
- Set: Indicates a 5/8 inch iron rod with plastic cap marked "RODS SURVEYING".
- A metes and bounds description of even date accompanies this plat.

<b>SUBJECT:</b> Request for the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. <b>Parcels SY7-082A through D and KY7-248</b>	<b>Category</b> # 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  9
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*msj*

<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b>  MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: H</b>  Key Map 493J <i>DD</i>
--	---

<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (713) 837-0881 <i>npc</i> Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. **Parcels SY7-082A through D and KY7-248**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**

This request addresses the first of a multi-phase project in which the City of Houston will be requested to abandon and sell or to privatize street right of way and/or easements to accommodate the razing of the current apartment complex and the construction of new multi-family buildings bordered by Washington Avenue on the north, Heights Boulevard on the west, Studemont Street on the east, and Willa Street on the south. Each phase will be submitted for the City's consideration as that phase of the project is ready to proceed.

Phase One is the subject of this Request for Council Action. Ronnie D. Harris of Brown & Gay Engineers, Inc., 10777 Westheimer Road, Suite 400, Houston, Texas 77042, on behalf of ASN Multifamily Limited Partnership [SCA-North Carolina (1) LLC, a Delaware limited partnership {Archstone-Smith Operating Trust, a Maryland real estate investment trust, (Peter Grimm, Vice President), sole member}, General Partner], requested the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City abandon and sell three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1;

*ngp*

dob\sy7-082.rc1.doc CUIC #20DOB8848

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. <b>Parcels SY7-082A through D and KY7-248</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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2. The applicant be required to: (a) cut, plug, and abandon the existing 6-inch water line located in the 10-foot-wide water line easement being abandoned and sold, (b) cut, plug, and abandon the three fire hydrants being abandoned and sold, and (c) pay the depreciated value for the water line and the fire hydrants being abandoned. All of the foregoing items must be completed at no cost to the City and under the proper permits;
3. The applicant be required to prepare drawings that show the water line and fire hydrants that are being abandoned and conveyed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;
4. The applicant be required to relocate the 10-foot by 28-foot fire hydrant at the main entrance to the apartment complex inside the complex's fenced area;
5. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
6. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
7. The Legal Department be authorized to prepare the necessary transaction documents; and
8. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – John Fox and Patrick O'Connor.

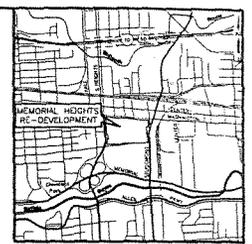
MSM: NPC: dob

- c: Phil Boriskie  
 Marlene Gafrick  
 Daniel W. Krueger, P.E.  
 Arturo G. Michel  
 Reid K. Mrsny, P.E.  
 Marty Stein  
 Jeff Taylor

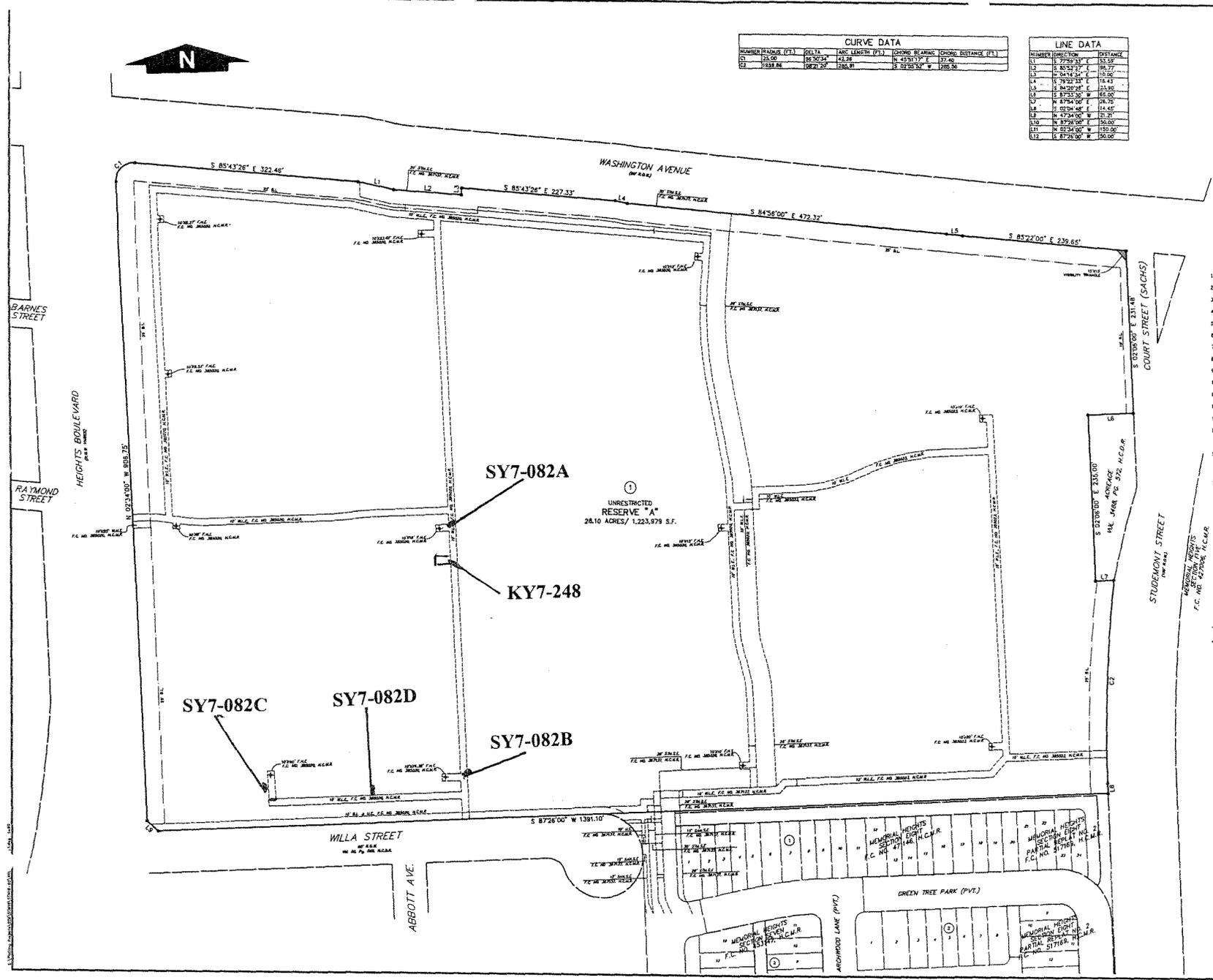


CURVE DATA					
NUMBER	BEARING (E.T.)	CHORD	ARC LENGTH (F.T.)	CHORD BEARING	CHORD DISTANCE (E.T.)
01	S 85°43'26"	42.38	42.38	N 43°51'17"	37.40
02	S 84°56'00"	1284.81	1284.81	S 02°25'00"	1285.34

LINE DATA		
NUMBER	DIRECTION	DISTANCE
L1	E 77°52'37"	153.58
L2	S 85°43'26"	89.77
L3	S 84°56'00"	1285.34
L4	E 79°22'33"	164.43
L5	N 43°51'17"	37.40
L6	S 87°26'00"	69.00
L7	N 87°54'00"	28.75
L8	N 02°04'00"	114.42
L9	N 47°34'00"	21.21
L10	S 87°26'00"	69.00
L11	N 87°34'00"	150.00
L12	E 87°26'00"	150.00



VICINITY MAP  
N.T.S.



- GENERAL NOTES
- "U.E." indicates "Utility Easement".
  - "B.L." indicates "Building Line".
  - "M.L.E." indicates "Meter Line Easement".
  - "M.W.E." indicates "Water Meter Easement".
  - "F.H.E." indicates "Fire Hydrant Easement".
  - "S.M.S.E." indicates "Sanitary Sewer Easement".
  - "S.M.S.E." indicates "Storm Sewer Easement".
  - "D.E." indicates "Drainage Easement".
  - "A.E." indicates "Aerial Easement".
  - "N.C.C.P." indicates Harris County Clerk's File Number.
  - "H.C.M.R." indicates Harris County Map Records.
  - "H.E.D.R." indicates Harris County Dead Records.
  - "O.P.R.D.R.P." indicates Official Public Records of Real Property.
  - The coordinates shown herein are Texas South Central Zone no. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following obtained scale 0.99999999.
  - The square footage value shown herein is a mathematical value based upon the boundary data shown herein. This value has no relation to the precision of closure of this survey or the position of corner monuments recovered or placed.
  - Unless otherwise indicated, the building lines (B.L.), whether new or not, shown on this subdivision plat are established to conform with the applicable provisions of Chapter 42, Code of Ordinances, City of Houston, in effect at the time this plat was approved, which may be amended from time to time.
  - This tract is subject to Chapter 42, Article VII, Section 2 of the City of Houston's Code of Ordinances. Accordingly, a Sign and Quality Permit must be obtained before the issuance of any construction permit, as that term is defined in Division 2, for all or part of the tract.
  - The building line for property adjacent to an intersecting street shall not encroach into any visibility triangle. This area shall have visibility sight lines for vehicular traffic approaching the intersection.
  - All street right-of-way terminations approved with City of Houston Ordinance No. 80-284.

## MEMORIAL HEIGHTS RE-DEVELOPMENT

A SUBDIVISION OF 28.10 ACRES OF LAND BEING A REPLAT OF MEMORIAL HEIGHTS SECTION ONE - REPLAT, RECORDED IN F.C. NO. 385020, H.C.M.R. AND MEMORIAL HEIGHTS SECTION TWO, RECORDED IN F.C. NO. 385023, H.C.M.R. LOCATED IN THE JOHN AUSTIN SURVEY, A-1 CITY OF HOUSTON HARRIS COUNTY, TEXAS

REASON FOR REPLAT:  
TO CREATE AN UNRESTRICTED RESERVE

1 BLOCK  
SCALE: 1"=60'  
JANUARY, 2008

OWNER:  
ABINGTON - DART OPERATING TRUST  
11044 RESEARCH BLVD, SUITE 4-300  
HOUSTON, TX 77058  
(817) 284-7825

**BROWN & GAY** CIVIL ENGINEERS & SURVEYORS  
11490 WESTMEIER, SUITE 700  
HOUSTON, TEXAS 77077  
(281) 555-8700  
ENGINEERS, INC.

Abandonment and sale of three fire hydrant easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a fire hydrant easement, all located within Memorial Heights, Section One Replat, out of the John Austin Survey, A-1. **Parcels SY7-082A through D and KY7-248**

<b>SUBJECT:</b> Request for the abandonment and sale of a variable width utility easement, a variable width water line easement, a water meter easement and two fire hydrant easements, all located within the 807 S Post Oak Lane Apts plat, out of the William White Survey, A-836. <b>Parcels SY7-090A through E</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  10
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b>  MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> G  Key Map 491L <i>PSYM</i>
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<b>For additional information contact:</b> Nancy P. Collins <b>Phone:</b> (713) 837-0881 <i>NPO</i> Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of a variable width utility easement, a variable width water line easement, a water meter easement and two fire hydrant easements, all located within the 807 S Post Oak Lane Apts plat, out of the William White Survey, A-836. **Parcels SY7-090A through E**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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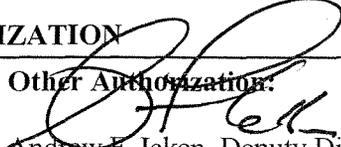
**SPECIFIC EXPLANATION:**

Ronnie D. Harris of Brown & Gay Engineers, Inc., 10777 Westheimer Road, Suite 400, Houston, Texas 77042, on behalf of Apartments at Post Oak Hills, Ltd. [Apartments at Post Oak Hills GP Inc. (Jennette Hunnicutt, President), General Partner], requested the abandonment and sale of a variable width utility easement, a variable width water line easement, a water meter easement and two fire hydrant easements, all located within the 807 S Post Oak Lane Apts plat, out of the William White Survey, A-836. Apartments at Post Oak Hills, Ltd., the property owner, wants to remove the easement encumbrances to facilitate the construction of a new multi-family mid-rise apartment complex.

This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City abandon and sell a variable width utility easement, a variable width water line easement, a water meter easement and two fire hydrant easements, all located within the 807 S Post Oak Lane Apts plat, out of the William White Survey, A-836;
2. The applicant be required to: (a) cut, plug, and abandon the existing 8-inch water line and two fire hydrants located in the water line easement and fire hydrant easements being abandoned and sold, (b) abandon the water meter and vault located in the water meter easement being abandoned and sold, (c) cut, plug, and abandon the existing 8-inch sanitary sewer line located in the utility easement being abandoned and sold, and (d) pay the depreciated value for all the utilities being abandoned. All of the foregoing items must be completed at no cost to the City and under the proper permits;
3. The applicant be required to prepare drawings that show all public utilities (water and sanitary) that are abandoned, relocated, and constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;

psm\sy7-090.rc1.doc	CUIC #20PSM8851
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REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of a variable width utility easement, a variable width water line easement, a water meter easement and two fire hydrant easements, all located within the 807 S Post Oak Lane Apts plat, out of the William White Survey, A-836. <b>Parcels SY7-090A through E</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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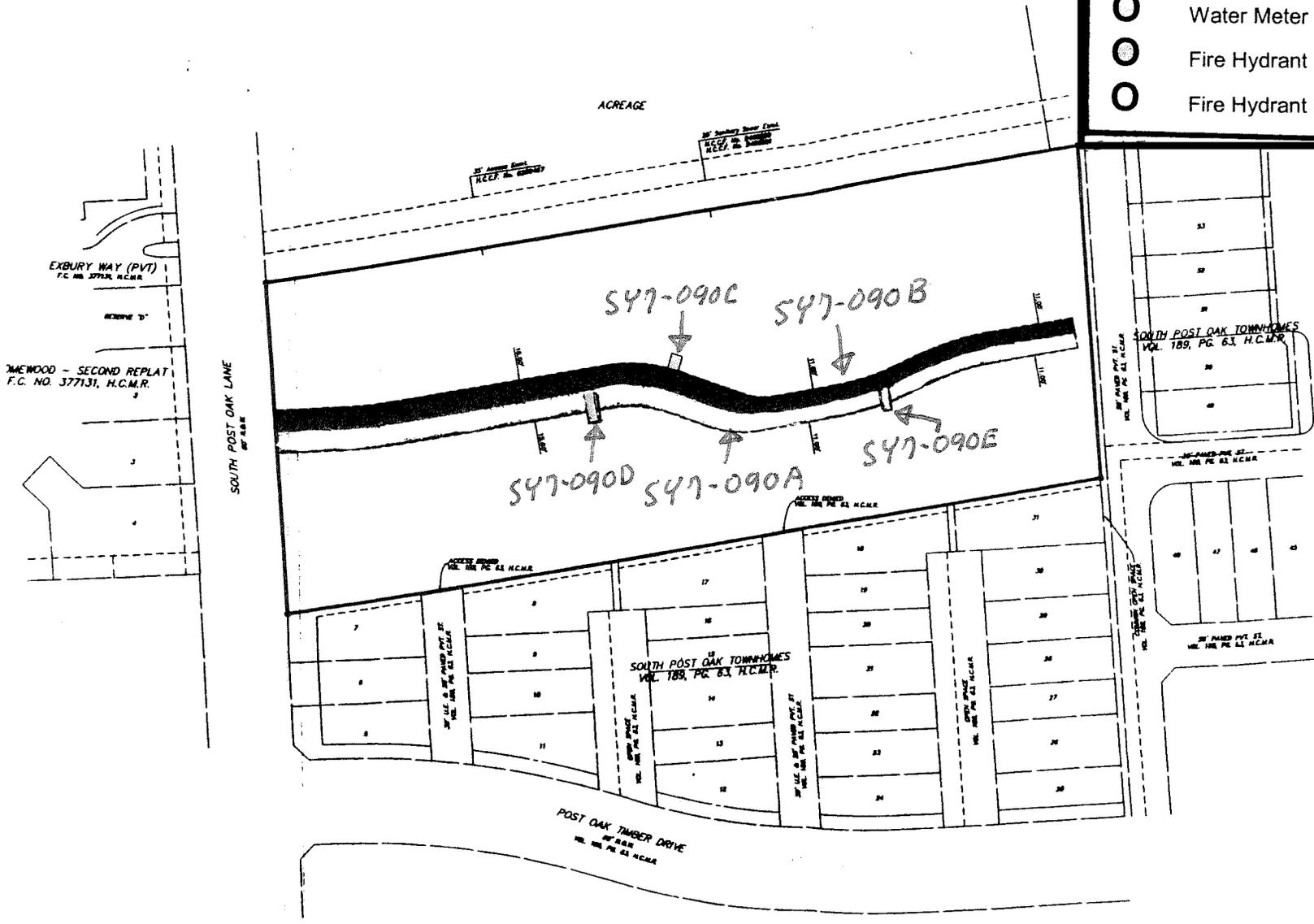
4. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
5. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the utility easement being abandoned and sold;
6. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
7. The Legal Department be authorized to prepare the necessary transaction documents; and
8. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Alan Dominy and Tom Kvinta.

MSM:NPC:psm

- c: Phil Boriskie  
Marlene Gafrick  
Daniel W. Krueger, P.E.  
Arturo G. Michel  
Reid K. Mrsny, P.E.  
Marty Stein  
Jeff Taylor

Apartments at Post Oak Hills, Ltd.

○	Utility Easement	SY7-090A
●	Water Line Easement	SY7-090B
○	Water Meter Easement	SY7-090C
○	Fire Hydrant Easement	SY7-090D
○	Fire Hydrant Easement	SY7-090E



**BROWN & GAY**  
 CIVIL ENGINEERS & SURVEYORS  
 HOUSTON, TEXAS

Scale: N.T.S.	Job No: ZOMD2-51	Date: 03/06/07	Exp't: ZOMD2.P.C.
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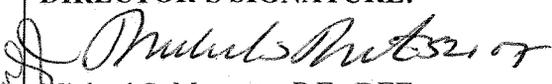
Abandonment and sale of a variable width utility easement, a variable width water line easement, a water meter easement and two fire hydrant easements, all located within the 807 S Post Oak Lane Apts plat, out of the William White Survey, A-836. **Parcels SY7-090A through E**

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

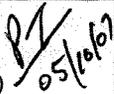
<b>SUBJECT:</b> PROPERTY: PURCHASE of Parcel CY5-003, located at 8906 Seeker Street for the FRESH WATER SUPPLY DISTRICT #23 BUFFER ZONE PROJECT C.I.P. R-000265-0027-2-01 OWNER: Joyce Newsome	<b>Category</b> #7	<b>Page</b> 1 of 1	<b>Agenda Item</b> #  11
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  B HHT Key Map 455F
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director 	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2005-1102, September 21, 2005
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**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion to PURCHASE Parcel CY5-003.

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2005-1102 R-000019-00RE-2-01 Water and Sewer System Consolidated Construction Fund 755)		<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**  
The FRESH WATER SUPPLY DISTRICT #23 BUFFER ZONE PROJECT provides for the acquisition of land necessary to provide a sanitary control buffer zone for the existing wastewater plant. This transaction involves the acquisition of 18,026 square feet of land in fee. The parcel is located at 8906 Seeker Street.

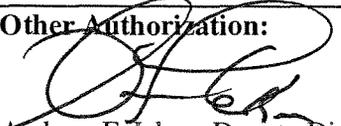
**PURCHASE:**  
The City desires to acquire 18,026 square feet of land improved with a commercial building used as a church. The City's offer was based on an appraisal by Robert B. Jones, MAI, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel CY5-003 (Fee).....	\$86,882.00
<b>TOTAL COMPENSATION</b> .....	\$86,882.00

It is recommended that authority be given through Council Motion to PURCHASE Parcel CY5-003, owned by Joyce Newsome. The property is to be used as a buffer zone to limit residential use of the property as per Texas Natural Resources Conservation Commission Chapter 309 requirements. This parcel contains 18,026 square feet of land situated in the Eli Nolan Survey, Abstract 600, Harris County, Texas and being all of Commercial Reserve, Block 3, Roane Oaks, Section 2, according to the map or plat thereof recorded in Volume 43, Page 46 of the Harris County Map Records said Commercial Reserve, Block 3 also being that tract described in a deed executed April 11, 1989 from Merida Newsome to Ms. Joyce Newsome, and recorded under Harris County Clerk's File M217750 Official Public Records of Real Property, Harris County, Texas according to City of Houston field notes.

MSM: NPC:hht  
cc: Marty Stein

Tyler/CY5003RCA CUIC #20HHT180

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

## PARCEL VALUATION

Following is a breakdown of the consideration for Parcel CY5-003:

**LAND:**

Parcel CY5-003 (Fee)

18,026 square feet @ \$0.86 ..... \$15,500.00 (rounded)

**IMPROVEMENTS:**

Multi-purpose commercial building ..... \$71,382.00 (rounded)

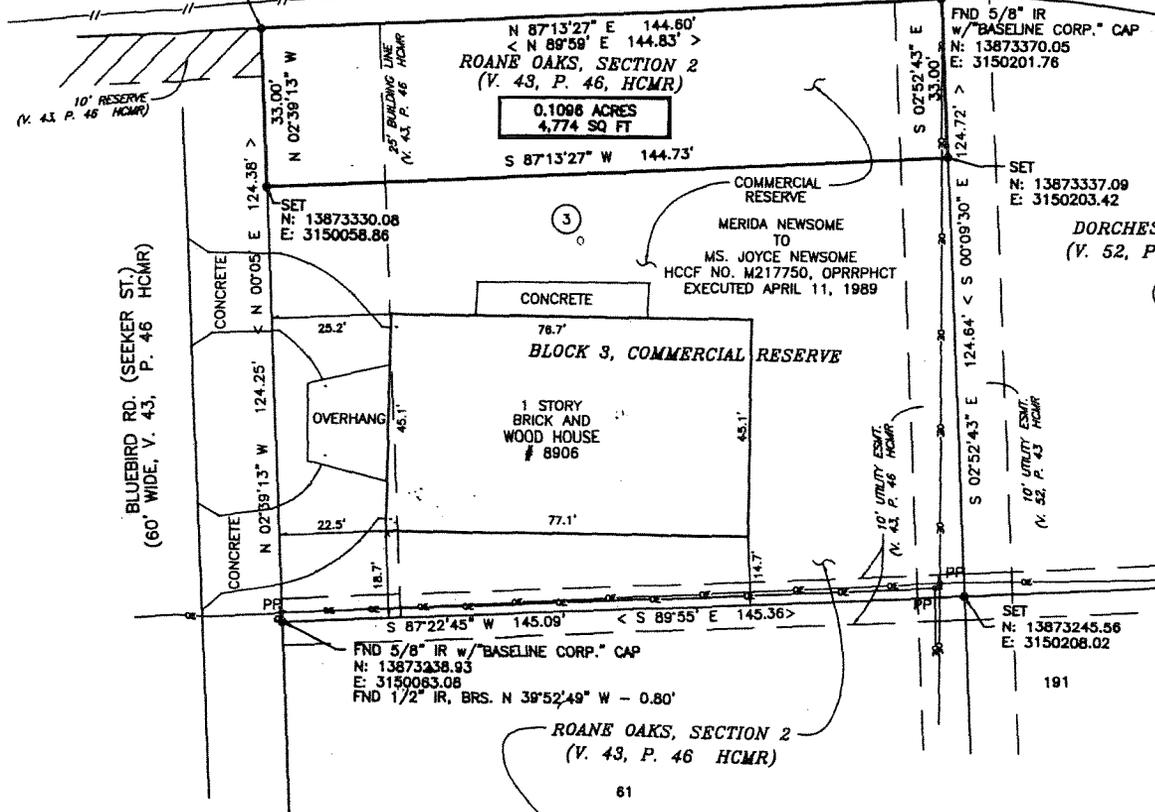
**TOTAL COMPENSATION** ..... \$86,882.00

**Note:**

The value for the land is for a whole taking. The amount for improvements includes a one story building formerly used as a day care center, now being used as a meeting hall, and site improvements.

CALLED 14.4 ACRES  
L. B. NORRELL  
(TO)  
HARRIS COUNTY FRESH WATER SUPPLY  
DISTRICT NO. TWENTY-THREE (23)  
(V. 2388, P. 70, HCDR)  
EXECUTED JANUARY 19, 1962

POINT OF BEGINNING  
FND 5/8" IR  
w/"BASELINE CORP." CAP  
N: 13873363.05  
E: 3150057.33



**NOTES**



1) Bearings and coordinates shown hereon are based upon the Texas State Plane Coordinate System, South Central Zone, NAD 83. All coordinates and distances are surface and may be converted to grid by multiplying by the combined average scale factor of 0.99990266. Coordinates are derived from published coordinate values for City of Houston Mon. No. 5661-0403 (based upon the 1968 USC&GS adjustment of the North American Datum of 1927) and converted to NAD 83 using Corpacor.

2) This survey was prepared without the benefit of a Title Report.

3) Abstracting services were performed by Courthouse Specialists, Houston, Texas. Only those features requested by client are shown hereon. Other restrictions may exist that are not shown hereon.

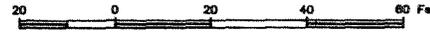
5) SET = Set 5/8" iron rod w/"BASELINE CORP." cap, unless otherwise noted.

6) This property is subject to City of Houston Ordinance No. 85-1878, recorded under HCCF No. N253886 of the OPRRPHCT, regarding the establishing of minimum set back lines along all public streets.

7) <> = Called bearings (and distances where applicable) on referenced plat.



8) A metes and bounds description based on this survey prepared July 8, 2005 by J. Patrick Going, Registered Professional Land Surveyor, License No. 4477, is on file in the office of Baseline Corporation, Houston, Texas, Job No. 92062.08.



**BASELINE CORPORATION**  
PROFESSIONAL SURVEYORS  
1708 SHAMLET DRIVE, SUITE 2000, HOUSTON, TEXAS 77068  
PHONE (713) 686-0188 FAX (713) 686-1641

**PLAT OF SURVEY**  
0.1096 OF ONE ACRE (4,774 SQ. FT.)  
BEING THE NORTH 33 FEET  
OF COMMERCIAL RESERVE  
BLOCK 3  
BEING OUT OF  
ROANE OAKS, SECTION 2  
VOL. 43, PG. 46 HCDR  
IN THE  
**ELI NOLAN SURVEY, A-600**  
HARRIS COUNTY, TEXAS

**CITY OF HOUSTON**  
PUBLIC WORKS AND  
ENGINEERING DEPARTMENT

DATE: 09/27/05  
R. Patrick Going, R. Alan Conner  
CHIEF SURVEYOR RBT RIGHT OF WAY SECTION

KEY MAP NO. 455-F & G	OMS MAP NO. 5661-C
PARCEL NO. C45-003	
CIP NO. R-0265-27-3	
OMS NO. R-0265-27-3	
C.M. NO.	



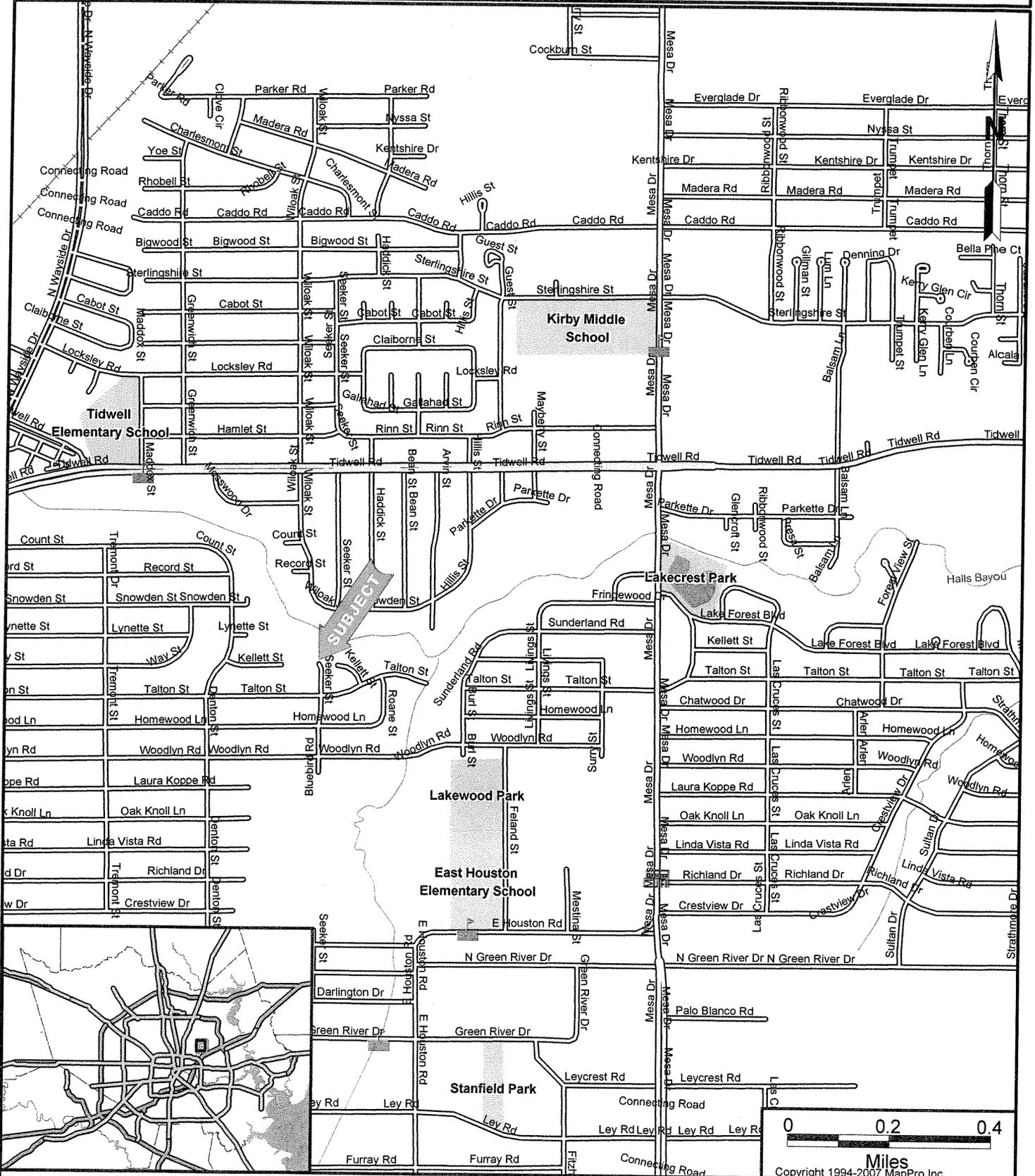
**REVISIONS**

- ▲ 08-10-2005 REVISED TO ADD NOTE NO. 8
- ▲ 09-15-2005 REVISED NOTE 1 AND BOUNDARY CALLS TO REFLECT COORDINATE BASE CHANGE FROM NAD27 TO NAD83.

*R. Patrick Going*  
9/16/05

# LOCATION MAP

Description: Fresh Water Supply District #23 Buffer Zone Project  
 Located at 8906 Seeker Street  
 C.I.P. R-000265-0027-2-01, Parcel CY5-003, Key Map 455 F  
 Prepared by: City of Houston, 611 Walker, Houston, TX 77002



**CAUTION:** Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> PROPERTY: PURCHASE of Parcel CY5-004, located at 8407 Kellett Street for the FRESH WATER SUPPLY DISTRICT #23 BUFFER ZONE PROJECT C.I.P. R-000265-0027-2-01 OWNER: The Heirs at Law and Devisees of Huey P. Spikes, deceased and Mary M. Spikes	<b>Category #7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  121
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  B HHT Key Map 455F
--	--

<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director 	<b>Date and identification of prior authorizing Council Action:</b>  Ordinance 2005-1102, September 21, 2005
---	--

**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion to PURCHASE Parcel CY5-004.

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2005-1102 R-000019-00RE-2-01 Water and Sewer System Consolidated Construction Fund 755) 	<b>F&amp;A Budget:</b>
--	------------------------

**SPECIFIC EXPLANATION:**  
The FRESH WATER SUPPLY DISTRICT #23 BUFFER ZONE PROJECT provides for the acquisition of land necessary to provide a sanitary control buffer zone for the existing wastewater plant. This transaction involves the acquisition of 122,628 square feet of land in fee. The parcel is located at 8407 Kellett Street.

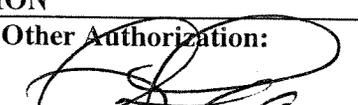
**PURCHASE:**  
The City desires to acquire 122,628 square feet of land improved with a single family residence. The City's offer was based on an appraisal by Robert B. Jones, MAI, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

Parcel CY5-004 (Fee).....	\$82,100.00
LAND AND IMPROVEMENTS .....	\$82,100.00

It is recommended that authority be given through Council Motion to PURCHASE Parcel CY5-004, owned by The Heirs at Law and Devisees of Huey P. Spikes, deceased and Mary M. Spikes. The property is to be used as a buffer zone to limit residential use of the property as per Texas Natural Resources Conservation Commission Chapter 309 requirements. This parcel contains 122,628 square feet of land situated in the Eli Nolan Survey, Abstract 600, Harris County, Texas and being all of Lot 184, Lot 185, Lot 186, and Lot 187, Block 8, Dorchester Place, according to the map or plat thereof recorded in Volume 52, Page 43 of the Harris County Map Records same being all of that tract described in a deed executed May 23, 1973 from William Hill, to Huey P. Spikes, et ux, and recorded under Harris County Clerk's File D886518 Official Public Records of Real Property, Harris County, Texas according to City of Houston field notes.

MSM:NPC:hht  
cc: Marty Stein

Tyler/CY5004RCA CUIC #20HHT179

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

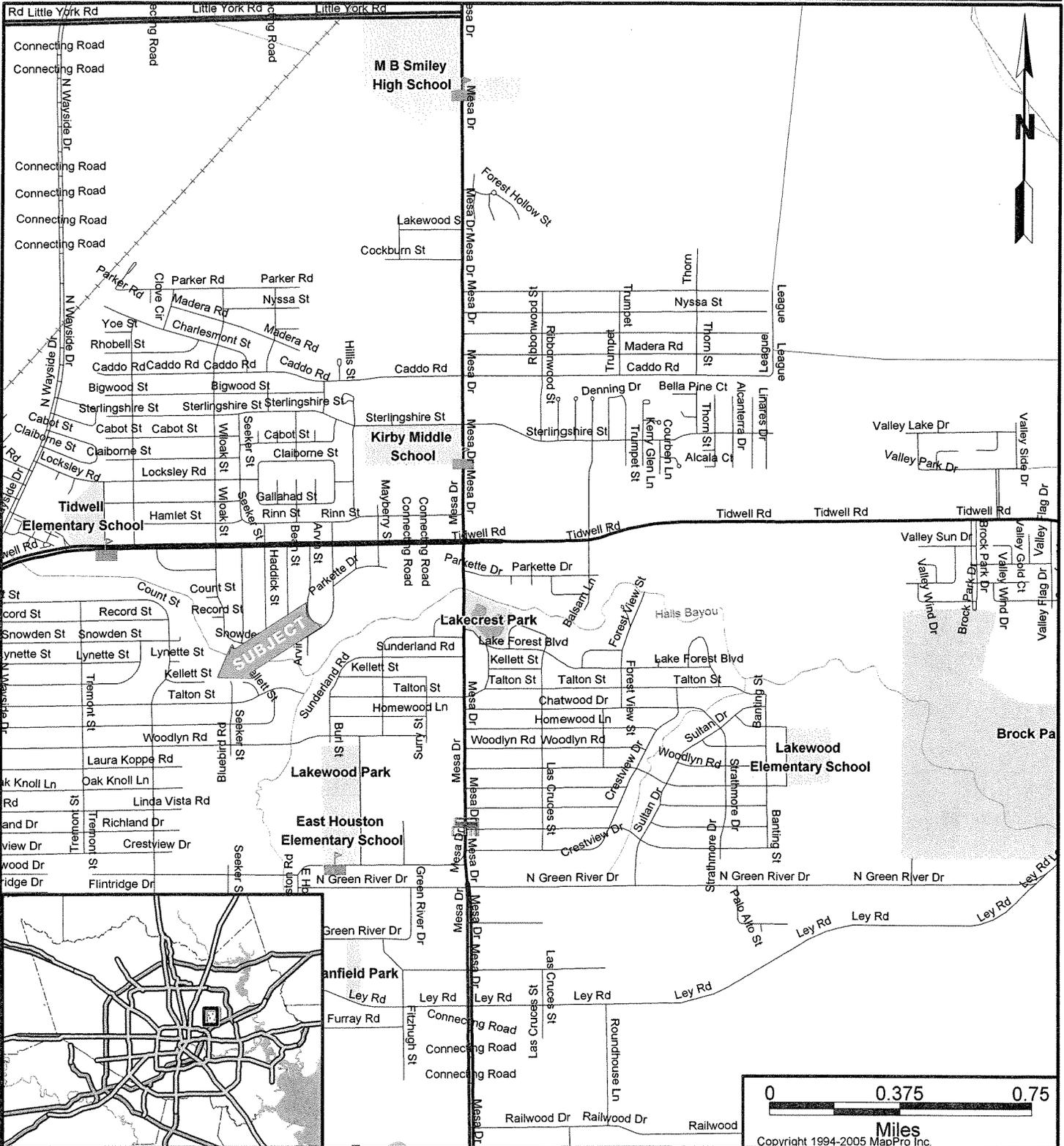
# LOCATION MAP

Description: Fresh Water Supply District #23 Buffer Zone Project

Located at 8407 Kellett Street

C.I.P. R-000265-0027-2-01 Parcel CY5-004, Key Map 455 F

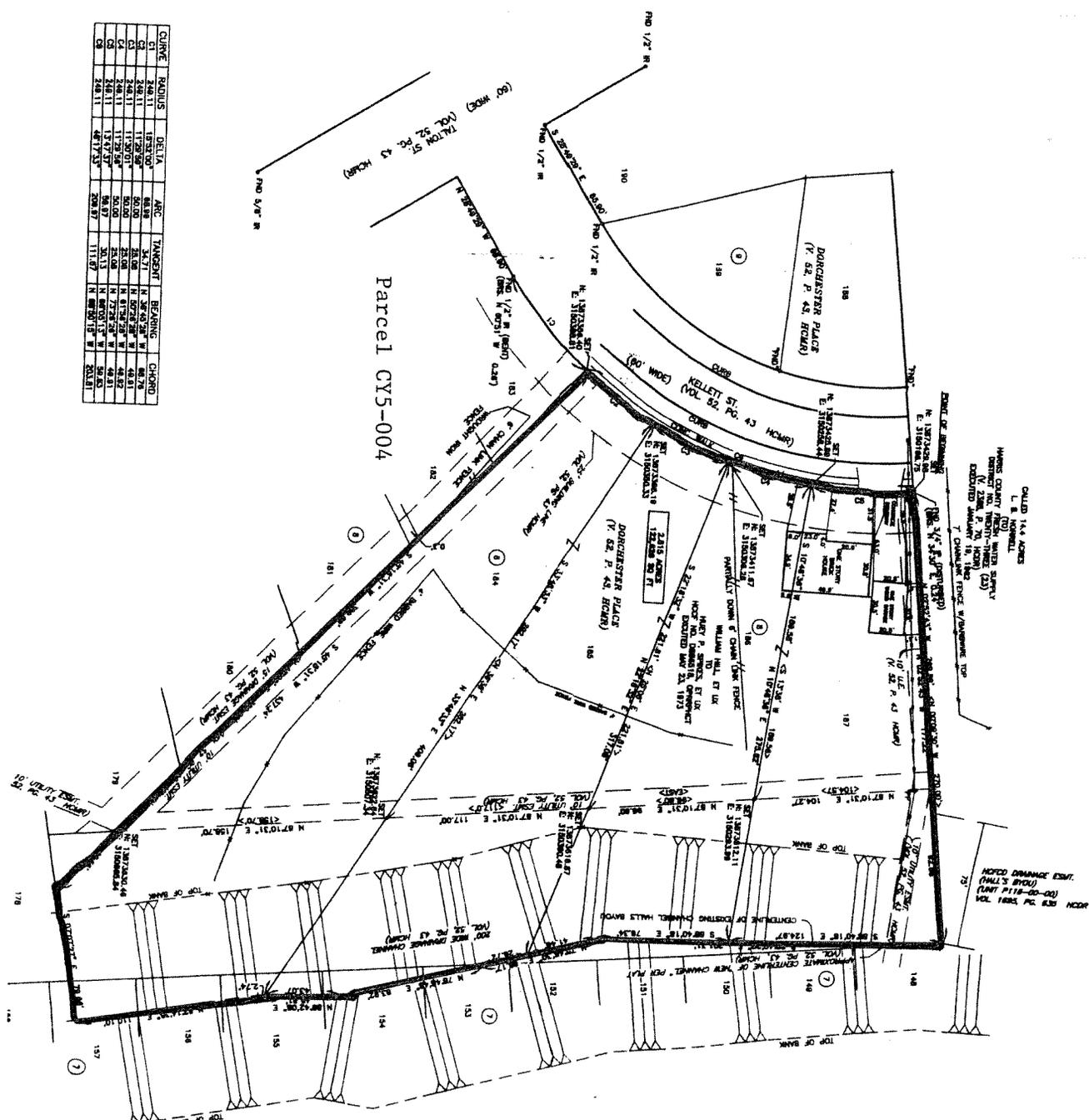
Prepared by: City of Houston, 611 Walker, Houston, TX 77002



### CAUTION:

Inaccuracies may exist on map as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

CLUMP	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	249.11	117.29	48.00	N 29° 42' 32" W	48.78	
C2	249.11	117.29	48.00	N 67° 02' 32" W	48.78	
C3	249.11	117.29	48.00	N 67° 02' 32" W	48.78	
C4	249.11	117.29	48.00	N 67° 02' 32" W	48.78	
C5	249.11	117.29	48.00	N 67° 02' 32" W	48.78	
C6	249.11	117.29	48.00	N 67° 02' 32" W	48.78	
C7	249.11	117.29	48.00	N 67° 02' 32" W	48.78	
C8	249.11	117.29	48.00	N 67° 02' 32" W	48.78	
C9	249.11	117.29	48.00	N 67° 02' 32" W	48.78	
C10	249.11	117.29	48.00	N 67° 02' 32" W	48.78	



Parcel CYS-004

CALLED 14.4 ACRES  
L. B. KENNEDY  
HARRIS COUNTY (FD) WATER SERVICE  
DISTRICT NO. 1 NORTH-TWENTY (20)  
EXCLUDED FROM THE NORTH-TWENTY  
EXCLUDED FROM THE NORTH-TWENTY  
EXCLUDED FROM THE NORTH-TWENTY

NOTED DRAINAGE EXIST.  
DALLS TRAIL (1971)  
VOL. 1685, PG. 635 NCDP

REVISIONS  
08-10-2008  
08-10-2008

*Handwritten signature and date*  
9/16/15

- NOTES**
- 1) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 2) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 3) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 4) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 5) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 6) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 7) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 8) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 9) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.
  - 10) The survey was prepared in accordance with the Texas Surveying Act, Chapter 81, Texas Civil Statutes, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code, and the Rules and Regulations of the State Board of Surveying, Chapter 100, Texas Administrative Code.

**BASELINE CORPORATION**  
SURVEYING AND ENGINEERING  
2815 ACRES (122,828 SQ. FT.)  
LOTS 184, 185, 186 & 187  
BLOCK B  
DORCHESTER PLACE  
VOL. 52, PG. 43 HARRIS  
HARRIS COUNTY, TEXAS

**PLAT OF SURVEY**  
CITY OF HOUSTON  
PUBLIC WORKS AND  
ENGINEERING DEPARTMENT  
EJ MOLAN SURVEY A-800

DATE: 08/27/15  
BY: [Signature]

APPROVED: [Signature]

PROJECT NO. CYS-004

DATE: 08/27/15

40058

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7440**

**Subject:** Sole Bid Received for Laryngeal Tracheal Device Kits for the Fire Department  
S09-S22420

Category #  
4

Page 1 of 1

Agenda Item

**13**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 17, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Karen Dupont Phone: (713) 859-4934  
Desiree Heath Phone: (713) 247-1722

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an award to Tri-Anim Health Services, Inc. on its sole bid in an amount not to exceed \$320,952.00 for laryngeal tracheal device kits for the Fire Department.

Estimated Spending Authority: \$320,952.00

**F & A Budget**

\$320,952.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Tri-Anim Health Services, Inc. on its sole bid in an amount not to exceed \$320,952.00 for laryngeal tracheal device kits for the Fire Department. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month period. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This award consists of approximately 2,160 size 3 yellow kits; 6,000 size 4 red kits; and 2,160 size 5 purple kits which will be used to intubate patient airways to enable breathing in medical emergencies by the Fire Department's Emergency Medical Services Division.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twenty-six prospective bidders viewed the solicitation document on SPD's e-bidding website, and only one bid was received. Tri-Anim Health Services, Inc. is the sole distributor for these laryngeal tracheal device kits in the greater Houston area and the surrounding counties.

Buyer: Maria Goldman

Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division

**Estimated Spending Authority**

DEPARTMENT	FY 2007	OUT YEARS	TOTAL
FIRE	\$10,000.00	\$310,952.00	\$320,952.00

**REQUIRED AUTHORIZATION**

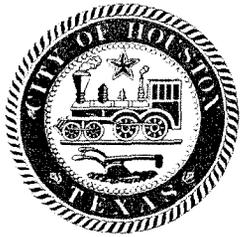
F&A Director:

Other Authorization:

Other Authorization:

*NDT*

*mg*



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: M. A. Cruz Goldman

Date: April 12, 2006

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal: Yes  No  Type of Solicitation: Bid  Proposal

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No  0%

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: 0% New Goal: 0%

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: S09-S22420 Estimated Dollar Amount: \$477,000.00

Anticipated Advertisement Date: 4/6/2006 Solicitation Due Date: 4/26/2006

Goal On Last Contract: N/A Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: \_\_\_\_\_

Name and Intent of this Solicitation:

This bid covers three (3) different sizes and types of laryngeal tracheal device kits that will be used in the place of intubation devices by the Fire Department's EMS on trauma victims that have stopped breathing.

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)

There is only one supplier/distributor for these kits and that supplier is not locally situated. The kits will be dropped-shipped from either the manufacturer or distributor to the City of Houston. Thus, there isn't an opportunity to involve a City-certified M/WBE. This is new technology that is being purchased for the first time.

Concurrence:

SPD Initiator

Division Manager

*for*   
Velma Laws, Director  
\*Affirmative Action

Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

\* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7390

**Subject:** Formal Bid Received for Lighting, Theatrical Replacement Parts and Repair Services for the Convention and Entertainment Facilities  
 Department  
 S06-S22170

Category #  
4

Page 1 of 1

Agenda Item

14

**FROM (Department or other point of origin):**

Calvin D. Wells  
 City Purchasing Agent  
 Finance and Administration Department

**Origination Date**

May 07, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
D, I

**For additional information contact:**

Dawn Ullrich Phone: (713) 853-8083  
 Desiree Heath Phone: (713) 247-1722

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an award to Stage Light, Inc. on its sole bid in an amount not to exceed \$422,500.00, for theatrical lighting replacement parts and repair services for the Convention & Entertainment Facilities Department

Estimated Spending Authority \$422,500.00

**F & A Budget**

\$422,500.00 C&E Civic Center Facility Revenue Fund (8601)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Stage Light, Inc. on its sole bid in an amount not to exceed \$422,500.00 for theatrical lighting replacement parts and repair services for the Convention & Entertainment Facilities Department. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month term. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This award consists of various price lists for theatrical lighting equipment replacement parts; which includes but are not limited to, synthetic rope, clouds, projector dowsers, lighting packs, fluorescent sleeves, quick rolls, and aspheric lens. This award also includes a \$9,000.00 labor component for repairs that cannot be performed by City personnel

This project was advertised in accordance with the requirements of the State of Texas bid laws. Ten prospective bidders viewed the solicitation document on SPD's e-bidding website and only one bid was received. Stage Light, Inc. is the only authorized distributor for theatrical lighting replacement parts and repair services in the greater Houston area and the surrounding counties for the stage light equipment.

**M/WBE Subcontracting:**

This bid was issued with a 3% goal for M/WBE participation. Stage Light, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>NAME</u>	<u>TYPE OF WORK</u>	<u>AMOUNT</u>
Globe Electric Supply Co., Inc.	Supply Lamps	\$12,675.00

The Affirmative Action Division will monitor this award.

Buyer: Tywana L. Rhone

**Estimated Spending Authority:**

DEPARTMENT	FY07	OUT YEARS	TOTAL
Convention & Entertainment Facilities	\$7,000.00	\$415,500.00	\$422,500.00

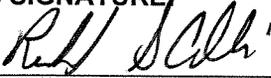
**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MOT*

<b>SUBJECT:</b> Council Motion determining that low bidder is indebted to the City and authorizing award to second low bidder for construction at 225 N. Carolina Street		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 15
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development Department (HCDD)		<b>Origination Date</b> 05/15/07	<b>Agenda Date</b> MAY 30 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> 1		
<b>For additional information contact:</b> Ray Daniels Phone: (713) 868-8321		<b>Date and identification of prior authorizing Council action:</b> April 5, 2006 Ordinance No. 2006-0317		

**RECOMMENDATION: (Summary)**

Adopt Council Motion determining that low bidder is indebted to the City of Houston and authorizing the issuance of a purchase order to second low bidder to perform corrective actions related to construction at 225 N. Carolina Street

**Amount of Funding:**

\$34,390

**F&A Budget:**

**SOURCE OF FUNDING**

General Fund     Grant Fund     Enterprise Fund

Other (Specify)    TIRZ Affordable Housing Fund (2400) – Previously Appropriated

**SPECIFIC EXPLANATION:**

In response to a U.S. Department of Housing and Urban Development (HUD) Monitoring Report received in November 2004, the Housing and Community Development Department has been required to perform corrective actions related to the construction of a number of homes for which the City had provided federal HOME Funds under the Housing Assistance Program. Council appropriated funding for required corrective actions on April 5, 2006. The Monitoring Report and subsequent status updates have been presented to the Housing and Community Development Committee. The proposed construction award to perform corrective actions at 225 N. Carolina Street will exceed \$25,000 and therefore requires Council approval.

Formal bids for this project were received in accordance with State law and the City's procurement policy:

Brown Mechanical Services, Inc.	\$33,755.00
B and C Construction (recommended bidder)	\$34,390.00
TAD Enterprise	\$39,481.80
Delaney Construction	\$45,830.00

HCDD originally intended to issue a purchase order to the low bidder and presented that recommendation to the Housing and Community Development Committee on March 19, 2007. The committee voted to recommend the action for Council consideration, however the low bidder was unable to resolve its City of Houston tax delinquency and has been determined to be indebted to the City of Houston. Therefore, HCDD recommends authorizing the issuance of a purchase order to the second low bidder, B and C Construction, in the amount of \$34,390.

**REQUIRED AUTHORIZATION**

NDT

**F&A Director:**

**Other Authorization:**

**Other Authorization:**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7368**

**Subject:** Lease of Mail Processing Equipment from the State of Texas Building and Procurement Commission's Contract for the Municipal Courts-Administration Department S19-N22440

Category #  
4

Page 1 of 1

Agenda Item

**16**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 08, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Gwendolyn Goins                      Phone: (713) 247-4114  
Ray DuRousseau                      Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve the lease of mail processing equipment in the total amount of \$42,502.98 from the State of Texas Building and Procurement Commission's Contract for the Municipal Courts-Administration Department.

Award Amount: \$42,502.98

**F & A Budget**

\$42,502.98 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve a 39-month lease of mail processing equipment in the total amount of \$42,502.98 from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Municipal Courts-Administration Department, and that authorization be given to issue purchase orders to the State contract vendor, Neopost, Inc.

The scope of work requires the contractor to provide all labor, equipment, materials, supervision, training, and transportation necessary to furnish and install a letter folder/inserters/sealer and a letter extractor at 8300 Mykawa and a hi-speed letter opener at 1400 Lubbock. The automated processing equipment is an efficiency improvement for services provided to the public. Automating mail extraction and folding functions within the Department will allow the reallocation of mailroom personnel to more complex and highly skilled functions that will further improve the quality of services since the implementation of the Integrated Case Management System.

Sections 271.081 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

Buyer: Roy Korthals

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7438

**Subject:** Formal Bids Received for Road Spike Systems for the Police Department  
S23-N22378

Category #  
4

Page 1 of 1

Agenda Item

17

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 14, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Joseph Fenninger                      Phone: (713) 308-1708  
Ray DuRousseau                        Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an award to All America Sales Corporation on its low bid meeting specifications in the total amount of \$39,400.00 for road spike systems for the Police Department.

Award Amount: \$39,400.00

**F & A Budget**

\$39,400.00 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to All America Sales Corporation on its low bid meeting specifications in the total amount of \$39,400.00 for road spike systems for the Houston Police Department and that authorization be given to issue a purchase order. These road spike systems will be used by the Department to stop high speed chases safely by deflating tires.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eighteen prospective bidders viewed the solicitation document on SPD's e-bidding website, and five bids were received as outlined below.

	<u>Company</u>	<u>Total Amount</u>
1.	Phoenix International, Ltd.	\$33,660.00 (Did Not Meet Specifications)
2.	<b>All America Sales Corporation</b>	<b>\$39,400.00</b>
3.	Emergency Vehicle Supply	\$39,995.00
4.	OMB Police Supply, Inc.	\$39,998.00
5.	G T Distributors, Inc.	\$42,490.00

This purchase consists of 100 Stinger road spike systems. Currently, the Department has 92 spike systems in its inventory. The new spike systems are interchangeable with the existing system, which is expected to save the City money on replacement parts. These road spikes shall be warranted to be free of defects in material and workmanship for the life of the product, which is estimated to be five years. In addition, the contractor shall provide two 4-hour sessions of on-site training, including materials such as videos and books for the officers.

Buyer: Roy Breaux

*mgf*

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

NDT

# STINGER

According to U.S. Department of Justice statistics, a majority of the largest police and sheriff departments are enacting restrictive pursuit driving policies in order to reduce the injuries and property damage associated with high-speed chases. The STINGER SPIKE SYSTEM® allows law enforcement officers to control those situations by stopping fleeing vehicles effectively, reliably, and safely.

The STINGER system employs high strength, hollow steel spikes that penetrate all types of tires – including self-sealing and run-flats – and deflate them in a regulated manner. This prevents blowouts, slows the perpetrator's vehicle to a safer rate of speed, and allows him to make a controlled stop. And STINGER spikes are effective on all types of vehicles, including cars, trucks, and buses.

## Safe and Easy to Use

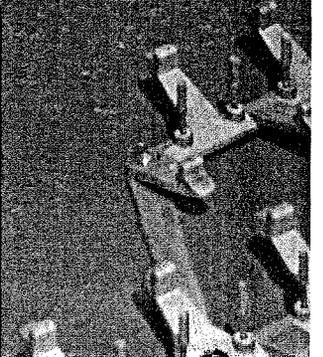
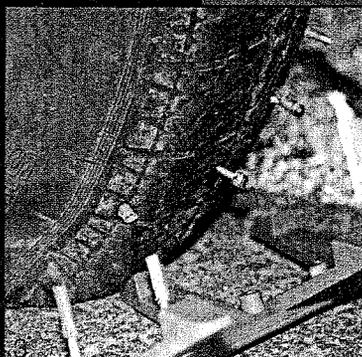
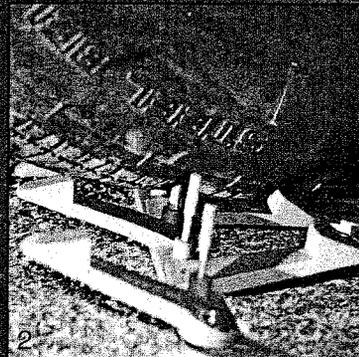
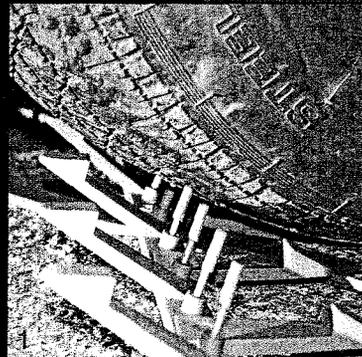
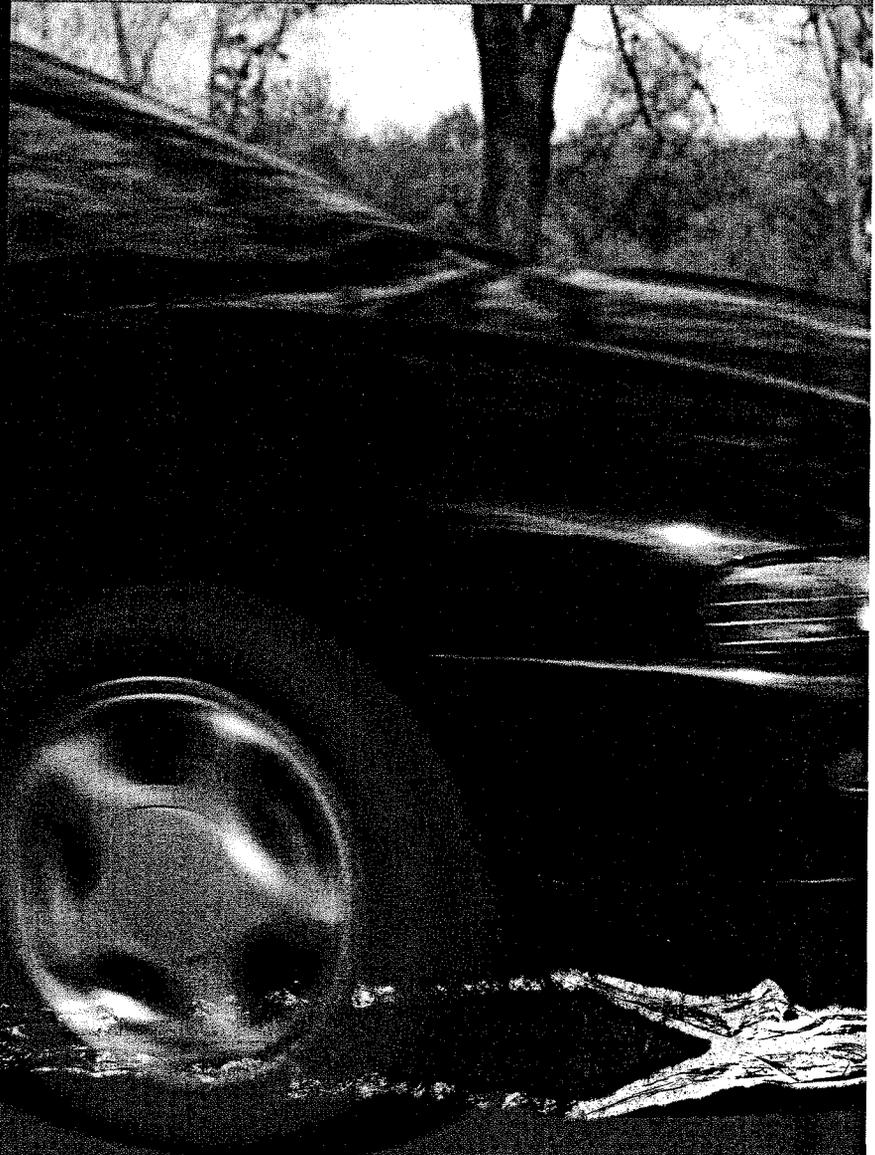
The STINGER device is designed for quick, reliable operation. A simple pull on the handle or a toss is all it takes to position the spikes. The single, accordion-action element deploys almost instantly, giving officers time to take cover. Extra-width road coverage and low visibility minimize avoidance by fleeing suspects. And, after spiking, a simple yank on the handle quickly retracts the unit, clearing the road for pursuit vehicles and other traffic.

The STINGER SPIKE SYSTEM uses patented technology to ensure effective tire penetration. A typical chase intervention flattens one to four tires, safely slowing and stopping the vehicle in just minutes.

At the initial contact, the assembly automatically rocks toward the tire, pointing the spikes directly at the tread, allowing the full length of the spike to be used for penetration. And as the spikes pivot into the tire, the safety tip guards are pushed down.

The assembly continues to rotate with the motion of the vehicle, driving the spikes deeply into the tire. The hollow spikes control the tire deflation rate, preventing blowout and sudden loss of control.

The rolling tire then tilts the spike system in the opposite direction, allowing the spikes to pull completely out of the assembly. With the next rotation they are pushed fully into the tire – leaving no debris on the roadway. The tire typically picks up 4-6 spikes and deflates in 12-20 seconds.

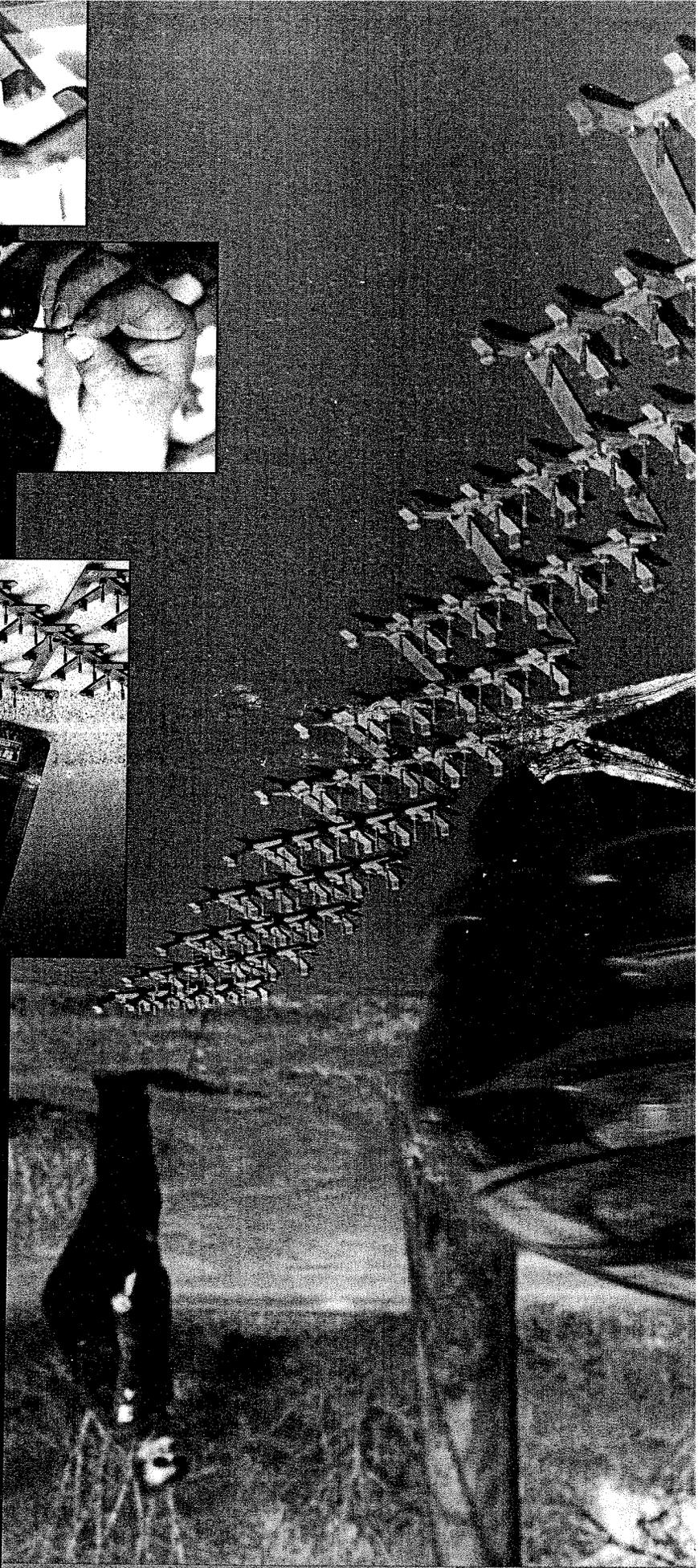
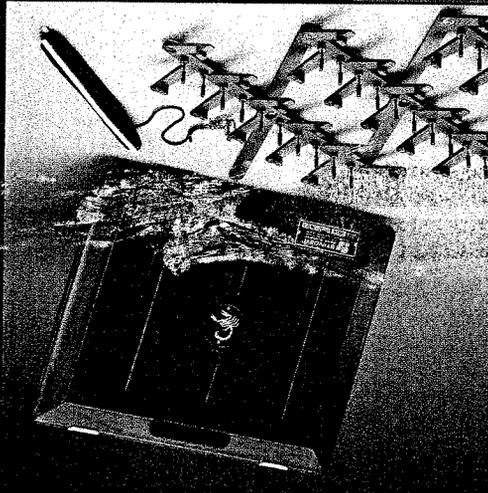
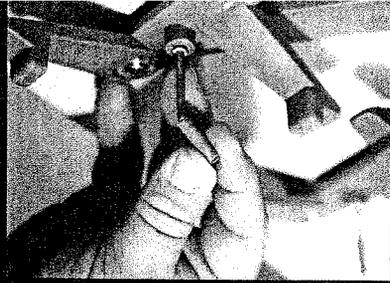


**STINGER Models**

All STINGER models incorporate a reusable modular base, with molded sections built of high-strength, resilient synthetic polymer, which stands up to hard use under the harshest conditions. The base is designed to endure numerous pursuits and has withstood impacts in excess of 130mph. If, however, a unit is damaged, the individual sections are easily replaceable. And the connecting hardware is stainless steel for long life. The individual spikes are made of 304-T7 stainless steel for superior strength and effective tire penetration. All STINGER Spike SYSTEMS are supplied with replacement spikes, spike safety guards, a spike replacement tool, and a quick-deployment carrying case.

Standard STINGER Spike SYSTEMS are available in three different lengths to handle a variety of situations. The 10-foot Metro model is perfect for narrower urban streets and small country roads. The 15.5-foot Trooper model is wide enough for multi-lane roads. And the 25-foot Defender model covers applications such as interstate highways, airport entry gates, military compounds, and security checkpoints. The STINGER XL model employs a new longer spike-length designed for penetrating thicker tires, to safely and quickly end pursuits involving large trucks, farm equipment, and military-type vehicles. The STINGER XL system extends to 15.5-feet for use on multi-lane roads.

STINGER Spike SYSTEMS can be quickly readied for re-use by simply replacing the pulled spikes. Each unit is supplied with replacement spikes, safety guards, and an insertion tool. And when STINGER systems are deployed in the line of duty, Federal Signal provides replacement spikes at no charge — just by calling 1-800-STINGER for a free spike replacement certificate.



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7437**

**Subject:** Formal Bids Received for Horse Trailers for the Police Department  
S23-N22387

Category #  
4

Page 1 of 1

Agenda Item

18

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 17, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Joseph Fenninger Phone: (713) 308-1708  
Ray DuRousseau Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an award to Texan Equipment and Trailer Sales d/b/a Texan Trailer Sales on its low bid in the total amount of \$44,750.00 for horse trailers for the Police Department.

**F & A Budget**

Award Amount: \$44,750.00

\$44,750.00 Police Special Services (2201)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Texan Equipment and Trailer Sales d/b/a Texan Trailer Sales on its low bid in the total amount of \$44,750.00 for horse trailers for the Houston Police Department and that authorization be given to issue a purchase order. These trailers will be used by the Department's Mounted Patrol Division to transport horses to various locations within the City.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eleven prospective bidders viewed the solicitation document on SPD's e-bidding website, and three bids were received as outlined below:

<u>Company</u>	<u>Total Amount</u>
1. Texan Equipment and Trailer Sales d/b/a Texan Trailer Sales	\$44,750.00
2. Dien, Inc.	\$46,000.00
3. Magnum Custom Trailer Mfg. Co., Inc.	\$46,662.00

This purchase consists of two gooseneck trailers (one four-horse and one eight-horse). The trailers will come with a three-year guarantee on both workmanship and materials, and will replace Shop Nos. 5095 and 5394, 21- and 17-year-old units, respectively, that have exceeded their life expectancies and will be sent to auction for disposition. The life expectancy of the new units is 10 years.

Buyer: Roy Breaux

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

NDT

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7273**

**Subject:** Formal Bids Received for Traffic Signal Parts for the Public Works & Engineering Department  
S25-N22218

Category #  
1 & 4

Page 1 of 1

Agenda Item

*19-19A*

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 07, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$713,128.20 out of the Limited Use Roadway Fund (Fund 4034) and approve an award to TraStar, Inc. on its low bid meeting specifications in the total amount of \$703,573.20 for traffic signal parts for the Public Works & Engineering Department.

Award Amount: \$703,573.20

**F & A Budget**

\$713,128.20 Limited Use Roadway Fund (4034) WBS N-000650-24-5

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$713,128.20 out of the Limited Use Roadway Fund (Fund 4034). It is further recommended that City Council approve an award to TraStar, Inc. on its low bid meeting specifications in the total amount of \$703,573.20 for traffic signal parts for the Public Works & Engineering Department and that authorization be given to issue a purchase order. These traffic signal parts will be used to upgrade 358 intersections/locations throughout the City of Houston.

The total appropriation of \$713,128.20 includes funding in the amount of \$9,555.00 for 21 advisory pushbutton-stations. A purchase order will be issued to Texas Highways Products, Ltd. as the award amount is \$9,555.00.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Seventeen prospective bidders viewed the solicitation document on SPD's e-bidding website and six bids were received.

<u>Company</u>	<u>Total Amount</u>
1. American Signal Corporation	\$276,271.79 (Partial Bid/Did Not Meet Specifications)
2. <b>TraStar, Inc.</b>	<b>\$703,573.20</b>
3. Texas Highway Products, Ltd.	\$868,478.80
4. General Traffic Equipment Corporation	\$941,825.00
5. Republic Intelligent Transportation Services	\$956,696.80

This purchase of traffic signal parts consists of 2,190 red 12" balls, 2,010 yellow 12" balls, 2,024 green 12" balls, 130 yellow 12" arrows, 129 green 12" arrows, 2,580 countdown full hand/full man, and 60 pedestrian/hand. Materials and workmanship for these traffic signal parts will be warranted for six years. The life expectancy of these parts is 15 to 20 years.

Attachment: Zero Percent M/WBE Goal Document approved by the Affirmative Action Division

Buyer: Tom Smyer

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*NOT*

Certified by ISO9001 International Quality Control System



### JXM-200/300/400VIE Series Countdown Pedestrian Lamps

#### Features

- Low power consumption & long operating lifetime LEDs
- Retrofit design & UV stabilized lens
- MIL-STD-883 mechanical vibration
- MIL-STD-810F moisture resistant
- Fully compatible with NEMA controllers/conflict monitors

#### Dimensions

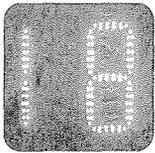
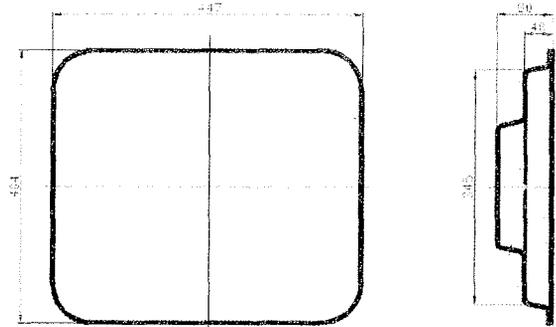


Fig. A

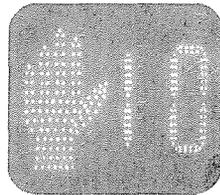


Fig. B

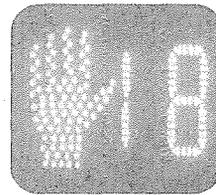


Fig. C

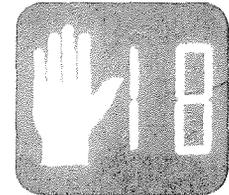


Fig. D

Model Number	Fig.	Size (mm)		Config.	Symbol			Voltage (Typical)	Voltage Range		Power (W)		
		Inches	mm		Hand	Man	Countdown		60 Hz(AC)	Hand	Man	Digit	
JXM-200VIE	A	12X12	300X300	Countdown	-	-	2 Digit	120V-60hz	80v-135v	-	-	4	
JXM-300VIE	B	16x18	407x450	Countdown/ full H/M	Full	Full	2 Digit	120V-60hz	80v-135v	8	8	4	
JXM-400VIE	C	16x18	407x450	Countdown/ full H/M	Full	Full	2 Digit	120V-60hz	80v-135v	8	8	4	
JXM-400VIEIL	D	16x18	407x450	Countdown/ full H/M	Full	Full	2 Digit	120V-60hz	80v-135v	8	8	4	

Fig. B: optional operations dipswitch. Fig. D: full incandescent look.

All characteristics, including visual characters, chromaticity, moisture and vibration resistance, electronic noise, transient protection, etc., are conformed to standards specified in ITE LED Vehicle Signal Modules.

For additional technical information or sales support regarding these and other LED products, please contact:

Certified by ISO9001 International Quality Control System

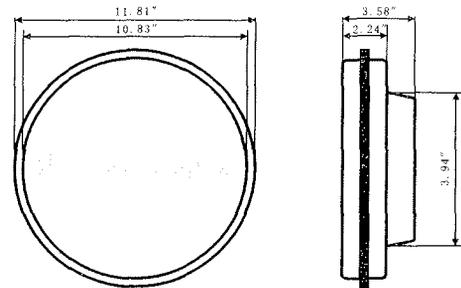


### JXJ300-VI Series LED Arrow Lamps

#### Features

- Conform to latest ITE specifications
- Low power consumption & long operating lifetime LEDs
- Retrofit design & UV stabilized lens
- MIL-STD-883 mechanical vibration
- MIL-STD-810F moisture resistant
- Compliant to FCC Title 47
- Fully compatible with NEMA controllers/conflict monitors
- Wide viewing angle for span wire/mast arm mount

#### Dimensions



Model Number	Size (mm)	Color (nm)	Voltage (Typical)	Voltage Range	Power(w) Typical	Operation Temperature	Power Factor	T.H.D	ITE Specs.
JXJ-300VIRA	300	Red (626)	120V-60hz	80v-135v	7.5	-40° F - +165° F	> 0.9	< 20%	Yes
JXJ-300VIYA	300	Yellow (592)	120V-60hz	80v-135v	7.5	-40° F - +165° F	> 0.9	< 20%	Yes
JXJ-300VIGA	300	Green (505)	120V-60hz	80v-135v	7.5	-40° F - +165° F	> 0.9	< 20%	Yes

All characteristics, including visual characters, chromaticity, moisture and vibration resistance, electronic noise, transient protection, etc., are conformed to standards specified in ITE LED Vehicle Signal Modules.

For additional technical information or sales support regarding these and other LED products, please contact:

Certified by ISO9001 International Quality Control System

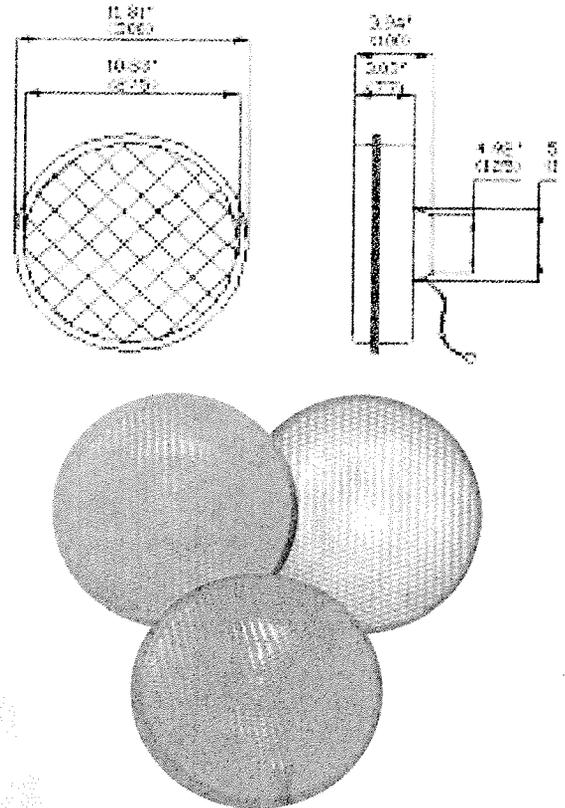


## JXC-300HF Series LED Vehicular Lamps

### Features

- Conform to latest ITE specifications
- Low power consumption & long operating lifetime LEDs
- Retrofit design & UV stabilized lens
- MIL-STD-883 mechanical vibration
- MIL-STD-810F moisture resistant
- Compliant to FCC Title 47
- Fully compatible with NEMA controllers/conflict monitors
- Wide viewing angle & incandescent look
- Hi-flux technology with unique lens design

### Dimensions



Model Number	Size (mm)	Color (nm)	Voltage (Typical)	Voltage Range	Power(w) Typical	Operation Temperature	Power Factor	T.H.D	ITE Specs.
JXC-300HFR	300	Red (626)	120V-60hz	80v-135v	10	-40°F - +165°F	> 0.9	< 20%	Yes
JXC-300H FY	300	Yellow (592)	120V-60hz	80v-135v	16	-40°F - +165°F	> 0.9	< 20%	Yes
JXC-300HFG	300	Green (505)	120V-60hz	80v-135v	13	-40°F - +165°F	> 0.9	< 20%	Yes

All characteristics, including chromaticity, moisture and vibration resistance, electronic noise, transient protection, etc., are conformed to standards specified in ITE LED Vehicle Signal Modules.

For additional technical information or sales support regarding these and other LED products, please contact:



# CITY OF HOUSTON

# Interoffice

Finance & Administration Department  
Strategic Purchasing Division (SPD)

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Tom Smyer

Date: November 27, 2006

Subject: MWBE Participation Form

I am requesting a waiver of the MWBE Goal: Yes  No  Type of Solicitation: Bid  Proposal

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: 11% New Goal: 0%

If requesting a revision, how many solicitations were received: N/A

Solicitation Number: N22218 Estimated Dollar Amount: \$1,246,000.00

Anticipated Advertisement Date: 11/24/2006 Solicitation Due Date: 12/21/2006

Goal On Last Contract: Was Goal met: Yes  No

If goal was not met, what did the vendor achieve:

Name and Intent of this Solicitation:

Traffic Signal Parts

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)

These traffic signal repair/upgrade parts will be drop-shipped by the manufacturer to the City of Houston from its out-of-state manufacturing facility. There is no M/WBE oppruntunity.

Concurrence:

SPD Initiator

Deputy Assistant Director

Yelma Laws, Director  
\*Affirmative Action

Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

\* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

Attachment to RCA 7273

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7318

**Subject:** Reverse Auction Bids Received for Traffic Signal Control Hardware for the Public Works & Engineering Department  
S10-S22147-RA

Category #  
4

Page 1 of 2

Agenda Item

**20**

**FROM (Department or other point of origin):**  
Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

March 21, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Desiree Heath Phone: (713) 247-1722

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve various awards, as shown below, in an amount not to exceed \$1,221,628.00, minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services required under contract with Texas Procurement Center, LLC, for a net award not to exceed \$1,201,628.00 for traffic signal control hardware for the Public Works & Engineering Department.

Estimated Spending Authority \$1,221,628.00

**F & A Budget**

\$1,221,628.00 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$1,221,628.00, minus a commission fee (the lesser of 2% or \$20,000.00 maximum) to the Texas Procurement Center, LLC, an existing City contractor for providing the platform for Internet-based reverse auction services, for a net award amount not to exceed \$1,201,628.00 for traffic signal control hardware for the Public Works & Engineering Department, and that authorization be given to issue purchase orders to the contractors. The City Purchasing Agent may terminate these contracts at any time upon 30-days written notice to the contractor. These are 60-month contracts for the purchase of light emitting diode vehicle traffic signal modules, traffic control signal lights, polycarbonate visors, housing terminals, arm hangers, pole plates, span wires, eye suspensions, tee slips, and mounting hardware. The Public Works & Engineering Department will install these items on vehicle traffic control signal heads located at intersections throughout the City of Houston.

This bid was advertised in accordance with the requirements of the State of Texas bid laws. Bids were solicited using the "reverse auction" methodology, and 84 bids were received as detailed in the attached support document.

**Texas Highway Products, Ltd. (Bid Nos. 4 and 6):** Award on its low bid for Line Item Nos. 1, 2, 9 – 14, 16 – 19, and 29 (polycarbonate visors, programmed louvers, traffic and pedestrian signal modules, pedestrian push-button and directional arrow assemblies) in the total amount of \$887,730.00 minus \$14,540.00 (prorated amount of the \$20,000.00 maximum TPC fee) for a net amount not to exceed \$873,190.00.

**Traffic Parts, Inc. (Bid No. 4):** Award on its low bid for Line Item Nos. 3 – 8 (terminal housing, aluminum poles, polycarbonate hanger arms, suspension wire clamp assemblies, and aluminum tee slips) in the total amount of \$86,898.00 minus \$1,420.00 (prorated amount of the \$20,000.00 maximum TPC fee) for a net amount not to exceed \$85,478.00.

**Leotek Electronics USA Corp. (Bid No. 24):** Award on its low bid for Line Item Nos. 15, and 20 – 28 (hand/man pedestrian module, red, yellow, and green LED balls and right/left arrow, LED amber traffic light, and a pedestrian hand/man signal) in the total amount of \$247,000.00 minus \$4,040.00 (prorated amount of the \$20,000.00 maximum TPC fee) for a net amount not to exceed \$242,960.00.

Buyer: Greg Hubbard

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**(3) NOT**

*Tap 3/7/07*

*OK*

Date: 3/21/2007	Subject: Reverse Auction Bids Received for Traffic Signal Control Hardware for the Public Works & Engineering Department S10-S22147-RA	Originator's Initials GB	Page 2 of 2
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Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division

**Estimated Spending Authority:**

DEPARTMENT	FY 2007	OUT YEARS	TOTAL
PW&E	\$60,081.00	\$1,141,547.00	\$1,201,628.00



# CITY OF HOUSTON

# Interoffice

Finance & Administration Department  
Strategic Purchasing Division (SPD)

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

# COPY

From: \_\_\_\_\_

Date: February 27, 2007

Subject: MWBE Participation Form (a)

I am requesting a waiver of the MWBE Goal: Yes  No  Type of Solicitation: Bid  Proposal

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: 3% New Goal: 0%

If requesting a revision, how many solicitations were received: 84

Solicitation Number: S10-S22147-RA Est. Dollar Amount: \$1,116,150.00

Anticipated Advertisement Date: 12/8/2006 Solicitation Due Date: 2/6/2007

Goal On Last Contract: 0% Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: \_\_\_\_\_

Name and Intent of this Solicitation:  
These traffic signal control hardware contract awards will consist of traffic signal control hardware, including light emitting diode vehicle traffic signal modules, traffic control signal lights, polycarbonate visors, housing terminals, arm hangers, pole plates, span wires, eye suspensions, and tee slips be used by the Public Works & Engineering Department to install on vehicle traffic control signal heads located at intersections throughout the City of Houston.

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)  
The current contract has a zero percent goal sign-off, referencing contract S13373. (See attachment.) There are no existing opportunities for MWBE participation, as the awarded supplier will drop-ship these products directly from their out-of-state manufacturing site to its end-users. Therefore, my recommendation is to approve a 0% goal for these upcoming contract awards. (See attached supplier letters.)

Concurrence:  
  
SPD Initiator  
  
Velma Laws, Director  
\*Affirmative Action

Division Manager  
  
Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7429

Subject: Formal Bids Received for a Vehicle Glider Kit for the Public Works & Engineering Department S23-N22383

Category # 4

Page 1 of 1

Agenda Item

21

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

*Calvin D. Wells*

Origination Date

May 24, 2007

Agenda Date

MAY 30 2007

DIRECTOR'S SIGNATURE

Council District(s) affected  
All

For additional information contact:

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Mario Calderon d/b/a Texans Auto Center on its low bid for a vehicle glider kit in the total amount of \$71,900.00 for the Public Works & Engineering Department.

Award Amount: \$71,900.00

F & A Budget

\$71,900.00 - Storm Water Fund (2302)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Mario Calderon d/b/a Texans Auto Center on its low bid in the total amount of \$71,900.00 for a vehicle glider kit for the Public Works & Engineering Department and that authorization be given to issue a purchase order. Glider kits replace some components of the vehicle (cab, chassis, A/C) and retain others (engine, transmission). They are a cost saving measure that delays replacement of the truck.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Nine prospective bidders viewed the solicitation document on SPD's e-bidding website and two bids were received as shown below. Prospective bidders were contacted to determine the reason for the limited bid response. The suppliers contacted stated that they could not handle the refurbishment nor could they be competitive on the glider kit.

COMPANY

- 1. Mario Calderon d/b/a Texans Auto Center
- 2. Saxon Fleet Services

TOTAL AMOUNT

\$71,900.00  
\$73,840.00

The scope of work requires the contractor to provide all labor, materials, equipment, facilities, tools, supervision and transportation necessary to remove the engine, transmission, driveline, dump bed, hydraulic system and other reusable parts from a 1994 Ford L9000 dump truck and install this equipment on the new glider kit. The kit consists of a cab and chassis, front-end clip, air conditioning unit, radiator, fan, hoses and all required wiring to complete the construction. The contractor will also be required to align the front-end and ensure that the vehicle passes state inspection. This glider kit will be covered by a new truck warranty and the life expectancy is ten years. This reconstructed dump truck will be used by the Department's Roadside Ditch Maintenance Division to haul spoils from ditch areas throughout the City. The purchase of this vehicle glider kit will save the City approximately \$63,000.00 as the cost of a new dump truck is approximately \$135,000.00.

Buyer: Roy Breaux

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7413**

**Subject:** Sole Bid Received for Cues, Closed Circuit TV Equipment for the Public Works & Engineering Department  
S32-S22372

Category #  
4

Page 1 of 1

Agenda Item

*22*

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 11, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Desiree Heath Phone: (713) 247-1722

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an award to Texas Underground, Inc. on its sole bid in an amount not to exceed \$263,985.00 for Cues, closed circuit TV equipment for the Public Works & Engineering Department.

Estimated Spending Authority \$263,985.00

**F & A Budget**

\$263,985.00 Water & Sewer Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Texas Underground, Inc. on its sole bid in an amount not to exceed \$263,985.00 for Cues, closed circuit TV equipment for the Public Works & Engineering Department. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month period. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This award consists of various replacement parts; including, but not limited to extension kits, light bulbs, spacer plates and cables to be used by the Public Works & Engineering Department for repair of Cues, closed circuit TV inspection equipment that is used to inspect the sewer system throughout the City. This award also includes a \$50,000.00 labor component for equipment that cannot be repaired by Department personnel.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Thirty-six prospective bidders viewed the solicitation document on SPD's e-bidding website, and one bid was received. Texas Underground, Inc. is the sole distributor of Cues, closed circuit TV equipment within the State of Texas.

Buyer: Veronica Douglas

Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division.

**Estimated Spending Authority:**

DEPARTMENT	FY 2007	OUT YEARS	TOTAL
Public Works & Engineering	\$52,797.00	\$211,188.00	\$263,985.00

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MD*



# CITY OF HOUSTON

# Interoffice

Finance & Administration Department  
Strategic Purchasing Division (SPD)

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Veronica Douglas, CPPB

Date: 1-3-07

Subject: MWBE Participation Form

I am requesting a waiver of the MWBE Goal: Yes  No  Type of Solicitation: Bid  Proposal

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: \_\_\_\_\_ New Goal: \_\_\_\_\_

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: S22208 Estimated Dollar Amount: \$213,986.00

Anticipated Advertisement Date: 2/2/2007 Solicitation Due Date: \_\_\_\_\_

Goal On Last Contract: 0% Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: \_\_\_\_\_

Name and Intent of this Solicitation:

CUES, Closed Circuit TV Equipment

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)

This award is for hundreds of CUES parts to be used by the Public Works and Engineering Department for the repair of CUES closed circuit TV inspection equipment which is used to conduct inspection of the sewer system throughout the City. Supplies will be delivered directly from manufacturer to the City. These are specialized parts.

Concurrence:

SPD Initiator

Division Manager

Yelina Laws, Director  
\*Affirmative Action

Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

\* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7433**

**Subject:** Formal Bids Received for Boats, Motors and Trailers for Various Departments  
S23-N22277

Category #  
4

Page 1 of 1

Agenda Item

**23**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 17, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

E

**For additional information contact:**

Joseph Fenninger Phone: (713) 308-1708  
Ray DuRousseau Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an award to Boat Right Marine, Inc. on its low bid in the total amount of \$97,898.00 for boats, motors and trailers for various departments.

Award Amount: \$97,898.00

**F & A Budget**

\$49,374.00 Police Special Services Fund (2201)  
\$48,524.00 PWE-Combined Utility System Gen Pur Fund (8301)  
\$97,898.00

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Boat Right Marine, Inc. on its low bid in the total amount of \$97,898.00 for boats, motors and trailers for various departments and that authorization be given to issue purchase orders.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Fifteen prospective bidders viewed the solicitation document on SPD's e-bidding website and two bids were received as shown below. Prospective bidders were contacted to determine the reason for the limited bid response. The supplier stated that they could not meet the specifications.

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Boat Right Marine, Inc.	\$ 97,898.00
2. Northshore Marine Supply, Inc.	\$109,062.00

This purchase consists of two 22" X 78" aluminum boats equipped with a 200-hp motor, trailer, depth finder and a Coast Guard "safety package". The Coast Guard "safety package" consists of four Type III personal flotation devices (four pocket style), one type IV personal flotation device (square cushion style), two class B1 fire extinguishers and associated safety supplies. One boat will be used by the Public Works & Engineering Department's Water Quality Control Section to travel throughout the Lake Houston Watershed for environmental monitoring and water sample collection. The other boat will be used by the Houston Police Department's Marine Enforcement Division as one of two primary patrol boats to carry out its lake patrol operations. The boats will come with a full one-year warranty on materials and workmanship and the life expectancy is ten years. The two new units will replace 12-year-old units that are not repairable and in poor condition. The old units will be sent to the Property Disposal Management Office for disposition.

Buyer: Roy Breaux

**REQUIRED AUTHORIZATION**

F&A Director:	Other Authorization:	Other Authorization:
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5-15-07

*MT*

04

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7426**

**Subject:** Formal Bids Received for Ammunition and Accessories for Various Departments  
S10-S22334

Category #  
4

Page 1 of 2

Agenda Item

**24**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 22, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Joseph Fenninger                      Phone: (713) 308-1708  
Desiree Heath                              Phone: (713) 247-1722

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve various awards, as shown below, in an amount not to exceed \$1,491,725.35 for ammunition and accessories for various departments.

Estimated Spending Authority: \$1,491,725.35

**F & A Budget**

\$1,491,725.35 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$1,491,725.35 for ammunition and accessories for various departments. It is further requested that authorization be given to issue purchase orders, as needed, for a 48-month period. The City Purchasing Agent may terminate these contracts at any time upon 30-days written notice to the contractor. These awards consist of ammunition and cartridges of various millimeter size and grain weight, and accessories such as rifle light mounts and magazine couplers to be used by the Fire Department for self-protection, training, and qualifying Arson Field investigators, and by the Police Department for its Training, SWAT, and Narcotic Divisions. The Police Department will also use these munitions for qualifying and training cadets and officers.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twenty-three prospective bidders viewed the solicitation document on SPD's e-bidding website, and three bids were received as detailed below:

**Bailey's House of Guns, Inc.:** Award on its low bid for Line Item Nos. 4, 11, 14, 15, 18, and 24 (12-gauge slugs, 380 caliber, 40 caliber, .45 automatic, 9mm caliber, and .22 caliber ammunition), in an amount not to exceed \$25,866.89.

<u>Company</u>	<u>Total Amount</u>
1. Bailey's House of Guns, Inc.	\$ 25,866.89
2. Precision Delta Corp.	\$ 27,470.00
3. GT Distributors, Inc.	\$ 30,895.00

**Precision Delta Corp.:** Award on its low bid for Line Item Nos. 2 and 5 (9mm clean fire ammunition, and 12-gauge 00 buckshot ammunition), in an amount not to exceed \$68,519.00.

<u>Company</u>	<u>Total Amount</u>
1. Precision Delta Corp.	\$ 68,519.00
2. GT Distributors, Inc.	\$ 69,873.20
3. Bailey's House of Guns, Inc.	\$ 80,851.91

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

(3) *MO*

Date: 5/22/2007	Subject: Formal Bids Received for Ammunition and Accessories for Various Departments S10-S22334	Originator's Initials GB	Page 2 of 2
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**GT Distributors, Inc.:** Award on its sole bid for Line Item Nos. 1, 6, 9, 10, 13, 19, 20, 21, and 23 (9mm and .223 caliber hollow point ammunition, .308 caliber hollow point and .308 caliber bonded point ammunition, 40 caliber jacketed hollow point ammunition, .223 caliber magazines, rifle magazine couplers, rifle mounts, and rifle cheek pads), and on its low bid for Line Item Nos. 3, 7, 8, 12, 16, and 17 (12-gauge 9 shot, .223 and 38 caliber full metal jacket ammunition, 40 caliber 180 grain ammunition, and 45 auto caliber clean fire and 230 grain ammunition), in an amount not to exceed \$1,397,339.46.

<u>Company</u>	<u>Total Amount</u>
1. Precision Delta Corp.	\$1,255,312.50 (Partial Bid/Higher Unit Price)
2. <b>GT Distributors, Inc.</b>	<b>\$1,397,339.46</b>
3. Bailey's House of Guns, Inc.	\$1,556,238.67

Line Item Nos. 22, and 25 through 29 are not being awarded.

Buyer: Greg Hubbard

Attachment: M/WBE zero-percentage goal document approved by the Affirmative Action Division

Estimated Spending Authority:

DEPARTMENT	FY 2007	OUT YEARS	TOTAL
POLICE	\$ 3,000.00	\$1,472,074.85	\$1,475,074.85
FIRE	\$ 350.50	\$ 16,300.00	\$ 16,650.50
GRAND TOTAL	\$ 3,350.50	\$1,488,374.85	\$1,491,725.35



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Greg Hubbard

Date: May 10, 2007

Subject: MWBE Participation Form (a)

I am requesting a **waiver** of the MWBE Goal: Yes  No  Type of Solicitation: Bid  Proposal

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: 3% New Goal: 0%

If requesting a revision, how many solicitations were received: 3

Solicitation Number: S10-S22334 Est. Dollar Amount: \$1,491,725.35

Anticipated Advertisement Date: 3/9/2007 Solicitation Due Date: 3/29/2007

Goal On Last Contract: 0% Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: N/A

Name and Intent of this Solicitation:

This solicitation is for ammunition and cartridges of various millimeter size and grain weight, and accessories such as rifle light mounts and magazine couplers to be used by the Fire Department for self-protection, training, and qualifying Arson Field investigators, and by the Police Department for its Training, SWAT, and Narcotic Divisions. The Police Department will also use these munitions for qualifying and training cadets and officers.

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)

The current contract (S20979 and O/A 4600006497) has an existing 0% sign-off goal due to the incumbent supplier drop-shipping orders to the City's end-users, and the same will apply to this renewal contract as well. Ninety-Eight percent of these three split awards are going to suppliers located in Austin, Texas, and Mississippi. Due to the direct shipment of orders from the manufacturers to the City Departments, it is recommended that Affirmative Action approve a 0% goal for these upcoming contract awards.

Concurrence:

Greg Hubbard  
SPD Initiator

Desiree Keath  
Division Manager

FOR Robert D. Valle  
Velma Laws, Director

Kevin M. Coleman  
Kevin M. Coleman, C.P.M.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** A Resolution providing for a Public Hearing on the FY2008 Proposed Operating Budget.

Category #

Page 1 of 1

Agenda Item

**25**

**FROM (Department or other point of origin):**

Judy Gray Johnson  
Director, Finance & Administration

**Origination Date:**

5/15/07

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Judy Gray Johnson*

**Council District(s) affected:**

All

**For additional information contact:** Judy Gray Johnson  
**Phone:** (713) 221-0125

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

City Council calls a public hearing on the Proposed FY2008 Operating Budget for June 12, 2007 and authorizes the City Secretary to publish notice.

**Amount of Funding:**

N/A

**F&A Budget:**

**SOURCE OF FUNDING:**

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

N/A

**SPECIFIC EXPLANATION:**

In order to allow for public input and in accordance with the state statute governing municipal budgets (Chapter 102, Section 102.006), a public hearing is required on the proposed FY2008 Operating Budget. The hearing will be held at 1:30 p.m. on June 12, 2007 in the City Council Chambers. Following the public hearing, City Council will consider the adoption of the FY2008 Operating Budget on June 13, 2007.

c: Marty Stein, Mayor's Office  
Arturo Michel, City Attorney

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:



**Sec. 40-27. Street functions.**

(a) **Permit required.** It shall be unlawful for any person to use a public street or portion thereof for the purpose of conducting or holding a street dance, block party, fun run or other pedestrian or wheelchair race, bicycle race, festival, or other function requiring the closing of the street or a portion thereof to normal vehicular traffic, unless the function is being conducted in compliance with a permit issued under this section.

(b) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Central business district has the meaning ascribed in section 42-1 of this Code.

Civilian traffic controllers means civilian police department personnel deployed to assist in providing traffic control services during duly authorized parades, street functions, and special events. Civilian traffic controllers shall be under the direct supervision of police department law enforcement officers certified under the laws of this State.

Major function, for purposes of the review of applications under this section, means any function that will involve the closure of any portion of a major thoroughfare or major collector street, except:

- a. A function in the nature of a race or fun run in which the participants follow prescribed routes and is conducted in such a manner that the streets may be closed and opened on a rolling basis as the participants pass; or
- b. A function conducted within the central business district, including that portion of Allen Parkway between Bagby Street and Shepherd Drive, and Memorial Drive between Bagby Street and Waugh Drive, provided that the function will not cause the closure of any street during the hours of 7:00 a.m. through 6:00 p.m. on any day that is not a Saturday, Sunday or holiday observed by the closure of city offices.

Mayor's office of special events ('MOSE') shall mean the office, person, or city staff designated by the mayor to manage, administer, and/or issue parade, street function, and special event permits.

Minor function, for purposes of the review of applications under this section, means any function that is not a major function as defined herein.

Police chief means the chief of the police department or the chief's designee.

PWE director means the director of the public works and engineering department or the director's designee.

Security control plan means a demonstration of the use of non-city personnel to provide the appropriate public security and crowd control during a parade, street function, or special event. Such a plan shall be subject to the written approval of the police chief.

Security control services means the use of the appropriate number of law enforcement officers necessary to monitor and maintain public security and crowd control during a parade.

Special events manager ('SEM') means the individual who oversees the operations of the mayor's office of special events or the SEM's designee.

Traffic control plan means a written proposal for the operation and regulation of traffic control devices used to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic control zone. A traffic control plan must be prepared in conformance with the Texas Manual on Traffic Control Devices.

Traffic control services means the use of cones, barricades, and any other traffic control devices necessary to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic zone.

(cb) **Permit issuance.** Permits under this section shall be issued by the city's SEM (of public works and engineering ("the director"). In compliance with the procedures set forth in subsection (k h); below, the SEM, in conjunction with the PWE director, or hearing officer shall approve the application for a permit unless the SEM he determines that the proposed function will unreasonably interfere with the flow of traffic or with the use and enjoyment of properties, whether used for residential, commercial or other purposes, in the vicinity of the function or unless the applicant fails to evidence that it will comply with any of subsections (d e) through (j g), below. The SEM director or hearing officer may condition his approval upon full compliance with subsections (d e), (f e) or (j g) below if the applicant has not yet provided cost deposits or the requisite proof of insurance policies as specified therein. In determining whether the event will unreasonably interfere with the flow of traffic or with the use and enjoyment of properties in the vicinity of the function, the SEM and PWE director shall consider:

- (1) The expected general flow of traffic upon the street or streets affected at the time proposed for the event;
- (2) The existence, if any, of alternative routes for public transit vehicles and private vehicles;
- (3) Whether the function will significantly affect the city's ability to deliver police, fire and medical emergency services to the function site and in the vicinity of the function site;
- (4) The availability of public parking, public restroom facilities, public trash receptacles and other amenities in the vicinity where the function will be conducted to accommodate the number of persons that are expected to the director or hearing officer expects will attend the function;
- (5) Whether the function will include amplified music or other sound sources that may be expected to create a noise disturbance; and
- (6) The extent, if any, of disruption to the use and enjoyment of residential, business, industrial and governmental facilities located in the vicinity of the proposed function.

In considering the foregoing criteria, the SEM and PWE director ~~or hearing officer~~ shall review records, if any, from prior similar events conducted at or near the proposed site, whether conducted by the applicant or others, and the applicant's prior history of compliance, if any, to determine whether there has been a history of traffic control problems, littering and trash removal problems, noise or other disruptions associated with the event or other events conducted by the applicant.

(d e) **Police review.** Each application shall be referred by the SEM director to the police chief ~~or his designee~~ for a determination of the law enforcement ~~peace~~ officer staffing reasonably required to provide security control services ~~traffic control, parking control, public security and crowd control~~ for the function and service calls relating to the function, including not only the street or streets to be closed but any other streets or public areas in the vicinity that may be utilized for alternative routes or for parking of vehicles of persons attending the function. In making the foregoing determination, the police chief shall consider whether alcohol will be served or allowed at the function as a factor in establishing the appropriate staffing level. The applicant must agree to either:

- (1) Pay to the city the total salary cost(s) of providing the designated number of peace officers law enforcement officers, required supervisory personnel, and civilian traffic controllers ~~on an overtime basis~~, in which instance the

applicant shall furnish a deposit sufficient to cover the cost of the same not less than 10 business days at least 72 hours prior to the event; or

- (2) Furnish the police chief with a security control plan detailing the designated proposed number of law enforcement officers certified under the law of this state who will provide security control services during the proposed event. ~~peace officers~~ Such law enforcement by providing peace officers shall be paid directly by the applicant. However, or who are willing to volunteer their services to the applicant, provided that no law enforcement peace officer who is regularly employed by the city may be utilized under this item (2) unless the officer executes an understanding waiver of third party compensation provided by from the city for working at the event. The understanding of third party compensation shall be in a form approved by the city attorney;

provided that, consistent with the his analyses of security, traffic and crowd control needs and in order to maintain a command structure for the function, the police chief may require that all or a portion of the designated number of peace officers be on-duty Houston police officers for which the applicant shall make payment to the city under item (1) above of this subsection.

(e d) **Emergency response capability.** The applicant must agree to conduct the function in such a manner that at least one lane of the street or streets to be utilized will be capable of being opened at all times for access by persons requiring emergency access to properties abutting the function and by police, fire, ambulance and other emergency vehicles. The applicant must also agree to provide a person on-site during the function to coordinate response activities with city officials. Consistent with the nature and size of the function, the applicant must also agree to provide a public address system for the function site if the police chief ~~or his designee~~ determines that the system is necessary or desirable to facilitate emergency responses during the function.

~~(e) The director shall establish a plan for the deployment of traffic cones, street barricades and signage as required for the conduct of the function. The applicant must agree to pay the salary costs of providing public works and engineering department employees on an overtime basis as required to deploy and remove the traffic cones, barricades and signage. The applicant must provide to the director a deposit sufficient to cover the cost of the same at least 72 hours prior to the event.~~

(f) **PWE review: traffic control plan.** Each application shall be referred by the SEM to the PWE director for a determination of traffic control services reasonably required for the proposed street function. Based upon availability of the city resources and city personnel, the PWE director shall either:

- (1) Elect to establish a plan for the deployment of the appropriate traffic control services, such as cones, street barricades, and signage, as required for the proposed street function; or
- (2) Require the applicant to submit a traffic control plan for review and subsequent approval by the traffic engineer.

**(g) Payment of traffic control services.**

The applicant must agree to either:

- (1) Pay the costs of providing public works and engineering department employees to deploy and remove the traffic control services if the PWE director determines that the city does have available the resources and personnel necessary to deploy the appropriate traffic control services for the proposed street function. Such costs must be paid not less than 10 business days prior to the proposed street function date; or
- (2g) Hire and pay all personnel necessary to deploy and remove traffic control services as required for the proposed street function.

**(h) Disposition of fees.** All costs recovered in relation to the provision of city security control and traffic control services shall be allocated to the city's general fund administered by the finance and administration department.

**(i f) Indemnification.** The applicant and any other persons on whose behalf the application is made must covenant and agree that they will, jointly and severally, indemnify and hold the city harmless against liability for any and all claims, judgments and associated legal expenses and costs and for claims and litigation arising out of the function including, but not limited to, those for damage to property or injury to or death of persons. The agreement shall be in a form approved by the city attorney.

**(i g) Insurance.**

- (1) The applicant shall continuously and without interruption, during the course of the function, maintain in force the required insurance coverage specified in this subsection. Such insurance shall consist of ~~must provide a~~ commercial general liability insurance policy covering the function with limits in an amount not less than \$500,000.00 per occurrence and \$1,000,000.00 aggregate.
- (2) The SEM may increase, decrease, or waive the amount of insurance required for the proposed street function based upon an evaluation of the

criteria set forth in item (3) of this subsection. The applicant shall furnish the requisite proof of insurance to the SEM. All proof of insurance shall bear on its face, or by endorsement, that the insurer will provide the city with 15 business days advance written notice of cancellation of the requisite insurance, not less than \$100,000.00 for each occurrence of property damage and \$100,000.00 for each person and \$300,000.00 for each occurrence for bodily injury or death. The policy or a binder evidencing the policy shall be furnished at least 10 30 days prior to the commencement of the event. The policy shall name the city as an additional insured and be issued by a carrier authorized or eligible to transact business in Texas. Each policy shall contain an endorsement that the issuer waives any claim or right of subrogation to recover against the city, its officers, agents, or employees. Each policy shall be reviewed by the city attorney for conformity with this subsection.

(3) Except for events in which the sale of alcoholic beverages is authorized, the SEM may decrease or waive insurance requirements after receipt of a written request from the applicant. The determination to increase, decrease, or waive any insurance requirements shall be based upon an evaluation of the proposed street function utilizing the following criteria:

- a. The size, duration, and scope of the event, including the number of projected attendees, attractions, and location of the event;
- b. Whether food, beverages, alcoholic beverages, and/or non-food items are being sold or served;
- c. Whether the event requires the provision of utility services or the erection of temporary structures;
- d. Whether the event poses any traffic and pedestrian safety concerns; and
- e. The risks inherent with respect to the proposed street function.

(k h) **Application filing and review generally.**

(1) For purposes of the review of applications under this section, functions are for some purposes classified into two categories:

---

Major function means any function that will involve the closure of any portion of a major thoroughfare or major collector street, except:

~~(i) A function in the nature of a race or fun run in which the participants follow prescribed routes and that is conducted in such a manner that the streets may be closed and opened on a rolling basis as the participants pass; or~~

~~(ii) A function conducted within the "central business district" as that term is defined in chapter 42 of this Code, provided that the function will not cause the closure of any street during the hours of 7:00 a.m. through 6:00 p.m. on any day that is not a Saturday, Sunday or holiday observed by the closure of city offices.~~

~~Minor function means any function that is not a major function as defined above.~~

~~(2) Applications for functions shall be filed on a form promulgated by the SEM director. An application for a function may be filed with the SEM director no sooner than 365 days one year prior to the commencement date of the function, provided that if the 365th day falls on a Saturday, Sunday, or day observed as a holiday for employees of the city, then the application may be filed no earlier than the next day that is not a Saturday, Sunday, or holiday observed by the closure of city offices. Prematurely filed applications, or applications that do not meet all requirements of this section, shall be of no force and effect and shall be returned to the applicant. An application for a major function shall be filed not less than 120 days prior to the commencement date of the function. An application for a minor function shall be filed not less than 40 days prior to the commencement date of the function, provided that: (i) an applicant for a minor function who wishes to retain the right of an appeal to city council shall file an application more than 120 days prior to the commencement date of the function, and (ii) applications for minor functions that require the closure of a freeway entrance or exit ramp shall be filed not less than 90 days prior to the proposed event date. Applications shall be filed in accordance with forms and procedures promulgated by the SEM director.~~

~~(2 3) Applications for minor functions shall be considered in accordance with this item. The SEM director shall approve or deny each application for a minor function within 10 45 business days after the completed application is received. In the event that a minor function application is denied, the SEM director shall mail written notice of the grounds to the applicant. A minor function applicant whose application is denied may request a hearing on the matter by filing a written request with the SEM director within ten days following the date the SEM director mails the notice of denial.~~

(3 4) Applications for major functions shall be considered in accordance with this item:

a. The SEM director shall review the application and advise the applicant whether it is materially complete and in proper form within 10 45 business days following the receipt of the application. If it is not, the application shall be returned to the applicant with a written explanation of the deficiencies.

b. If the application is determined to be complete and in proper form, the SEM director shall cause notice of the application filing to be advertised in one or more of the following manners as determined to be applicable by the SEM director, based upon the nature and location of the major function:

(i)[1] Advertisement one time in a newspaper of general circulation and/or in one or more community newspapers that serve the area where the major function will be conducted;

(ii)[2] Posting of one or more signs along the major thoroughfare or major collector street where the major function will be conducted; and

(iii)[3] Furnishing of a written notice by regular mail to the last known address of any person who has in writing requested notice from the SEM director of any permit application for a major function to be held in the vicinity where the major function is proposed to be conducted.

The SEM director may require the applicant to provide or pay for newspaper notices or signs posted and to furnish evidence thereof to the SEM director. The notice(s) shall be in a form prescribed by the SEM director and shall contain the name of the event, date or dates of the event, and a city office telephone number that interested persons may call for further information ~~and, except with respect to posted signs, the date, time and place at which the hearing on the application will be conducted.~~ If the applicant fails to promptly give the notices or provide security for the notices following the SEM's director's request, the SEM director shall return the application to the applicant.

c. ~~If,~~ following the completion of the publication and/or mailing of the notices, the SEM director receives written notice from any person who

resides or works or who owns or operates a place of business in the vicinity of the proposed major function and whose interests may be affected by the major function, the SEM shall conduct, or designate another person as hearing officer to conduct, a hearing regarding the application to determine whether the permit may be issued in compliance with this section. A person who gives such notice Any person who resides or works or who owns or operates a place of business in the vicinity of the proposed major function and whose interests may be affected by the major function shall upon request be allowed by the SEM director to intervene and participate in the hearing as a party-intervenor thereto. Such written notice must be received by the SEM not later than 90 days prior to the proposed street function date.

- (45) Hearings conducted under this subsection, whether for minor functions under item (23) or major functions under item (34) shall be governed by rules established by the SEM director, which shall be consistent with principles of due process and shall provide that any party may be represented by legal counsel, may call witnesses and provide evidence and may cross examine witnesses. The burden shall be upon the applicant to demonstrate by clear and convincing evidence that the proposed function will comply in all respects with each requirement of this section. The hearing shall be conducted by the SEM director or the hearing officer who shall issue a decision in writing and shall specify the grounds for denial therein if the application is denied. A copy shall be mailed to the applicant and any intervenors. Upon request of the SEM director, the legal department shall act as counsel to the hearing officer.
- (5) Each application for a street function permit must be accompanied by a non-refundable fee of \$50. All tendered fees must be in the form of a cashier's check or money order payable to the city.
- (6) Applications for street function permits shall be accepted by MOSE between the hours of 8:00 a.m. and 5:00 p.m., except on Saturdays, Sundays, and days observed as holidays for employees of the city.
- (7) The SEM may require that an applicant to modify any portion of the proposed event location, subject to the review and written approval of the PWE director and police chief, if:
- a. The PWE director and police chief determine that the time, route, or size of the proposed event will substantially disrupt the use of any street that is ordinarily subject to significant traffic congestion;

- b. The SEM is unable to secure the requisite approval of the use of any freeway entrance and/or exit ramps or any portion of a state-owned highway or road included in the event; or
- c. The PWE director and police chief determine that the proposed event will substantially affect the city's ability to deliver police, fire, and medical emergency services to the proposed event location and in the vicinity of the proposed event location.

The applicant shall provide the requisite modified event location not more than two calendar days after receipt of notice from the SEM.

(l) ***Reasons for denial of a street function permit.***

- (1) The SEM may deny a street function permit if the applicant has failed to meet any of the requirements for submitting an application for a street function permit.
- (2) The SEM may also deny a street function permit if, after reviewing the application:
  - a. The applicant demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions of this section;
  - b. The applicant demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions set forth in the street function permit application;
  - c. The applicant has failed to conduct a previously authorized street function in accordance with law or the terms of a previously issued street function permit, or both;
  - d. The street function will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police, fire, and public works and engineering departments; or
  - e. The applicant has been informed that the proposed street function location must be modified in accordance with item (7) of subsection (k) above and the applicant fails or refuses to modify the proposed street function location.

(m) **Revocation of a street function permit.**

(1) **A street function permit may be revoked if the SEM determines that:**

- a. **A violation of any condition of the permit exists, including failure to obtain written approval for any security or other plans required under this Code or to implement any such plans;**
- b. **The street function poses an immediate threat to health or safety;**
- c. **The street function organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code or other applicable law;**
- d. **The street function permit was issued in error or contrary to law; or**
- e. **The applicant demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions set forth in the street function permit application.**

(2) **Any threat to health or safety requiring immediate revocation of a permit shall authorize the SEM or any other person authorized by the city to notify the event organizer verbally of such revocation.**

(3) **Except as provided in item (2) of this subsection, notice of revocation shall be in writing and set forth specifically the reasons for the revocation.**

(4) **The appeal of a revocation shall be handled in the same manner and under the same time requirements as denials of permits.**

(n6) **Hearings.** Where a right of appeal to city council exists, hearings shall be recorded by a court reporter retained by the SEM director for that purpose. The SEM director may require the applicant to provide security for the cost of recording the testimony as a condition of conducting the hearing. If an application for a major function is denied following a hearing, the applicant may appeal the decision to city council. If an the application for a minor function is denied following a hearing, the applicant may appeal the decision to city council if the permit application was filed more than 120 days prior to the commencement date of the minor function. If a major function permit is granted, any person who has been given party status as an intervenor may appeal the decision to city council. Any appeal must be filed with the city secretary within ten days following the date that the SEM director mails notice of the decision to the parties. The appeal shall be considered on the record as provided in city council rule 12 (section 2-2 of this Code). The cost of the recording and transcription of the record shall be paid by the appellant, and the

SEM director or city secretary may require the appellant to provide security therefor as a condition of processing the appeal. Appeals shall be governed by the issuance criteria set forth in subsections (cb), (l), and (m) above.

(oi) Except for the applicable definitions found in subsection (b), the provisions of this section shall not apply to parades and processions conducted under article IX of chapter ~~41~~ 45 of this Code or to functions conducted under the sponsorship of the city, as determined by motion, resolution or ordinance adopted by the city council, or by order of the Mayor.

City of Houston, Texas, Ordinance No. 2007-\_\_\_\_\_

AN ORDINANCE AMENDING SECTION 40-27 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO STREET FUNCTIONS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

\* \* \* \* \*

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

**Section 1.** That Section 40-27 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Sec. 40-27. Street functions.**

(a) **Permit required.** It shall be unlawful for any person to use a public street or portion thereof for the purpose of conducting or holding a street dance, block party, fun run or other pedestrian or wheelchair race, bicycle race, festival, or other function requiring the closing of the street or a portion thereof to normal vehicular traffic, unless the function is being conducted in compliance with a permit issued under this section.

(b) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Central business district* has the meaning ascribed in section 42-1 of this Code.

*Civilian traffic controllers* means civilian police department personnel deployed to assist in providing traffic control services during duly authorized parades, street functions, and special events. Civilian traffic controllers shall be under the direct supervision of police department law enforcement officers certified under the laws of this State.

*Major function*, for purposes of the review of applications under this section, means any function that will involve the closure of any portion of a major thoroughfare or major collector street, except:

- a. A function in the nature of a race or fun run in which the participants follow prescribed routes and is conducted

in such a manner that the streets may be closed and opened on a rolling basis as the participants pass; or

- b. A function conducted within the central business district, including that portion of Allen Parkway between Bagby Street and Shepherd Drive, and Memorial Drive between Bagby Street and Waugh Drive, provided that the function will not cause the closure of any street during the hours of 7:00 a.m. through 6:00 p.m. on any day that is not a Saturday, Sunday or holiday observed by the closure of city offices.

*Mayor's office of special events ('MOSE')* shall mean the office, person, or city staff designated by the mayor to manage, administer, and/or issue parade, street function, and special event permits.

*Minor function*, for purposes of the review of applications under this section, means any function that is not a major function as defined herein.

*Police chief* means the chief of the police department or the chief's designee.

*PUBLIC WORKS AND ENGINEERING director* means the director of the public works and engineering department or the director's designee.

*Security control plan* means a demonstration of the use of non-city personnel to provide the appropriate public security and crowd control during a parade, street function, or special event. Such a plan shall be subject to the written approval of the police chief.

*Security control services* means the use of the appropriate number of law enforcement officers necessary to monitor and maintain public security and crowd control during a parade.

*Special events manager ('SEM')* means the individual who oversees the operations of the mayor's office of special events or the SEM's designee.

*Traffic control plan* means a written proposal for the operation and regulation of traffic control devices used to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic

control zone. A traffic control plan must be prepared in conformance with the Texas Manual on Traffic Control Devices.

*Traffic control services* means the use of cones, barricades, and any other traffic control devices necessary to facilitate vehicular and pedestrian traffic safely and efficiently through a temporary traffic zone.

(c) **Permit issuance.** Permits under this section shall be issued by the SEM. In compliance with the procedures set forth in subsection (k) below, the SEM, in conjunction with the PUBLIC WORKS AND ENGINEERING director, shall approve the application for a permit unless the SEM determines that the proposed function will unreasonably interfere with the flow of traffic or with the use and enjoyment of properties, whether used for residential, commercial or other purposes, in the vicinity of the function or unless the applicant fails to evidence that it will comply with any of subsections (d) through (j), below. The SEM may condition approval upon full compliance with subsections (d), (f) or (j) below if the applicant has not yet provided cost deposits or the requisite proof of insurance as specified therein. In determining whether the event will unreasonably interfere with the flow of traffic or with the use and enjoyment of properties in the vicinity of the function, the SEM and PUBLIC WORKS AND ENGINEERING director shall consider:

- (1) The expected general flow of traffic upon the street or streets affected at the time proposed for the event;
- (2) The existence, if any, of alternative routes for public transit vehicles and private vehicles;
- (3) Whether the function will significantly affect the city's ability to deliver police, fire and medical emergency services to the function site and in the vicinity of the function site;
- (4) The availability of public parking, public restroom facilities, public trash receptacles and other amenities in the vicinity where the function will be conducted to accommodate the number of persons that are expected to attend the function;
- (5) Whether the function will include amplified music or other sound sources that may be expected to create a noise disturbance; and

- (6) The extent, if any, of disruption to the use and enjoyment of residential, business, industrial and governmental facilities located in the vicinity of the proposed function.

In considering the foregoing criteria, the SEM and PUBLIC WORKS AND ENGINEERING director shall review records, if any, from prior similar events conducted at or near the proposed site, whether conducted by the applicant or others, and the applicant's prior history of compliance, if any, to determine whether there has been a history of traffic control problems, littering and trash removal problems, noise or other disruptions associated with the event or other events conducted by the applicant.

(d) **Police review.** Each application shall be referred by the SEM to the police chief for a determination of the law enforcement officer staffing reasonably required to provide security control services for the function and service calls relating to the function, including not only the street or streets to be closed but any other streets or public areas in the vicinity that may be utilized for alternative routes or for parking of vehicles of persons attending the function. In making the foregoing determination, the police chief shall consider whether alcohol will be served or allowed at the function as a factor in establishing the appropriate staffing level. The applicant must agree to either:

- (1) Pay to the city the total salary cost(s) of providing the designated number of law enforcement officers, required supervisory personnel, and civilian traffic controllers, in which instance the applicant shall furnish a deposit sufficient to cover the cost of the same not less than 10 business days prior to the event; or
- (2) Furnish the police chief with a security control plan detailing the proposed number of law enforcement officers certified under the law of this state who will provide security control services during the proposed event. Such law enforcement officers shall be paid directly by the applicant. However, no law enforcement officer who is regularly employed by the city may be utilized under this item (2) unless the officer executes an understanding of third party compensation provided by the city for working at the event. The understanding of third party compensation shall be in a form approved by the city attorney;

provided that, consistent with the analyses of security, traffic and crowd control needs and in order to maintain a command structure for the function, the police chief may require that all or a portion of the designated number of

peace officers be on-duty Houston police officers for which the applicant shall make payment to the city under item (1) of this subsection.

(e) **Emergency response capability.** The applicant must agree to conduct the function in such a manner that at least one lane of the street or streets to be utilized will be capable of being opened at all times for access by persons requiring emergency access to properties abutting the function and by police, fire, ambulance and other emergency vehicles. The applicant must also agree to provide a person on-site during the function to coordinate response activities with city officials. Consistent with the nature and size of the function, the applicant must also agree to provide a public address system for the function site if the police chief determines that the system is necessary or desirable to facilitate emergency responses during the function.

(f) **PUBLIC WORKS AND ENGINEERING review: traffic control plan.** Each application shall be referred by the SEM to the PUBLIC WORKS AND ENGINEERING director for a determination of traffic control services reasonably required for the proposed street function. Based upon availability of the city resources and city personnel, the PUBLIC WORKS AND ENGINEERING director shall either:

- (1) Elect to establish a plan for the deployment of the appropriate traffic control services, such as cones, street barricades, and signage, as required for the proposed street function; or
- (2) Require the applicant to submit a traffic control plan for review and subsequent approval by the traffic engineer.

(g) **Payment of traffic control services.**

The applicant must agree to either:

- (1) Pay the costs of providing public works and engineering department employees to deploy and remove the traffic control services if the PUBLIC WORKS AND ENGINEERING director determines that the city does have available the resources and personnel necessary to deploy the appropriate traffic control services for the proposed street function. Such costs must be paid not less than 10 business days prior to the proposed street function date; or
- (2) Hire and pay all personnel necessary to deploy and remove traffic control services as required for the proposed street function.

(h) **Disposition of fees.** All costs recovered in relation to the provision of city security control and traffic control services shall be allocated to the city's general fund administered by the finance and administration department.

(i) **Indemnification.** The applicant and any other persons on whose behalf the application is made must covenant and agree that they will, jointly and severally, indemnify and hold the city harmless against liability for any and all claims, judgments and associated legal expenses and costs and for claims and litigation arising out of the function including, but not limited to, those for damage to property or injury to or death of persons. The agreement shall be in a form approved by the city attorney.

(j) **Insurance.**

- (1) The applicant shall continuously and without interruption, during the course of the function, maintain in force the required insurance coverage specified in this subsection. Such insurance shall consist of a commercial general liability insurance policy covering the function with limits in an amount not less than \$500,000.00 per occurrence and \$1,000,000.00 aggregate.
- (2) The SEM may increase, decrease, or waive the amount of insurance required for the proposed street function based upon an evaluation of the criteria set forth in item (3) of this subsection. The applicant shall furnish the requisite proof of insurance to the SEM. All proof of insurance shall bear on its face, or by endorsement, that the insurer will provide the city with 15 business days advance written notice of cancellation of the requisite insurance. The policy or a binder evidencing the policy shall be furnished at least 10 days prior to the commencement of the event. The policy shall name the city as an additional insured and be issued by a carrier authorized or eligible to transact business in Texas. Each policy shall contain an endorsement that the issuer waives any claim or right of subrogation to recover against the city, its officers, agents, or employees. Each policy shall be reviewed by the city attorney for conformity with this subsection.
- (3) Except for events in which the sale of alcoholic beverages is authorized, the SEM may decrease or waive insurance requirements after receipt of a written request from the applicant. The determination to increase, decrease, or waive

any insurance requirements shall be based upon an evaluation of the proposed street function utilizing the following criteria:

- a. The size, duration, and scope of the event, including the number of projected attendees, attractions, and location of the event;
- b. Whether food, beverages, alcoholic beverages, and/or non-food items are being sold or served;
- c. Whether the event requires the provision of utility services or the erection of temporary structures;
- d. Whether the event poses any traffic and pedestrian safety concerns; and
- e. The risks inherent with respect to the proposed street function.

**(k) *Application filing and review generally.***

- (1) Applications for functions shall be filed on a form promulgated by the SEM. An application for a function may be filed with the SEM no sooner than 365 days prior to the commencement date of the function, provided that if the 365th day falls on a Saturday, Sunday, or day observed as a holiday for employees of the city, then the application may be filed no earlier than the next day that is not a Saturday, Sunday, or holiday observed by the closure of city offices. Prematurely filed applications, or applications that do not meet all requirements of this section, shall be of no force and effect and shall be returned to the applicant. An application for a major function shall be filed not less than 120 days prior to the commencement date of the function. An application for a minor function shall be filed not less than 40 days prior to the commencement date of the function, provided that: (i) an applicant for a minor function who wishes to retain the right of an appeal to city council shall file an application more than 120 days prior to the commencement date of the function, and (ii) applications for minor functions that require the closure of a freeway entrance or exit ramp shall be filed not less than 90 days prior to the proposed event date. Applications shall be filed in accordance with forms and procedures promulgated by the SEM.

- (2) Applications for minor functions shall be considered in accordance with this item. The SEM shall approve or deny each application for a minor function within 10 business days after the completed application is received. In the event that a minor function application is denied, the SEM shall mail written notice of the grounds to the applicant. A minor function applicant whose application is denied may request a hearing on the matter by filing a written request with the SEM within ten days following the date the SEM mails the notice of denial.
- (3) Applications for major functions shall be considered in accordance with this item:
- a. The SEM shall review the application and advise the applicant whether it is materially complete and in proper form within 10 business days following the receipt of the application. If it is not, the application shall be returned to the applicant with a written explanation of the deficiencies.
  - b. If the application is determined to be complete and in proper form, the SEM shall cause notice of the application filing to be advertised in one or more of the following manners as determined to be applicable by the SEM, based upon the nature and location of the major function:
    - [1] Advertisement one time in a newspaper of general circulation and/or in one or more community newspapers that serve the area where the major function will be conducted;
    - [2] Posting of one or more signs along the major thoroughfare or major collector street where the major function will be conducted; and
    - [3] Furnishing of a written notice by regular mail to the last known address of any person who has in writing requested notice from the SEM of any permit application for a major function to be held in the vicinity where the major function is proposed to be conducted.

The SEM may require the applicant to provide or pay for newspaper notices or signs posted and to furnish evidence thereof to the SEM. The notice(s) shall be in a form prescribed by the SEM and shall contain the name of the event, date or dates of the event, and a city office telephone number that interested persons may call for further information. If the applicant fails to promptly give the notices or provide security for the notices following the SEM's request, the SEM shall return the application to the applicant.

- c. If, following the completion of the publication and/or mailing of the notices, the SEM receives written notice from any person who resides or works or who owns or operates a place of business in the vicinity of the proposed major function and whose interests may be affected by the major function, the SEM shall conduct, or designate another person as hearing officer to conduct, a hearing regarding the application to determine whether the permit may be issued in compliance with this section. A person who gives such notice shall upon request be allowed by the SEM to intervene and participate in the hearing as a party-intervenor thereto. Such written notice must be received by the SEM not later than 90 days prior to the proposed street function date.
- (4) Hearings conducted under this subsection, whether for minor functions under item (2) or major functions under item (3) shall be governed by rules established by the SEM, which shall be consistent with principles of due process and shall provide that any party may be represented by legal counsel, may call witnesses and provide evidence and may cross examine witnesses. The burden shall be upon the applicant to demonstrate by clear and convincing evidence that the proposed function will comply in all respects with each requirement of this section. The hearing shall be conducted by the SEM or the hearing officer who shall issue a decision in writing and shall specify the grounds for denial therein if the application is denied. A copy shall be mailed to the applicant and any intervenors. Upon request of the SEM, the legal department shall act as counsel to the hearing officer.

- (5) Each application for a street function permit must be accompanied by a non-refundable fee of \$50. All tendered fees must be in the form of a cashier's check or money order payable to the city.
- (6) Applications for street function permits shall be accepted by MOSE between the hours of 8:00 a.m. and 5:00 p.m., except on Saturdays, Sundays, and days observed as holidays for employees of the city.
- (7) The SEM may require that an applicant to modify any portion of the proposed event location, subject to the review and written approval of the PUBLIC WORKS AND ENGINEERING director and police chief, if:
  - a. The PUBLIC WORKS AND ENGINEERING director and police chief determine that the time, route, or size of the proposed event will substantially disrupt the use of any street that is ordinarily subject to significant traffic congestion;
  - b. The SEM is unable to secure the requisite approval of the use of any freeway entrance and/or exit ramps or any portion of a state-owned highway or road included in the event; or
  - c. The PUBLIC WORKS AND ENGINEERING director and police chief determine that the proposed event will substantially affect the city's ability to deliver police, fire, and medical emergency services to the proposed event location and in the vicinity of the proposed event location.

The applicant shall provide the requisite modified event location not more than two calendar days after receipt of notice from the SEM.

- (l) ***Reasons for denial of a street function permit.***
- (1) The SEM may deny a street function permit if the applicant has failed to meet any of the requirements for submitting an application for a street function permit.

(2) The SEM may also deny a street function permit if, after reviewing the application:

- a. The applicant demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions of this section;
- b. The applicant demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions set forth in the street function permit application;
- c. The applicant has failed to conduct a previously authorized street function in accordance with law or the terms of a previously issued street function permit, or both;
- d. The street function will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police, fire, and public works and engineering departments; or
- e. The applicant has been informed that the proposed street function location must be modified in accordance with item (7) of subsection (k) above and the applicant fails or refuses to modify the proposed street function location.

(m) ***Revocation of a street function permit.***

(1) A street function permit may be revoked if the SEM determines that:

- a. A violation of any condition of the permit exists, including failure to obtain written approval for any security or other plans required under this Code or to implement any such plans;
- b. The street function poses an immediate threat to health or safety;

- c. The street function organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code or other applicable law;
  - d. The street function permit was issued in error or contrary to law; or
  - e. The applicant demonstrates an inability or unwillingness to conduct a street function pursuant to the terms and conditions set forth in the street function permit application.
- (2) Any threat to health or safety requiring immediate revocation of a permit shall authorize the SEM or any other person authorized by the city to notify the event organizer verbally of such revocation.
  - (3) Except as provided in item (2) of this subsection, notice of revocation shall be in writing and set forth specifically the reasons for the revocation.
  - (4) The appeal of a revocation shall be handled in the same manner and under the same time requirements as denials of permits.

(n) **Hearings.** Where a right of appeal to city council exists, hearings shall be recorded by a court reporter retained by the SEM for that purpose. The SEM may require the applicant to provide security for the cost of recording the testimony as a condition of conducting the hearing. If an application for a major function is denied following a hearing, the applicant may appeal the decision to city council. If an application for a minor function is denied following a hearing, the applicant may appeal the decision to city council if the permit application was filed more than 120 days prior to the commencement date of the minor function. If a major function permit is granted, any person who has been given party status as an intervenor may appeal the decision to city council. Any appeal must be filed with the city secretary within ten days following the date that the SEM mails notice of the decision to the parties. The appeal shall be considered on the record as provided in city council rule 12 (section 2-2 of this Code). The cost of the recording and transcription of the record shall be paid by the appellant, and the SEM or city secretary may require the appellant to provide security therefor as a condition of processing the appeal. Appeals shall be governed by the criteria set forth in subsections (c), (l), and (m) above.

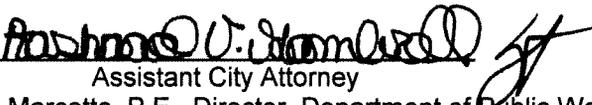
(o) Except for the applicable definitions found in subsection (b), the provisions of this section shall not apply to parades and processions conducted under article IX of chapter 45 of this Code or to functions conducted under the sponsorship of the city, as determined by motion, resolution or ordinance adopted by the city council, or by order of the Mayor."

**Section 2.** 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 portions of this Ordinance or their application to other persons or sets of circumstances 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 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.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor of the City of Houston

Prepared by Legal Dept. 

RVG:asw 05/22/2007

Assistant City Attorney

Requested by Michael S. Marcotte, P.E., Director, Department of Public Works & Engineering

L.D. File No. 0630600170001

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance amending Chapter 45 of the Code of Ordinances revising the processing of applications for parade permits.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 26A
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> 5/24/07	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Jeff Weatherford, P.E. Phone: (713) 881-3172	<b>Date and identification of prior authorizing Council Action:</b> None
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**RECOMMENDATION: (Summary)** It is recommended that City Council adopt amendments to Chapter 45 of the Code of Ordinances transferring permit processing for parades from the Public Works and Engineering Department to the Mayor's Office of Special Events.

<b>Amount and Source of Funding:</b> N/A	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
The Public Works and Engineering Department requests approval of amendments to Chapter 45, which will consolidate permitting functions and transfer certain responsibilities for various types of parades to the Mayor's Office of Special Events allowing for a one-stop permitting process.

**Highlights of the amended ordinance are as follows:**

- Defines the application process and allows the Special Events Manager (SEM) to accept, process and issue permits for parades. This includes time limits, revocation and denial parameters.
- Defines Public Works and Engineering Director's responsibilities for review of the planned route as well as review of any submitted traffic control plans.
- Defines the Police Chief's responsibility for review and determination of required security for the event. The Police Chief may elect to utilize trained civilian traffic controllers to direct traffic.
- Provides that any and all fees assessed and received for traffic control services shall be paid 10 business days prior to the parade.
- Limits parades to 25 intersections with 15 intersections of traffic control at no cost and requires payment of \$1,000.00 per intersection for additional intersections.
- Allows the Public Works and Engineering Department Director in conjunction with the Police Chief to determine if the four-hour difference in parade start times can be waived based upon available security and traffic control resources or the ability of the applicant to provide these services.
- Requires applications to be filed not less than 10 business days prior to the parade. Parade permits will be issued on a "first come, first served" basis.
- Includes a provision for non-revenue generating parade applicants to file an affidavit stating they cannot afford to pay the \$250.00 application fee and allows the applicant to set their own fee.

The proposed amendments to Chapter 45 streamline the permit process and clarify the responsibilities of the various departments charged with parade event oversight. It is recommended that City Council approve the amendments to Chapter 45 of the City Code of Ordinances related to parade permits.

cc: Marty Stein      Raymond Chong, P.E.      Waynette Chan      Rashaad Gambrell  
Chief Harold Hurtt      Terrence Fontaine      Don Cheatham      John Klumb

**REQUIRED AUTHORIZATION**

20RXC13

<b>F&amp;A Director:</b>	<b>Other Authorization:</b> Susan E. Christian Deputy Director Mayor's Office of Special Events 	<b>Other Authorization:</b> Ray Chong, P.E. Deputy Director Public Works Dept. 
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## Chapter 45 TRAFFIC

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### ARTICLE IX. PARADES AND PROCESSIONS

#### DIVISION 1. GENERALLY

##### Sec. 45-231. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~AAA means the American Arbitration Association.~~

~~Arbitrator means a person certified by the AAA to arbitrate disputes under its rules and procedures.~~

Civilian traffic controllers has the meaning ascribed in section 40-27 of this Code.

~~Commercial parade means any revenue-generating parade or parade for which a participation fee is charged.~~

*Conditional permit* means a permit subject to or dependent upon the satisfaction of conditions that if not satisfied within the time allotted shall result in the automatic revocation of such permit.

*Director* means the director of the public works and engineering department or the director's his designee unless specified.

*Disbanding area* means the area where parade participants, floats, vehicles, and animals disband following a parade.

Downtown area has the meaning ascribed to the term central business district in section 42-1 of this Code. ~~means the area including and bounded by Commerce Street on the north, Gray Avenue on the south, Chartres Street on the east, and Bagby Street on the west.~~

*Final permit* means a permit issued upon the satisfaction of all requirements of this division.

Holiday means any day officially recognized ~~simultaneously~~ by the city, Harris County, and the Houston Independent School District as a holiday for their its employees observed by the general closure of their respective city offices.

Mayor's office of special events ('MOSE') has the meaning ascribed in section 40-27 of this Code.

Non-revenue-generating Non-commercial parade means any ~~non-revenue-generating parade~~ or parade for which no participation fee is charged and no cash or in-kind donations, gifts, or sponsorship in support of the proposed parade are or will be accepted or collected.

Parade means a procession of pedestrians, vehicles, or animals, or any combination thereof, traveling in unison along or upon a street, road, or highway, organized and conducted for the purposes of attracting the attention of the general public and/or expressing or celebrating views or ideas by use of verbal, visual, literary, or auditory means of communication. A parade shall not mean a procession of vehicles operated in compliance with ordinary traffic laws or a procession of pedestrians along or upon public sidewalks or private property. ~~but shall not mean a funeral procession, a government sanctioned motorcade, or a procession of pedestrians along or upon public sidewalks or private property,~~ and shall not mean a procession of vehicles operated in compliance with ordinary traffic laws.

Police chief has the meaning ascribed in section 40-27 of this Code.

Revenue-generating parade means any parade for which a participation fee is charged or for which any cash or in-kind donations, gifts, or sponsorship in support of the proposed parade are or will be accepted or collected.

Security control plan has the meaning ascribed in section 40-27 of this Code.

Security control services means the use of the appropriate number of law enforcement officers certified under the laws of this State or civilian traffic controllers necessary to monitor and maintain public security and crowd control during a parade.

Special event holiday means any holiday proclaimed by the mayor as a special community celebration.

Special events manager ('SEM') has the meaning ascribed in section 40-27 of this Code.

*Staging area* means the area where parade participants, floats, vehicles, and animals assemble prior to a parade.

Traffic control plan has the meaning ascribed in section 40-27 of this Code.

Traffic control services has the meaning ascribed in section 40-27 of this Code.

**Se c. 45-232. Permit required; security and traffic control.**

(a) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a parade along or upon the streets of the city without first obtaining a permit to do so.

(b) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a parade upon any esplanade, median, median strip, or traffic island designed for the purpose of separating or directing vehicular traffic. No permit shall be required for the use of the sidewalks of the city for any procession or parade.

(c) Upon receipt of a permit, any number of persons, delegations, or associations of persons or any company, circus, or group may conduct a parade along or upon the streets of the city subject to the provisions of this division and other applicable laws.

(d) In no event shall the city provide security control services or traffic control services for more than two parades on the same calendar day.

~~(d) Traffic control services along a parade route, including the hiring and payment of personnel to deploy traffic control devices and to direct and control traffic, will be provided as follows:~~

~~(1) By the city at no cost to the holder of a permit for a non-commercial parade, up to a maximum of 25 street intersections.~~

~~(2) For a commercial parade, at the discretion of the director, either:~~

~~a. By the city at no cost to the permit holder for the first 15 street intersections; or~~

~~b. Entirely by the permit holder.~~

~~(3) The holder of a commercial parade permit shall reimburse the city for traffic control services performed in excess of the limit set forth in subitem a of item (2) of this subsection at a fee of \$1,000 per street intersection.~~

~~(e) In no event shall the city provide traffic control services for more than two parades on the same calendar day.~~

(e) The use of city security and traffic control services shall be provided on a first-come, first-served basis based upon the parade permit applicant's declaration as required by item (12) of section 45-236 of this Code.

(f) If a parade permit applicant requests the use of city security and traffic control services along a parade route, and the city has the necessary resources available to provide the requisite security and traffic control services, such services shall be provided as follows:

- (1) At no cost for the first 15 intersections along the proposed parade route.
- (2) For each intersection thereafter along the proposed parade route, a fee of \$1,000.00 per intersection.

(gf) In the event that the city is unable to provide traffic control services for the proposed parade or the applicant elects to provide its own traffic control services, Traffic control or direction along a parade route shall be performed only by law enforcement officers certified under the laws of this State. The use of non-city personnel to perform deploy traffic control services devices or perform traffic control or direction shall require the submission of a traffic control plan prepared in conformance with the Texas Manual on Traffic Control Devices. The submitted traffic control plan shall be subject to the review and written approval of the director. The use of non-city personnel to provide public security control during a parade shall require the submission of a security control plan subject to the review and written approval of the police chief.

(h) All costs recovered in relation to the provision of city security control and traffic control services shall be allocated to the city's general fund administered by the finance and administration department.

**Sec. 45-233. Parade route restrictions in downtown area.**

(a) For purposes of this division, 'intersection' means the junction of any two streets within the parade route, but shall not include any staging or disbanding area.

(b) Applicants for permits for parades to be held in the downtown area may design their own parade routes, subject to the approval of the SEM and the director, with the following restrictions:

- (1) A parade held on a Saturday, Sunday, holiday, or special event holiday may include no more than 25 street intersections and must be completed in no more than three hours.
- (2) A parade held on a day other than a Saturday, Sunday, holiday, or special event holiday may include no more than 10 street intersections, must be completed in no more than one hour, and must begin at either 10:00 a.m. or 2:00 p.m.
- (3) The parade must be conducted in such a manner that to the extent that the route includes any entrances to or exits from off-street vehicle parking, loading, or customer service facilities, whether public or private, the width of the parade procession shall be controlled at those facilities so that at least one lane of the street may safely be left open for vehicular access to each vehicle facility from the nearest cross street.
- (4) A parade route may not include any streets or portions of streets that are located west of Bagby Street, south of Jefferson Street, east of Chartres Street, or north of Congress Street.
- (5) A parade route must in its entirety be located either:
  - a. On Fannin Street or other streets or portions of streets located to the east of Fannin Street; or
  - b. On Travis Street or other streets or portions of streets located to the west of Travis Street.

**Sec. 45-234. Parades outside of downtown area.**

(a) Permits for parades outside of the downtown area shall be issued in conformance with all the provisions of this division. No permit shall be issued for a parade that includes streets located both inside and outside the downtown area.

(b) Applicants for parade permits for parades to be held outside the downtown area may design their own parade routes with the following restrictions:

- (1) The route may not exceed one and one-half miles in length and may not include more than ~~fourteen~~ twenty-five intersections, whichever is less;

~~provided, however, that a parade held on a Saturday between the hours of 8:00 p.m. and 11:00 p.m. or on a Sunday between the hours of 1:00 p.m. and 11:00 p.m. may be greater than one and one-half miles or include more than 14 intersections.~~

- (2) The maximum time necessary for completion of the parade may not exceed three hours.
- (3) If the parade is to be held on a day other than a Saturday, Sunday, holiday, or special event holiday, it shall not be held between the hours of 7:00 a.m. and 9:00 a.m., or between the hours of 11:00 a.m. and 1:00 p.m., or between the hours of 3:30 p.m. and 7:00 p.m.
- (4) If more than one parade is to be held on the same calendar day and time, the parade routes and staging and disbanding areas of each parade may not be within 5 five miles of one another.
- (5) No parade route shall contain any portion of the following streets, roads, or highways:
  - a. Interstate Highway 610 Loop, including its service roads.
  - b. U.S. Highway 59, including its service roads.
  - c. Interstate Highway 45, including its service roads.
  - d. U.S. Highway 290, including its service roads.
  - e. Interstate Highway 10, including its service roads.
  - f. State Highway 288, including its service roads.
  - g. Controlled access portions of U.S. Highways 90 and 90-A, including their service roads.
  - h. The Hardy Toll road, including its service roads.
  - i. Beltway 8, including those portions known as the Sam Houston Toll Road, and its service roads.
  - j. State Highway 225, including its service roads.

- k. Controlled access portions of State Highway 249, including its service roads.
- l. State Highway Spur 5, including its service roads.
- m. Westpark Toll Road.

This provision shall not be construed to prohibit a parade route from crossing one of the listed streets, roads, or highways while traveling along or upon a non-listed street, road, or highway.

**Sec. 45-235. Permit application generally; issuance, etc.**

(a) An application for a parade permit shall be submitted on a form supplied by the director SEM, signed by the applicant or, if the applicant is other than an individual, a person authorized for that purpose by the applicant, sworn to before an officer authorized to administer oaths, and filed with MOSE the director.

(b) An application for a parade permit shall be submitted not less than 10 business days prior to the proposed parade date. An application for a parade permit that requires the closure of a freeway entrance or exit ramp or any portion of a state-owned controlled access highway shall be filed not less than 90 days prior to the proposed parade date.

(bc) The SEM director shall review each application to ensure that the time, place, and manner of the proposed parade complies with the provisions of this division, and Not later than the tenth business day after receipt of the application, the SEM shall:

(1) Not later than the tenth business day after receipt of the application, nNotify the applicant of the denial of the application if it is found to conflict with another parade already permitted for the same time, location, and date, or to be incomplete or to violate any provision of this Code, which notice shall set forth the reasons for the denial; or

(2) On the tenth business day after receipt of the application:

a. If more than one application has been received for a parade on the same date, notify the applicant of such fact and follow the procedures for a final determination set forth in subsections (l) and (j) of this section; or

(2) b. If only one application has been received:

- (i) Issue a final permit as provided in section 45-243 of this Code if the applicant has satisfied all requirements of this division for the proposed parade; or
- (3) (ii) Issue a conditional permit, if additional requirements are to be satisfied in the future but within the time allotted by this division.

(ed) The issuance of a conditional permit shall not authorize a parade applicant to conduct a parade at the requested time, place, or date and shall serve only to reserve the time, place, and date of the proposed parade route pending the applicant's timely satisfaction of all other requirements of this division applicable to the parade requested, including but not limited to the provision of required insurance, the payment of security and traffic control costs, or any other requirement.

(de) Each application for a parade permit must be accompanied by a non-refundable fee of \$250. All tendered fees must be in the form of a cashier's check or money order payable to the city.

(f) If a non-revenue-generating parade applicant is unable to pay the full amount of the permit application fee pursuant to subsection (e), the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit, on a form provided by the city attorney, containing the following information:

- (1) A statement that the applicant and the group or organization on whose behalf the application is made are unable to pay the full amount of the permit fee for the parade;
- (2) A statement that the applicant and the group or organization on whose behalf the application is made have made diligent efforts to raise money to pay the permit fee; and
- (3) A statement of the exact amount the applicant and the group or organization on whose behalf the application is made are able to pay for the permit fee.

(eg) Applications for parade permits shall be delivered to ~~the office of the director MOSE~~ and may be delivered between the hours of ~~98:00 a.m. and 45:00 p.m.~~ except on Saturdays, Sundays, and ~~days observed as holidays for employees of the city.~~

(fh) Applications for parade permits may be filed no earlier than the 365th day prior to the date of the requested parade, provided that if the 365th day falls on a Saturday, Sunday, or ~~day observed as a holiday for employees of the city~~, then the application may be filed no earlier than the next day that is not a Saturday, Sunday, or ~~day observed as a holiday for employees of the city~~. Prematurely filed applications, or applications that do not

meet all requirements of this section, shall be of no force and effect and shall be returned to the applicant.

(gi) The numbers of parade permits that may be issued shall be subject to the following limitations:

- (1) Only one permit shall be issued for a parade to be conducted in the downtown area on the same day;
- (2) Only four permits may be issued for parades to be conducted on the same calendar day in the city limits; and
- (3) Permits may not be issued for conflicting times. For purposes of this provision, parades are considered to be conflicting if their starting times are less than four hours apart; provided, however, the director, in conjunction with the police chief, may exercise professional judgment by waiving the aforementioned four-hour provision provided:

a. The proposed parades will not substantially disrupt the use of any street in and around the parade route's respective locations; and

b. The director and police chief:

[1] Determine that their respective departments have the appropriate amount of city personnel and resources available to monitor the parades based upon the estimated number of parade participants; or

[2] Approve a parade permit applicant's submitted security control and traffic control plans to hire and pay all personnel necessary to deploy security control and traffic control devices and services along the proposed parade routes.

~~(hj) No person shall be issued more than one of the two permits available for any calendar day. In the event that any person, including an association, club, society, firm, partnership, corporate body, or individual or group of individuals representing or acting on behalf of the same person causes more than one application to be filed for parades to be conducted on the same calendar day, then the application first received shall be considered to be duly filed and any others shall be returned to the applicant. Except as provided in subsections (k) and (il) below, pParade permits shall be issued in the order in which completed applications that comply with all applicable requirements of this division are received in the director's office by MOSE.~~

~~(1) If within the first 10 days allowed for the review of applications for a parade permit two or more organizations apply to hold a parade in the same location on the same day; the director shall immediately review each application and determine whether each fully complies with all requirements of this section and shall:~~

~~(1) Return to the applicant as denied any application which falls under the provisions of item (1) of subsection (b) of this section and approve the remaining application;~~

~~(2) If more than one application is determined to fully comply with this section, give written notice to all applicants whose applications meet the requirements of this section that:~~

~~a. Competing applications for a parade permit have been received;~~

~~b. The final determination as to the granting of a parade permit shall be made by an arbitrator;~~

~~c. The parties shall have five business days, excluding the date of the director's written notice, to mutually agree upon an arbitrator; and~~

~~d. If the director has not received written confirmation of the parties agreement on the arbitrator by the sixth business day after the director's notice under this item, the director will appoint the arbitrator; or~~

~~(3) If only one application is determined to fully comply with this section, issue a permit as appropriate under subitem b of item (2) of subsection (b) of this section:~~

~~(j) The arbitrator shall hold a hearing on all applications referred pursuant to the preceding subsection within 15 business days after receipt thereof and shall provide written notice of the date, time and location of such hearing at least 5 business days in advance thereof to the applicants and all other persons identified by the director. No hearing shall continue past one day. All fees charged by the arbitrator shall be shared equally by the applicants and shall be paid directly to the arbitrator or the AVA, as its rules may require. Within 5 business days of the conclusion of the hearing, the arbitrator will render a final decision and award the parade permit to one of the applicants, giving written notice of his decision to the director.~~

~~The determination to grant a parade permit involving competing applications for a parade to be conducted on the same date shall be based upon an evaluation of each proposed parade utilizing the following criteria:~~

- ~~(1) The extent to which the promoter's proposed parade:
  - ~~a. Represents a traditional, historical or cultural event of importance to the city as a whole or to an identifiable segment of the community;~~
  - ~~b. Has been conducted on the same date or in connection with a holiday or recurring event in the city over a period of years; and/or~~
  - ~~c. Has enjoyed popular support as evidenced by its attendance by the citizens of the city or an identifiable segment of the community with which it has been traditionally or historically associated.~~~~
- ~~(2) The experience of the parade promoter in conducting parades of a similar size or nature, including, but not limited to, consideration of the promoter's record in complying with applicable rules and laws, including local codes.~~
- ~~(3) The extent to which the parade promoter's plans for the proposed parade address:
  - ~~a. Traffic and/or mobility issues or impacts both (i) along the proposed parade route and (ii) in the immediate area of the parade.~~
  - ~~b. The burden on city resources, including but not limited to, police, fire, EMS, solid waste or other city services that might be affected;~~
  - ~~c. Publicity or other programs designed to involve the community in supporting and/or participating in the proposed parade; and/or~~
  - ~~d. Other benefits that to the community that may be realized from the parade.~~~~

**Sec. 45-236. Application information.**

The application for a parade permit shall contain the following information:

- (1) The name, address, and telephone number of the applicant, as well as the name, address, and telephone number of the individual who will be on-site and in charge of conducting the parade for the applicant and will be responsible to city officials for ensuring that the parade is conducted in compliance with this division and other applicable laws.
- (2) The date requested for the parade and the time of day requested.

- (3) The estimated duration of the parade and proposed route thereof.
- (4) The estimated number of animals that will be used in the parade.
- (5) The estimated number of individual persons who will participate in the parade.
- (6) The estimated number, if any, of animals and riders, animal-drawn vehicles, floats, motor vehicles, motorized displays, and marching units or organizations, such as bands, color guards, and drill teams that will participate in the parade.
- (7) A statement that the individual submitting the application is fully authorized to act and contract for the applicant, together with documents satisfactory to the director SEM showing the authority of such individual.
- (8) A provision, in a form approved by the city attorney, whereby the applicant contracts and agrees to that they will indemnify and hold the city harmless against liability for any and all claims, judgments, and associated expenses, for damage to property or injury to or death of persons arising out of or resulting from the conduct of the parade proximately caused by or resulting from the acts or omissions of the applicant, association, organization, firm or corporation on whose behalf the application is made, or any person under their control, insofar as permitted by law.
- (9) If required by section 45-242 of this Code, either proof of the required insurance or a declaration that proof of insurance will be provided within the time set forth in that section.
- (10) A provision whereby the applicant and any other persons, associations, organizations, firms, or corporations on whose behalf the application is made agree to comply with any special or unusual requirements that may be imposed or created by virtue of the proposed nature or size of the parade.
- (11) A declaration as to the ~~commercial or non-commercial~~ status of the parade as a revenue-generating or non-revenue-generating parade.
- (12) A declaration that the ~~individual~~ person conducting a parade prefers to either:
  - a. Provide all necessary security and traffic control services with non-city personnel; or

- b. Reimburse the city for the provision of security and traffic control services as provided in section 45-232 of this Code.

Such declaration by the parade organizer shall be final.

(13) A provision whereby the applicant agrees to modify the proposed parade route, subject to the review and written approval of the director and police chief, if:

- a. The director and police chief determine that the time, route, or size of the proposed parade will substantially disrupt the use of any street that is ordinarily subject to significant traffic congestion;
- b. The SEM is unable to secure the requisite approval of the use of any freeway entrance and/or exit ramps or any portion of a state-owned highway or road included in the proposed parade route; and/or
- c. The director and police chief determine that the proposed parade will substantially affect the city's ability to deliver police, fire, and medical emergency services to the proposed parade location and in the vicinity of the proposed parade location.

The applicant shall provide the requisite modified parade route not more than two calendar days after receipt of notice from the SEM.

(1413) A statement that the applicant agrees to provide any other information required by the director SEM.

**Sec. 45-237. When application for parade permit is deemed complete.**

An application for a parade permit is deemed completed when the applicant has provided all of the information required in section 45-236 of this Code including proof of insurance and any additional information required by the director SEM pursuant to items (9) and (143) of section 45-236 of this Code and paid any fees or reimbursements due to the city pursuant to this or any previous permit from the city.

**Sec. 45-238. Reasons for denial of a parade permit.**

(a) The director SEM may deny a parade permit if the applicant has failed to meet all of the requirements for submitting an application for a parade permit.

(b) Notwithstanding the provisions of subsection (a), the director SEM may deny a parade permit if, after reviewing the applicants' application:

- (1) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions of this division;
- (2) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions set forth in the parade permit application;
- ~~(3) The applicant has failed to conduct a previously authorized or exempted parade in accordance with law or the terms of a previously issued parade permit, or both;~~
- (3) The applicant has failed to submit a timely parade permit application in accordance with section 45-235(b) of this Code;
- (4) The parade will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police, fire, and public works and engineering departments; or
- (5) The applicant has been informed that the proposed parade route must be modified in accordance with item (13) of section 45-236 of this Code and the applicant fails to or refuses to modify the proposed parade route, will unreasonably interfere with public mobility or otherwise substantially inconvenience the public; or
- ~~(6) The parade will create the imminent possibility of violent disorderly conduct likely to endanger public health or safety or to result in significant property damage;~~

**Sec. 45-239. Procedure upon permit denial.**

~~Except for a permit granted under the provisions of subsections (k) and (j) of section 45-235 of this Code, t~~The director SEM shall notify the applicant of any permit denial, and the reasons therefore, by placing such notice in the United States mail, certified, return receipt requested within 10 working days of the date of the receipt of the application.

Such letter shall be addressed to the applicant at the address stated on the application. Any failure to give such notice of denial within the time limits prescribed in this section; shall be deemed a granting of the permit as requested.

**Sec. 45-240. Revocation of permit.**

(a) A permit may be revoked if the director SEM determines that:

- (1) A violation of any condition of the permit exists, including failure to obtain written approval for any security or other plans required under this Code or to implement any such plans;
- (2) The event poses an immediate threat to health or safety;
- (3) The event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code or other applicable law;
- (4) The permit was issued in error or contrary to law;
- (5) The ~~if~~ parade has changed ~~changes~~ from a non-insurance to one that requires insurance or a non-revenue generating commercial to a revenue-generating commercial parade; or
- (6) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions set forth in the parade permit application.

(b) Except as provided in subsection (c) of this section, notice of revocation shall be in writing and set forth specifically the reasons for the revocation.

(c) Any threat to health or safety requiring immediate revocation of a permit shall authorize the director SEM or any other person authorized by the city to notify the event organizer verbally of such revocation.

(d) The appeal of a revocation shall be handled in the same manner and under the same time requirements as denials of permits.

**Sec. 45-241. Appeal from permit denial.**

(a) The decision of the director SEM is final unless appealed under this section. ~~Except for a permit granted under the provisions of subsections (i) and (j) of section 45-235 of this Code a~~ An applicant may appeal the denial or revocation of a permit by filing a written request for a hearing with the director SEM within 10 working days of the date of such denial. A hearing shall be conducted within 10 working days of the receipt of such request ~~before~~ by a hearing committee, consisting of the director of the ~~mayor's office of special events or his designee~~, the chief of police chief, ~~or his designee~~ and the fire chief or ~~the fire chief's~~ his designee. The city attorney or ~~the city attorney's~~ his designee shall be present, in a non-voting capacity, to advise on any legal issue. It shall be the duty of the

director SEM to defend the decision during the hearing. Evidence on the matter shall be received in accordance with Rule 12 of section 2-2 of this Code. The hearing committee shall render a written decision on the matter within five working days of the date of the hearing and immediately provide a copy of such decision to the applicant.

(b) Upon receipt of the hearing committee's decision, the applicant may appeal such decision by giving written notice to the city secretary within five working days of the date of such decision. The city secretary and city agenda director shall arrange a date for the matter to be reviewed by the city council, at the next regularly-scheduled council meeting at which it is possible to give lawful prior notice of the matter after the receipt of the hearing committee's decision and the record required by Rule 12 of section 2-2 of this Code. The city secretary shall give written notice thereof to the applicant. The city council shall consider the appeal under the provisions of Rule 12. At the conclusion of the city council's review of the matter, the city council shall render a decision to grant or deny the requested permit, and such decision shall be final and exhaust the applicant's administrative remedies. If the foregoing time requirements appear inadequate to resolve the appeal prior to the date scheduled for the event, the burden shall be upon the applicant to expedite any filings required and to request a special city council meeting, which shall be granted if reasonable under the circumstances.

**Sec. 45-242. Insurance.**

(a) No final parade permit shall be issued by the director SEM for a parade to include any number of animals, floats, or motorized vehicles unless the applicants shall have delivered to the director SEM proof that the insurance required by this section has been obtained by the applicant. Proof of insurance required for a parade to include any number of animals, floats, or motorized vehicles shall be delivered to the director SEM not less than 10 business 30 days before the proposed parade date.

(b) Any applicant for a parade permit who fails to provide the requisite proof of insurance not less than 10 business 30 days before the proposed parade date shall not be granted a final parade permit. Any conditional parade permit which may have been previously issued shall be revoked by operation of law.

(c) The proof of insurance required by this section for a parade to include any number of animals, floats or motorized vehicles not subject to state safety responsibility laws shall consist of a current policy of commercial general liability insurance to include for certain designated premises of, ~~including~~ the parade route, staging area, and disbanding area. The policy shall bear an endorsement for the contractually assumed liability as set forth in item (8) of section 45-236 of this Code. ~~These~~ required policies shall name the city as an additional insured and be issued by a carrier authorized or eligible to transact business in Texas. Each policy shall contain an endorsement that the issuer waives any

~~claim or right of subrogation to recover against the city, its officers, agents, or employees.  
be issued by companies rated A-VI or better by AM Best.~~

The insurance shall contain policy limits of not less than the following:

- (1) Commercial general liability insurance with a minimum limit of:
  - a. For property damage, \$1,000,000.00 for each occurrence; and
  - b. For bodily injury or death, \$1,000,000.00 for each occurrence.
- (2) Automobile liability insurance, covering all owned, hired and non-owned vehicles with a minimum limit of bodily injury and property damage of \$1,000,000.00 combined single limit.

(d) The proof of insurance required by this section for a parade to include motorized vehicles subject to state safety responsibility laws may be in the form provided in subsection (c) or alternatively consist of proof of compliance with state safety responsibility laws for each vehicle.

**Sec. 45-243. Final permit.**

A final permit shall be issued only when the applicant has provided all information, including proof of insurance and any additional information, required pursuant to section 45-236 of this Code.

**Sec. 45-244. Parades exempt from permits.**

(a) Notwithstanding the provisions of this division, no permit shall be required for a parade that meets all of the following restrictions:

- (1) The parade shall not contain more than 250 individuals nor more than ~~and up to~~ 12 vehicles or animals.
- (2) The parade shall not contain any number of animals or vehicles that are not licensed to travel on public streets.
- (3) The parade route shall not exceed one mile in length, shall contain no portion of a major thoroughfare or major collector street and may contain no streets located within the downtown area.

(4) The parade shall comply with the time restrictions contained in subsection (b)(3) of section 45-234 of this Code, and shall take no longer than one hour to complete.

(5) The parade sponsors shall provide necessary traffic control.

(b) The individual or group of individuals who intend to conduct a parade under this section shall provide ~~give~~ written notice of the time, day, and place of the parade to the ~~SEM director, the chief of police, and the fire chief~~ by hand delivering the notice or by mailing the notice by certified mail to be received by MOSE not less than three business days at least 72 hours before the parade ~~or by mailing the notice by certified mail, when the certified mail is received at least 120 hours before the parade.~~

(c) The city shall not be responsible for providing police officers or other city employees to perform traffic control functions during a parade held under authority of this section.

**Sec. 45-245. Staging and disbanding areas; other uses of public streets and sidewalks.**

Consistent with traffic mobility and access considerations, the director, ~~or his designee and the SEM,~~ in consultation with the chief of police, ~~or the police chief's~~ his designee, may allow public streets to be used by parade permit holders as staging and disbanding areas for parades. The use of public streets and sidewalks for purposes other than staging or disbanding are subject to the regulations set forth in section 40-27 and sections 40-361 through 40-378 of this Code. The closure of freeway ramps associated with a parade requires the submission to the director of a signed and sealed traffic control plan and proof of compliance with all insurance requirements at least 90 days prior to the scheduled parade date.

**Sec. 45-246. Regulations.**

Consistent with the provisions of this division and other applicable laws, the director SEM may issue regulations governing the issuance of parade permits and the conduct of parades. The regulations shall be subject to the approval of the city attorney. A copy of any regulations so promulgated shall be made available upon request in the director's SEM's office for inspection and for purchase at the copy fee provided by law.

**Secs. 45-247--45-250. Reserved.**

City of Houston, Texas, Ordinance No. 2007-\_\_\_\_\_

**AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO PARADES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, recent experience has demonstrated that the city's parade regulations should be amended to better serve those citizens and organizations who wish to engage in such activities;

**WHEREAS**, parades conducted in the downtown area typically involve more intersections than do those parades conducted outside of the downtown area due to shorter block lengths, thus requiring more traffic control and security control services per intersection for those parades conducted in the downtown area;

**WHEREAS**, parades conducted in the downtown area often require the Public Works and Engineering Department to deploy traffic control devices the evening before or early during the morning of the parade in order to ensure that pedestrian and vehicular traffic do not obstruct or infringe upon the parade route;

**WHEREAS**, information supplied by the Public Works and Engineering Department and the Houston Police Department shows that the conducting of two parades on the same day in the downtown area significantly impairs the ability of those departments to preserve the public health, safety and welfare of the citizens of the city and to carry out their functions by imposing an unreasonable burden on the staff and other resources of the affected departments;

**WHEREAS**, the conducting of two parades on the same day in the downtown area has been shown to:

- (i) Significantly and consistently divert Public Works and Engineering Department staff from their core function of maintaining traffic control devices;
- (ii) Disrupt mobility in the downtown area due to the necessity of diverting vehicular traffic around the parade route thus causing traffic volumes during off peak travel times to exceed those volumes typically experienced during peak traffic times;
- (iii) Cause traffic volumes on certain streets to be the equivalent of eight or more continuous hours of traffic volumes typically experienced during peak hours of travel time;

- (iv) Have a significant impact upon the personnel allocations of Houston Police Department by requiring an increased police presence necessary to provide the requisite security control services along the parade route;
- (v) Have a significant impact upon the amount of overtime compensation paid to the number of officers necessary to provide the requisite security control services along the parade route; and
- (vi) Significantly reduce the number of Houston Police Department officers available to respond to core functions of a municipal law enforcement department; and

**WHEREAS**, the conducting of two parades on the same day in the downtown area has been shown to significantly effect the Metropolitan Transit Authority of Harris County, Texas by adversely impacting regularly scheduled bus and rail service schedules and causing increased operating costs while impairing its ability to provide consistent, reliable public transportation to the citizens of the city;

**WHEREAS**, the conducting of two parades on the same day in the downtown area has been shown to significantly impair tenants' and patrons' access to the downtown area and other businesses in the downtown area, including those located in the City's Theater District; **NOW, THEREFORE**

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

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

**Section 2.** That Division 1 of Article IX of Chapter 45 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"ARTICLE IX. PARADES AND PROCESSIONS**

**DIVISION 1. GENERALLY**

**Sec. 45-231. Definitions.**

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Civilian traffic controllers* has the meaning ascribed in section 40-27 of this Code.

*Conditional permit* means a permit subject to the satisfaction of conditions that if not satisfied within the time allotted shall result in the automatic revocation of such permit.

*Director* means the director of the public works and engineering department or the director's designee.

*Disbanding area* means the area where parade participants, floats, vehicles, and animals disband following a parade.

*Downtown area* has the meaning ascribed to the term *central business district* in section 42-1 of this Code.

*Final permit* means a permit issued upon the satisfaction of all requirements of this division.

*Holiday* means any day officially recognized by the city as a holiday for its employees observed by the general closure of city offices.

*Mayor's office of special events ('MOSE')* has the meaning ascribed in section 40-27 of this Code.

*Non-revenue-generating parade* means any parade for which no participation fee is charged and no cash or in-kind donations, gifts, or sponsorship in support of the proposed parade are or will be accepted or collected.

*Parade* means a procession of pedestrians, vehicles, or animals, or any combination thereof, traveling in unison along or upon a street, road, or highway, organized and conducted for the purposes of attracting the attention of the general public and/or expressing or celebrating views or ideas by use of verbal, visual, literary, or auditory means of communication. A parade shall not mean a procession of vehicles operated in compliance with ordinary traffic laws or a procession of pedestrians along or upon public sidewalks or private property.

*Police chief* has the meaning ascribed in section 40-27 of this Code.

*Revenue-generating parade* means any parade for which a participation fee is charged or for which any cash or in-kind donations, gifts, or sponsorship in support of the proposed parade are or will be accepted or collected.

*Security control plan* has the meaning ascribed in section 40-27 of this Code.

*Security control services* means the use of the appropriate number of law enforcement officers certified under the laws of this State or civilian traffic controllers necessary to monitor and maintain public security and crowd control during a parade.

*Special event holiday* means any holiday proclaimed by the mayor as a special community celebration.

*Special events manager ('SEM')* has the meaning ascribed in section 40-27 of this Code.

*Staging area* means the area where parade participants, floats, vehicles, and animals assemble prior to a parade.

*Traffic control plan* has the meaning ascribed in section 40-27 of this Code.

*Traffic control services* has the meaning ascribed in section 40-27 of this Code.

**Sec. 45-232. Permit required; security and traffic control.**

(a) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a parade along or upon the streets of the city without first obtaining a permit to do so.

(b) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a parade upon any esplanade, median, median strip, or traffic island designed for the purpose of separating or directing vehicular traffic. No permit shall be required for the use of the sidewalks of the city for any procession or parade.

(c) Upon receipt of a permit, any number of persons, delegations, or associations of persons or any company, circus, or group may conduct a parade along or upon the streets of the city subject to the provisions of this division and other applicable laws.

(d) In no event shall the city provide security control services or traffic control services for more than two parades on the same calendar day.

(e) The use of city security and traffic control services shall be provided on a first-come, first-served basis based upon the parade permit

applicant's declaration as required by item (12) of section 45-236 of this Code.

(f) If a parade permit applicant requests the use of city security and traffic control services along a parade route, and the city has the necessary resources available to provide the requisite security and traffic control services, such services shall be provided as follows:

- (1) At no cost for the first 15 intersections along the proposed parade route.
- (2) For each intersection thereafter along the proposed parade route, a fee of \$1,000.00 per intersection.

(g) In the event that the city is unable to provide traffic control services for the proposed parade or the applicant elects to provide its own traffic control services, the use of non-city personnel to perform traffic control services shall require the submission of a traffic control plan prepared in conformance with the Texas Manual on Traffic Control Devices. The submitted traffic control plan shall be subject to the review and written approval of the director. The use of non-city personnel to provide public security control during a parade shall require the submission of a security control plan subject to the review and written approval of the police chief.

(h) All costs recovered in relation to the provision of city security control and traffic control services shall be allocated to the city's general fund administered by the finance and administration department.

**Sec. 45-233. Parade route restrictions in downtown area.**

(a) For purposes of this division, 'intersection' means the junction of any two streets within the parade route, but shall not include any staging or disbanding area.

(b) Applicants for permits for parades to be held in the downtown area may design their own parade routes, subject to the approval of the SEM and the director, with the following restrictions:

- (1) A parade held on a Saturday, Sunday, holiday, or special event holiday may include no more than 25 street intersections and must be completed in no more than three hours.
- (2) A parade held on a day other than a Saturday, Sunday, holiday, or special event holiday may include no more than 10 street intersections, must be completed in no more than one hour, and must begin at either 10:00 a.m. or 2:00 p.m.

- (3) The parade must be conducted in such a manner that to the extent that the route includes any entrances to or exits from off-street vehicle parking, loading, or customer service facilities, whether public or private, the width of the parade procession shall be controlled at those facilities so that at least one lane of the street may safely be left open for vehicular access to each vehicle facility from the nearest cross street.
- (4) A parade route may not include any streets or portions of streets that are located west of Bagby Street, south of Jefferson Street, east of Chartres Street, or north of Congress Street.
- (5) A parade route must in its entirety be located either:
  - a. On Fannin Street or other streets or portions of streets located to the east of Fannin Street; or
  - b. On Travis Street or other streets or portions of streets located to the west of Travis Street.

**Sec. 45-234. Parades outside of downtown area.**

(a) Permits for parades outside of the downtown area shall be issued in conformance with all the provisions of this division. No permit shall be issued for a parade that includes streets located both inside and outside the downtown area.

(b) Applicants for parade permits for parades to be held outside the downtown area may design their own parade routes with the following restrictions:

- (1) The route may not exceed one and one-half miles in length and may not include more than twenty-five intersections, whichever is less.
- (2) The maximum time necessary for completion of the parade may not exceed three hours.
- (3) If the parade is to be held on a day other than a Saturday, Sunday, holiday, or special event holiday, it shall not be held between the hours of 7:00 a.m. and 9:00 a.m., or between the hours of 11:00 a.m. and 1:00 p.m., or between the hours of 3:30 p.m. and 7:00 p.m.

- (4) If more than one parade is to be held on the same calendar day and time, the parade routes and staging and disbanding areas of each parade may not be within five miles of one another.
- (5) No parade route shall contain any portion of the following streets, roads, or highways:
- a. Interstate Highway 610 Loop, including its service roads.
  - b. U.S. Highway 59, including its service roads.
  - c. Interstate Highway 45, including its service roads.
  - d. U.S. Highway 290, including its service roads.
  - e. Interstate Highway 10, including its service roads.
  - f. State Highway 288, including its service roads.
  - g. Controlled access portions of U.S. Highways 90 and 90-A, including their service roads.
  - h. The Hardy Toll road, including its service roads.
  - i. Beltway 8, including those portions known as the Sam Houston Toll Road, and its service roads.
  - j. State Highway 225, including its service roads.
  - k. Controlled access portions of State Highway 249, including its service roads.
  - l. State Highway Spur 5, including its service roads.
  - m. Westpark Toll Road.

This provision shall not be construed to prohibit a parade route from crossing one of the listed streets, roads, or highways while traveling along or upon a non-listed street, road, or highway.

**Sec. 45-235. Permit application generally; issuance, etc.**

(a) An application for a parade permit shall be submitted on a form supplied by the SEM, signed by the applicant or, if the applicant is other than an individual, a person authorized for that purpose by the applicant, sworn to before an officer authorized to administer oaths, and filed with MOSE.

(b) An application for a parade permit shall be submitted not less than 10 business days prior to the proposed parade date. An application for a parade permit that requires the closure of a freeway entrance or exit ramp or any portion of a state-owned controlled access highway shall be filed not less than 90 days prior to the proposed parade date.

(c) The SEM shall review each application to ensure that the time, place, and manner of the proposed parade complies with the provisions of this division. Not later than the tenth business day after receipt of the application, the SEM shall:

- (1) Notify the applicant of the denial of the application if it is found to conflict with another parade already permitted for the same time, location, and date, or to be incomplete or to violate any provision of this Code, which notice shall set forth the reasons for the denial;
- (2) Issue a final permit as provided in section 45-243 of this Code if the applicant has satisfied all requirements of this division for the proposed parade; or
- (3) Issue a conditional permit, if additional requirements are to be satisfied in the future but within the time allotted by this division.

(d) The issuance of a conditional permit shall not authorize a parade applicant to conduct a parade at the requested time, place, or date and shall serve only to reserve the time, place, and date of the proposed parade route pending the applicant's timely satisfaction of all other requirements of this division applicable to the parade requested, including but not limited to the provision of required insurance, the payment of security and traffic control costs, or any other requirement.

(e) Each application for a parade permit must be accompanied by a non-refundable fee of \$250. All tendered fees must be in the form of a cashier's check or money order payable to the city.

(f) If a non-revenue-generating parade applicant is unable to pay the full amount of the permit application fee pursuant to subsection (e), the fee

shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit, on a form provided by the city attorney, containing the following information:

- (1) A statement that the applicant and the group or organization on whose behalf the application is made are unable to pay the full amount of the permit fee for the parade;
- (2) A statement that the applicant and the group or organization on whose behalf the application is made have made diligent efforts to raise money to pay the permit fee; and
- (3) A statement of the exact amount the applicant and the group or organization on whose behalf the application is made are able to pay for the permit fee.

(g) Applications for parade permits shall be delivered to MOSE and may be delivered between the hours of 8:00 a.m. and 5:00 p.m. except on Saturdays, Sundays, and holidays.

(h) Applications for parade permits may be filed no earlier than the 365th day prior to the date of the requested parade, provided that if the 365th day falls on a Saturday, Sunday, or holiday, then the application may be filed no earlier than the next day that is not a Saturday, Sunday, or holiday. Prematurely filed applications, or applications that do not meet all requirements of this section, shall be of no force and effect and shall be returned to the applicant.

(i) The numbers of parade permits that may be issued shall be subject to the following limitations:

- (1) Only one permit shall be issued for a parade to be conducted in the downtown area on the same day;
- (2) Only four permits may be issued for parades to be conducted on the same calendar day in the city limits; and
- (3) Permits may not be issued for conflicting times. For purposes of this provision, parades are considered to be conflicting if their starting times are less than four hours apart; provided, however, the director, in conjunction with the police chief, may exercise professional judgment by waiving the aforementioned four-hour provision provided:

- a. The proposed parades will not substantially disrupt the use of any street in and around the parade route's respective locations; and
- b. The director and police chief:
  - [1] Determine that their respective departments have the appropriate amount of city personnel and resources available to monitor the parades based upon the estimated number of parade participants; or
  - [2] Approve a parade permit applicant's submitted security control and traffic control plans to hire and pay all personnel necessary to deploy security control and traffic control devices and services along the proposed parade routes.

(j) Parade permits shall be issued in the order in which completed applications that comply with all applicable requirements of this division are received by MOSE.

**Sec. 45-236. Application information.**

The application for a parade permit shall contain the following information:

- (1) The name, address, and telephone number of the applicant, as well as the name, address, and telephone number of the individual who will be on-site and in charge of conducting the parade for the applicant and will be responsible to city officials for ensuring that the parade is conducted in compliance with this division and other applicable laws.
- (2) The date requested for the parade and the time of day requested.
- (3) The estimated duration of the parade and proposed route thereof.
- (4) The estimated number of animals that will be used in the parade.
- (5) The estimated number of individual persons who will participate in the parade.

- (6) The estimated number, if any, of animals and riders, animal-drawn vehicles, floats, motor vehicles, motorized displays, and marching units or organizations, such as bands, color guards, and drill teams that will participate in the parade.
- (7) A statement that the individual submitting the application is fully authorized to act and contract for the applicant, together with documents satisfactory to the SEM showing the authority of such individual.
- (8) A provision, in a form approved by the city attorney, whereby the applicant contracts and agrees to indemnify and hold the city harmless against liability for any and all claims, judgments, and associated expenses, for damage to property or injury to or death of persons arising out of or resulting from conduct of the parade proximately caused by or resulting from the acts or omissions of the applicant, association, organization, firm or corporation on whose behalf the application is made, or any person under their control, insofar as permitted by law.
- (9) If required by section 45-242 of this Code, either proof of the required insurance or a declaration that proof of insurance will be provided within the time set forth in that section.
- (10) A provision whereby the applicant and any other persons, associations, organizations, firms, or corporations on whose behalf the application is made agree to comply with any special or unusual requirements that may be imposed or created by virtue of the proposed nature or size of the parade.
- (11) A declaration as to the status of the parade as a revenue-generating or non-revenue-generating parade.
- (12) A declaration that the person conducting a parade prefers to either:
  - a. Provide all necessary security and traffic control services with non-city personnel; or
  - b. Reimburse the city for the provision of security and traffic control services as provided in section 45-232 of this Code.

Such declaration by the parade organizer shall be final.

- (13) A provision whereby the applicant agrees to modify the proposed parade route, subject to the review and written approval of the director and police chief, if:
- a. The director and police chief determine that the time, route, or size of the proposed parade will substantially disrupt the use of any street that is ordinarily subject to significant traffic congestion;
  - b. The SEM is unable to secure the requisite approval of the use of any freeway entrance and/or exit ramps or any portion of a state-owned highway or road included in the proposed parade route; and/or
  - c. The director and police chief determine that the proposed parade will substantially affect the city's ability to deliver police, fire, and medical emergency services to the proposed parade location and in the vicinity of the proposed parade location.

The applicant shall provide the requisite modified parade route not more than two calendar days after receipt of notice from the SEM.

- (14) A statement that the applicant agrees to provide any other information required by the SEM.

**Sec. 45-237. When application for parade permit is deemed complete.**

An application for a parade permit is deemed completed when the applicant has provided all of the information required in section 45-236 of this Code including proof of insurance and any additional information required by the SEM pursuant to items (9) and (14) of section 45-236 of this Code and paid any fees or reimbursements due to the city pursuant to this or any previous permit from the city.

**Sec. 45-238. Reasons for denial of a parade permit.**

(a) The SEM may deny a parade permit if the applicant has failed to meet all of the requirements for submitting an application for a parade permit.

(b) Notwithstanding the provisions of subsection (a), the SEM may deny a parade permit if, after reviewing the applicants' application:

- (1) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions of this division;
- (2) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions set forth in the parade permit application;
- (3) The applicant has failed to submit a timely parade permit application in accordance with section 45-235(b) of this Code;
- (4) The parade will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police, fire, and public works and engineering departments; or
- (5) The applicant has been informed that the proposed parade route must be modified in accordance with item (13) of section 45-236 of this Code and the applicant fails to or refuses to modify the proposed parade route.

**Sec. 45-239. Procedure upon permit denial.**

The SEM shall notify the applicant of any permit denial, and the reasons therefore, by placing such notice in the United States mail, certified, return receipt requested within 10 working days of the date of the receipt of the application.

Such letter shall be addressed to the applicant at the address stated on the application. Any failure to give such notice of denial within the time limits prescribed in this section shall be deemed a granting of the permit as requested.

**Sec. 45-240. Revocation of permit.**

- (a) A permit may be revoked if the SEM determines that:
  - (1) A violation of any condition of the permit exists, including failure to obtain written approval for any security or other plans required under this Code or to implement any such plans;
  - (2) The event poses an immediate threat to health or safety;

- (3) The event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code or other applicable law;
- (4) The permit was issued in error or contrary to law;
- (5) The parade has changed from a non-insurance to one that requires insurance or a non-revenue generating to a revenue-generating parade; or
- (6) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions set forth in the parade permit application.

(b) Except as provided in subsection (c) of this section, notice of revocation shall be in writing and set forth specifically the reasons for the revocation.

(c) Any threat to health or safety requiring immediate revocation of a permit shall authorize the SEM or any other person authorized by the city to notify the event organizer verbally of such revocation.

(d) The appeal of a revocation shall be handled in the same manner and under the same time requirements as denials of permits.

**Sec. 45-241. Appeal from permit denial.**

(a) The decision of the SEM is final unless appealed under this section. An applicant may appeal the denial or revocation of a permit by filing a written request for a hearing with the SEM within 10 working days of the date of such denial. A hearing shall be conducted within 10 working days of the receipt of such request before a hearing committee, consisting of the director, the police chief, and the fire chief or the fire chief's designee. The city attorney or the city attorney's designee shall be present, in a non-voting capacity, to advise on any legal issue. It shall be the duty of the SEM to defend the decision during the hearing. Evidence on the matter shall be received in accordance with Rule 12 of section 2-2 of this Code. The hearing committee shall render a written decision on the matter within five working days of the date of the hearing and immediately provide a copy of such decision to the applicant.

(b) Upon receipt of the hearing committee's decision, the applicant may appeal such decision by giving written notice to the city secretary within five working days of the date of such decision. The city secretary and city agenda director shall arrange a date for the matter to be reviewed by the city council, at the next regularly-scheduled council meeting at which it is

possible to give lawful prior notice of the matter after the receipt of the hearing committee's decision and the record required by Rule 12 of section 2-2 of this Code. The city secretary shall give written notice thereof to the applicant. The city council shall consider the appeal under the provisions of Rule 12. At the conclusion of the city council's review of the matter, the city council shall render a decision to grant or deny the requested permit, and such decision shall be final and exhaust the applicant's administrative remedies. If the foregoing time requirements appear inadequate to resolve the appeal prior to the date scheduled for the event, the burden shall be upon the applicant to expedite any filings required and to request a special city council meeting, which shall be granted if reasonable under the circumstances.

**Sec. 45-242. Insurance.**

(a) No final parade permit shall be issued by the SEM for a parade to include any number of animals, floats, or motorized vehicles unless the applicants shall have delivered to the SEM proof that the insurance required by this section has been obtained by the applicant. Proof of insurance required for a parade to include any number of animals, floats, or motorized vehicles shall be delivered to the SEM not less than 10 business days before the proposed parade date.

(b) Any applicant for a parade permit who fails to provide the requisite proof of insurance not less than 10 business days before the proposed parade date shall not be granted a final parade permit. Any conditional parade permit which may have been previously issued shall be revoked by operation of law.

(c) The proof of insurance required by this section for a parade to include any number of animals, floats or motorized vehicles not subject to state safety responsibility laws shall consist of a current policy of commercial general liability insurance to include designated premises of the parade route, staging area, and disbanding area. The policy shall bear an endorsement for the contractually assumed liability as set forth in item (8) of section 45-236 of this Code. The required policy shall name the city as an additional insured and be issued by a carrier authorized or eligible to transact business in Texas. Each policy shall contain an endorsement that the issuer waives any claim or right of subrogation to recover against the city, its officers, agents, or employees.

The insurance shall contain policy limits of not less than the following:

- (1) Commercial general liability insurance with a minimum limit of:
  - a. For property damage, \$1,000,000.00 for each occurrence; and
  - b. For bodily injury or death, \$1,000,000.00 for each occurrence.
- (2) Automobile liability insurance, covering all owned, hired and non-owned vehicles with a minimum limit of bodily injury and property damage of \$1,000,000.00 combined single limit.

(d) The proof of insurance required by this section for a parade to include motorized vehicles subject to state safety responsibility laws may be in the form provided in subsection (c) or alternatively consist of proof of compliance with state safety responsibility laws for each vehicle.

**Sec. 45-243. Final permit.**

A final permit shall be issued only when the applicant has provided all information, including proof of insurance and any additional information, required pursuant to section 45-236 of this Code.

**Sec. 45-244. Parades exempt from permits.**

(a) Notwithstanding the provisions of this division, no permit shall be required for a parade that meets all of the following restrictions:

- (1) The parade shall not contain more than 250 individuals nor more than 12 vehicles or animals.
- (2) The parade shall not contain any number of animals or vehicles that are not licensed to travel on public streets.
- (3) The parade route shall not exceed one mile in length, shall contain no portion of a major thoroughfare or major collector street and may contain no streets located within the downtown area.
- (4) The parade shall comply with the time restrictions contained in subsection (b)(3) of section 45-234 of this Code, and shall take no longer than one hour to complete.
- (5) The parade sponsors shall provide necessary traffic control.

(b) The individual or group of individuals who intend to conduct a parade under this section shall provide written notice of the time, day, and place of the parade to the SEM by hand delivering the notice or by mailing the notice by certified mail to be received by MOSE not less than three business days before the parade.

(c) The city shall not be responsible for providing police officers or other city employees to perform traffic control functions during a parade held under authority of this section.

**Sec. 45-245. Staging and disbanding areas; other uses of public streets and sidewalks.**

Consistent with traffic mobility and access considerations, the director and the SEM, in consultation with the chief of police, or the police chief's designee, may allow public streets to be used by parade permit holders as staging and disbanding areas for parades. The use of public streets and sidewalks for purposes other than staging or disbanding are subject to the regulations set forth in section 40-27 and sections 40-361 through 40-378 of this Code. The closure of freeway ramps associated with a parade requires the submission to the director of a signed and sealed traffic control plan and proof of compliance with all insurance requirements at least 90 days prior to the scheduled parade date.

**Sec. 45-246. Regulations.**

Consistent with the provisions of this division and other applicable laws, the SEM may issue regulations governing the issuance of parade permits and the conduct of parades. The regulations shall be subject to the approval of the city attorney. A copy of any regulations so promulgated shall be made available upon request in the SEM's office for inspection and for purchase at the copy fee provided by law.

**Secs. 45-247--45-250. Reserved."**

**Section 3.** 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 portions of this Ordinance or their application to other persons or sets of circumstances 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 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.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2007.

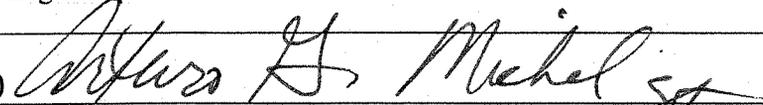
\_\_\_\_\_  
Mayor of the City of Houston

Prepared by Legal Dept.  
RVG 05/22/2007

  
Assistant City Attorney

Requested by Michael S. Marcotte, P.E., Director, Department of Public Works & Engineering  
L.D. File No.0630600170001

TO: Mayor via City Secretary    **REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance amending Section 44-5 and adding Section 44-29 of the Code of Ordinances, Houston, Texas, relating to the exemption of certain historic sites from ad valorem taxation	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <b>27</b>
<b>FROM (Department or other point of origin):</b> Legal Department	<b>Origination Date</b> May 23, 2007	<b>Agenda Date</b> MAY 30 2007	
<i>MS</i> 	<b>Council District affected:</b> All		
<b>For additional information contact:</b> Sameera Kapasi Mahendru Phone: 713-437-6763	<b>Date and identification of prior authorizing Council action:</b>		

**RECOMMENDATION: (Summary)** That City Council pass the ordinance amending Section 44-5 and adding Section 44-29 of the Code of Ordinances relating to the exemption of certain historic sites from ad valorem taxation

**Amount and Source of Funding:** N/A

**F & A Budget:**

**SPECIFIC EXPLANATION:**

The proposed ordinance would amend an existing section of the Code of Ordinances, Section 44-5, which provides an exemption for historic sites that make qualifying expenditures for restoration and preservation. The amendments include the addition of a five year look back period to qualify for the exemption and changes to the recapture penalty provisions.

The proposed ordinance also creates a new Section 44-29 providing an exemption for certain historic structures that seek "protected landmark" designation. This exemption applies to recognized structures that were built originally for commercial use. The tax decrease would be capped at \$30,000 per structure. The Houston Archeological and Historical Commission would conduct an annual review of proposed properties. The HAHC would then recommend the properties to Council to grant the exemption.

On May 15, 2007 the City Council Quality of Life Committee voted to recommend the ordinance to the full Council.

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Redlined Version of Section 44-5:  
Tax relief for the restoration or preservation of historical sites**

(a) The city council may, by ordinance, grant tax relief in the form of an exemption from ad valorem taxation to any "historic site," which for purposes of this section means a structure that has been designated as a landmark or as a contributing structure or a potentially contributing structure in a historic district pursuant to article VII of chapter 33 of this Code. The historic site must meet the first of the following qualifications, and, in the case of any historic site that is designated as a potentially contributing structure, the second qualification:

(1) At any time following the designation of the historic site by the city council pursuant to article VII of chapter 33 of this Code, the owner must perform restoration or preservation of the historic site to encourage its preservation. The work performed must be at a cost of at least 50 percent of the assessed value of the historic structure or improvements, not including the value of any land associated with the historic site. The required expenditure shall be determined by the director of finance and administration, based upon the assessed value of the historic structure or improvements not including the value of any land associated with the historic site prior to the work ("the base value"). Only expenditures made for work performed either following or within five years of the designation of the property by the city council pursuant to article VII of chapter 33 of this Code may be applied.

(2) For a potentially contributing structure, the restoration or preservation made or proposed to be made must have the effect of reversing incompatible alterations or deteriorating conditions of the structure, as evidenced by a certificate of appropriateness issued by the Houston Archaeological and Historical Commission.

The denial of any application for a certificate of appropriateness under article VII of chapter 33 of this Code shall be grounds for denial or revocation of any tax exemption authorized by this ordinance.

(b) Each historic site for which a tax exemption is sought must meet the applicable qualifications set out in subsection (a) hereof. The historic site must not be or have been the subject of a certificate of appropriateness, as defined in section 33-201 of this Code, issued pursuant to sections 33-247 or 33-250 of this Code, which shall be grounds for denial or revocation of the exemption. Each owner desiring the tax exemption must make sworn application to the director of finance and administration of the city. The application shall be in a form approved by the director of finance and administration and shall set forth facts sufficient to show that the historic site is eligible for tax relief hereunder.

(c) An exemption granted hereunder by the city council shall exempt the historic structure or improvements not including the value of any land associated with this historic site from ad valorem taxation on the basis of qualifying expenditures made for bona fide restoration or preservation, as determined by the director of finance and

administration upon demonstration by the owner. The exemption shall be computed on the following basis:

(1) If the said qualifying expenditures are at least 50 percent but less than 100 percent of the base value, then the exemption for each tax year on the assessed value of the structure shall be equal to the amount of the qualifying expenditures; or

(2) If the said qualifying expenditures are 100 percent or more of the base value of the improvements, then the exemption for each tax year shall be one hundred percent of the assessed value of the historic structure or improvements not including the value of any land associated with this historic site.

In any event, however, the exemption granted to any historic site pursuant to this section shall be subject to a limitation in the form of a maximum dollar amount. The maximum dollar amount shall be the assessed value of the historic structure in the year following demonstration of completion of the restoration or preservation work and demonstration of the qualifying expenditures to the director of finance and administration. The amount of the exemption allowed on a historic structure shall not exceed the aforesaid maximum dollar amount in any tax year for the duration of the exemption period.

The duration of the aforesaid exemption shall be for a period of 15 years if the restoration project receives no financial incentive from the city funded by municipal hotel occupancy taxes, or ten years if the restoration project receives a financial incentive from the city funded by municipal hotel occupancy taxes. The exemption shall begin on January 1 of the year following the date that the director of finance and administration makes the determination that the owner of the historic site has met all of the requirements of this section for an exemption.

The director of finance and administration, in consultation with the planning official, shall establish and promulgate written procedures for the implementation of the exemption provided herein and the review of applications, and the said officials shall jointly make a recommendation to the city council regarding each application that is duly submitted for consideration.

(d) An exemption granted under this section shall be effective as of January 1 of the year following demonstration of completion of the restoration or preservation work and demonstration of the making of the qualifying expenditures to the director of finance and administration. If sufficient restoration work on a designated historic site has not been completed to satisfy either subdivision one or two of subsection (c) above within five years of the passage of a historic site tax exemption ordinance, then said ordinance shall expire. After the expiration of any such ordinance under the terms of this provision, upon a showing of good cause for the delay, the owner of the historic site may apply for a new tax exemption ordinance.

(e) The exemption shall be automatically continued as of January 1 of each year succeeding the year the exemption was first granted for the duration of the ten or 15 year period. The exemption shall be continued in the event of a transfer of an ownership interest or a portion of an ownership interest in the historic structure during such ten or 15 year period. However, the exemption shall be terminated in the event of a second transfer of an ownership interest or a portion of an ownership interest in a historic structure, other than a single-family property containing no more than four residential units, during such ten or 15 year period. In the case of a condominium or other multi-family residential building, the second transfer of an ownership interest or a portion of an ownership interest in an individual unit shall cause the termination of the exemption pertaining to that particular unit. As used in this section, a "transfer" of an ownership interest or portion of an ownership interest shall not include such transfers as a lease, a mortgage, a transfer by inheritance, a creation of a trust for the benefit of the owner, or other transaction not ordinarily regarded as a "sale" of property.

A person who has an ownership interest in property that has been granted a historic site exemption from ad valorem taxation shall record a copy of the ordinance providing for such exemption in the real property records of the county in which the property is located. Failure on the part of the applicant to deliver a copy of such recorded ordinance, showing the date of recordation in the appropriate real property records, to the director of finance and administration within 90 days of the date of passage of the ordinance providing for a tax exemption shall cause the expiration of the exemption at the end of such 90-day period.

(f) The director of finance and administration shall conduct an annual review of each property granted an exemption hereunder, and, if he finds that any city taxes assessed on the subject property are delinquent, the historic site has deteriorated, has been demolished or destroyed, or has been the subject of a certificate of appropriateness issued pursuant to sections 33-247 or 33-250 of this Code, then the changed condition shall constitute grounds for revocation of the exemption.

(g) Tax receipts and tax certificates issued for any historic site receiving tax relief pursuant to this section shall be clearly marked : "Historic site--Subject to recapture of additional taxes under Code of Ordinances." Each year during which the property is granted tax relief, the director of finance and administration shall note on his records the valuation which would have been made and the taxes that would have been due had the historic site not qualified for tax relief under this section. If the historic site is subsequently damaged, demolished, or destroyed, or if a certificate of appropriateness is issued for the historic site pursuant to sections 33-247 or 33-250 of this Code, then the property shall be subject to an additional tax, a recapture of taxes and subject to penalties and interest calculated under pertinent provisions of the Texas Tax Code. The additional tax shall be equal to the difference between taxes paid or payable hereunder and the amount of the tax payable for the preceding ~~five~~fifteen years had the property not been granted tax relief. Such additional taxes shall be deposited in a segregated account, the use of which shall be established by City Council by a subsequent ordinance. Until paid, there shall be a lien for additional taxes, penalty, and interest on

the property granted tax relief under the provisions of this section. An obligation to pay recaptured taxes is extinguished by operation of force majeure. Force Majeure means: fires, floods, hurricanes, tornadoes, ice storms and other natural disasters, explosions, war, terrorist acts, riots, and the acts of superior governmental or military authority, and which the affected party is unable to prevent by the exercise of reasonable diligence. The term does not include any changes in general economic conditions such as inflation, interest rates. Additionally, the property shall not be entitled to tax relief for the years in which the damage or demolition occurred. economic downturn or other factors of general application, bankruptcy or an event that merely makes performance more difficult, expensive or impractical.

(h) A historic site for which an exemption has expired or has been withdrawn, revoked, or terminated may not requalify hereunder except as allowed under subsection (d).

(i) It is the policy of the city to facilitate the issuance of building permits for work to be performed under this section. Consistent with the terms of the Construction Code, the building official shall work with persons who are performing preservation and restoration work to allow alternative methods of construction and alternative materials that are determined to be suitable under the provisions of the Construction Code and shall waive strict conformance with the Construction Code as authorized by Section 3406.1 of the Building Code.

(j) Notwithstanding any other provision of this code, a structure that has been designated as a landmark or as a contributing structure or a potentially contributing structure in a historic district pursuant to article VI of chapter 33 of this Code and that is owned by the State of Texas or a political subdivision thereof is entitled to an exemption equal to 100 percent of the assessed value of the historic structure and the land necessary for access and use of such structure. If an application for an exemption pursuant to this subsection is granted prior to the adoption of the ad valorem tax rate for the tax year in which the application is granted, the exemption shall be effective as of January 1 of that tax year. If such an application is granted after the adoption of the ad valorem tax rate for the tax year in which the application is granted, the exemption shall be effective as of January 1 of the tax year following the date the application was granted. An exemption granted pursuant to this subsection shall remain effective until the property is sold. The director of finance and administration shall conduct an annual review of each property granted an exemption pursuant to this subsection, and if he finds that a historic site has deteriorated or has been demolished or destroyed, then such changed condition shall constitute grounds for revocation of the exemption.

City of Houston, Texas, Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 44-5 AND ADDING SECTION 44-29 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE EXEMPTION OF CERTAIN HISTORIC SITES FROM AD VALOREM TAXATION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, Article VIII, Section 1-f of the Texas Constitution permitted the Legislature of the State of Texas to provide for the preservation of historical resources by authorizing political subdivisions to grant exemptions or other relief from ad valorem taxes on appropriate property; and

**WHEREAS**, in response to such Constitutional authorization, the Legislature enacted Section 11.24 of the Tax Code allowing the governing body of a taxing unit to exempt part or all of the assessed value of a historic structure or a structure designated as a historically significant site in need of tax relief to encourage its preservation, together with the land necessary for access to and use of the structure; and

**WHEREAS**, the City Council finds that tax relief is needed to encourage the preservation of historic structures within the City; and

**WHEREAS**, the City Council of the City of Houston has adopted an ordinance providing for the designation of historic sites by the City Council; and

In any event, however, the exemption granted to any historic site pursuant to this section shall be subject to a limitation in the form of a maximum dollar amount. The maximum dollar amount shall be the assessed value of the historic structure in the year following demonstration of completion of the restoration or preservation work and demonstration of the qualifying expenditures to the director of finance and administration. The amount of the exemption allowed on a historic structure shall not exceed the aforesaid maximum dollar amount in any tax year for the duration of the exemption period.

The duration of the aforesaid exemption shall be for a period of 15 years if the restoration project receives no financial incentive from the city funded by municipal hotel occupancy taxes, or ten years if the restoration project receives a financial incentive from the city funded by municipal hotel occupancy taxes. The exemption shall begin on January 1 of the year following the date that the director of finance and administration makes the determination that the owner of the historic site has met all of the requirements of this section for an exemption.

The director of finance and administration, in consultation with the planning official, shall establish and promulgate written procedures for the implementation of the exemption provided herein and the review of applications, and the said officials shall jointly make a recommendation to the city council regarding each application that is duly submitted for consideration.

(d) An exemption granted under this section shall be effective as of January 1 of the year following demonstration of completion of the restoration or preservation work and demonstration of the making of the qualifying expenditures to the director of finance and administration. If sufficient restoration work on a designated historic site has not been completed to satisfy either subdivision one or two of subsection ©) above within five years of the passage of a historic site tax exemption ordinance, then said ordinance shall expire. After the expiration of any such ordinance under the terms of this provision, upon a showing of good cause for the delay, the owner of the historic site may apply for a new tax exemption ordinance.

(e) The exemption shall be automatically continued as of January 1 of each year succeeding the year the exemption was first granted for the duration of the ten or 15 year period. The exemption shall be continued in the event of a transfer of an ownership interest or a portion of an ownership interest in the historic structure during such ten or 15 year period. However, the exemption shall be terminated in the event of a second transfer of an ownership interest or a portion of an ownership interest in a historic structure, other than a single-family property containing no more than four residential units, during

**WHEREAS**, pursuant to Section 11.24 of the Tax Code, the City Council of the City of Houston adopted Section 44-5 of the Code of Ordinances to provide tax relief in the form of an ad valorem tax exemption for certain historic structures; and

**WHEREAS**, the legislature has provided in Section 351.101 of the Tax Code that municipal hotel occupancy taxes may be used to promote historical restoration and preservation projects; **NOW, THEREFORE**,

\* \* \* \* \*

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

**Section 1.** The findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

**Section 2.** Section 44-5 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Section 44-5. Tax relief for the restoration or preservation of historical sites**

(a) The city council may, by ordinance, grant tax relief in the form of an exemption from ad valorem taxation to any "historic site," which for purposes of this section means a structure that has been designated as a landmark or as a contributing structure or a potentially contributing structure in a historic district pursuant to article VII of chapter 33 of this Code. The historic site must meet the first of the following qualifications, and, in the case of any historic site that is designated as a potentially contributing structure, the second qualification:

(1) At any time following the designation of the historic site by the city council pursuant to article VII of chapter 33 of this Code, the owner must perform restoration or preservation of the historic site to encourage its preservation. The work performed must be at a cost of at least 50 percent of the assessed value of the historic structure or improvements, not including the value of any land associated with the historic site. The required expenditure shall be determined by the director of finance and administration, based upon the assessed value of the historic structure or

improvements not including the value of any land associated with the historic site prior to the work ("the base value"). Only expenditures made for work performed either following or within five years of the designation of the property by the city council pursuant to article VII of chapter 33 of this Code may be applied.

(2) For a potentially contributing structure, the restoration or preservation made or proposed to be made must have the effect of reversing incompatible alterations or deteriorating conditions of the structure, as evidenced by a certificate of appropriateness issued by the Houston Archaeological and Historical Commission.

The denial of any application for a certificate of appropriateness under article VII of chapter 33 of this Code shall be grounds for denial or revocation of any tax exemption authorized by this ordinance.

(b) Each historic site for which a tax exemption is sought must meet the applicable qualifications set out in subsection (a) hereof. The historic site must not be or have been the subject of a certificate of appropriateness, as defined in section 33-201 of this Code, issued pursuant to sections 33-247 or 33-250 of this Code, which shall be grounds for denial or revocation of the exemption. Each owner desiring the tax exemption must make sworn application to the director of finance and administration of the city. The application shall be in a form approved by the director of finance and administration and shall set forth facts sufficient to show that the historic site is eligible for tax relief hereunder.

©) An exemption granted hereunder by the city council shall exempt the historic structure or improvements not including the value of any land associated with this historic site from ad valorem taxation on the basis of qualifying expenditures made for bona fide restoration or preservation, as determined by the director of finance and administration upon demonstration by the owner. The exemption shall be computed on the following basis:

(1) If the said qualifying expenditures are at least 50 percent but less than 100 percent of the base value, then the exemption for each tax year on the assessed value of the structure shall be equal to the amount of the qualifying expenditures; or

(2) If the said qualifying expenditures are 100 percent or more of the base value of the improvements, then the exemption for each tax year shall be one hundred percent of the assessed value of the historic structure or improvements not including the value of any land associated with this historic site.

such ten or 15 year period. In the case of a condominium or other multi-family residential building, the second transfer of an ownership interest or a portion of an ownership interest in an individual unit shall cause the termination of the exemption pertaining to that particular unit. As used in this section, a "transfer" of an ownership interest or portion of an ownership interest shall not include such transfers as a lease, a mortgage, a transfer by inheritance, a creation of a trust for the benefit of the owner, or other transaction not ordinarily regarded as a "sale" of property.

A person who has an ownership interest in property that has been granted a historic site exemption from ad valorem taxation shall record a copy of the ordinance providing for such exemption in the real property records of the county in which the property is located. Failure on the part of the applicant to deliver a copy of such recorded ordinance, showing the date of recordation in the appropriate real property records, to the director of finance and administration within 90 days of the date of passage of the ordinance providing for a tax exemption shall cause the expiration of the exemption at the end of such 90-day period.

(f) The director of finance and administration shall conduct an annual review of each property granted an exemption hereunder, and, if he finds that any city taxes assessed on the subject property are delinquent, the historic site has deteriorated, has been demolished or destroyed, or has been the subject of a certificate of appropriateness issued pursuant to sections 33-247 or 33-250 of this Code, then the changed condition shall constitute grounds for revocation of the exemption.

(g) Tax receipts and tax certificates issued for any historic site receiving tax relief pursuant to this section shall be clearly marked : "Historic site--Subject to recapture of additional taxes under Code of Ordinances." Each year during which the property is granted tax relief, the director of finance and administration shall note on his records the valuation which would have been made and the taxes that would have been due had the historic site not qualified for tax relief under this section. If the historic site is subsequently damaged, demolished, or destroyed, or if a certificate of appropriateness is issued for the historic site pursuant to sections 33-247 or 33-250 of this Code, then the property shall be subject to a recapture of taxes and subject to penalties and interest calculated under pertinent provisions of the Texas Tax Code. The additional tax shall be equal to the difference between taxes paid or payable hereunder and the amount of the tax payable for the preceding fifteen years had the property not been granted tax relief. Such additional taxes shall be deposited in a segregated account, the use of which shall be established by City Council by a subsequent ordinance. Until paid, there shall be a lien for additional taxes, penalty, and interest on the property granted tax relief under the provisions of this section. An obligation to pay

recaptured taxes is extinguished by operation of force majeure. Force Majeure means: fires, floods, hurricanes, tornadoes, ice storms and other natural disasters, explosions, war, terrorist acts, riots, and the acts of superior governmental or military authority, and which the affected party is unable to prevent by the exercise of reasonable diligence. The term does not include any changes in general economic conditions such as inflation, interest rates, economic downturn or other factors of general application, bankruptcy or an event that merely makes performance more difficult, expensive or impractical.

(h) A historic site for which an exemption has expired or has been withdrawn, revoked, or terminated may not requalify hereunder except as allowed under subsection (d).

(l) It is the policy of the city to facilitate the issuance of building permits for work to be performed under this section. Consistent with the terms of the Construction Code, the building official shall work with persons who are performing preservation and restoration work to allow alternative methods of construction and alternative materials that are determined to be suitable under the provisions of the Construction Code and shall waive strict conformance with the Construction Code as authorized by Section 3406.1 of the Building Code.

(j) Notwithstanding any other provision of this code, a structure that has been designated as a landmark or as a contributing structure or a potentially contributing structure in a historic district pursuant to article VI of chapter 33 of this Code and that is owned by the State of Texas or a political subdivision thereof is entitled to an exemption equal to 100 percent of the assessed value of the historic structure and the land necessary for access and use of such structure. If an application for an exemption pursuant to this subsection is granted prior to the adoption of the ad valorem tax rate for the tax year in which the application is granted, the exemption shall be effective as of January 1 of that tax year. If such an application is granted after the adoption of the ad valorem tax rate for the tax year in which the application is granted, the exemption shall be effective as of January 1 of the tax year following the date the application was granted. An exemption granted pursuant to this subsection shall remain effective until the property is sold. The director of finance and administration shall conduct an annual review of each property granted an exemption pursuant to this subsection, and if he finds that a historic site has deteriorated or has been demolished or destroyed, then such changed condition shall constitute grounds for revocation of the exemption.”

**Section 3.** That Section 44-29 of the Code of Ordinances, Houston, Texas, is

hereby added to read as follows:

**"Section 44-29. Tax relief for significant historic structures**

(a) The city council may, by ordinance, grant tax relief in the form of an exemption from ad valorem taxation to any significant historic structure, that:

- (1) Is at least 50 years old;
- (2) If a residence, the structure:
  - A. Was originally built and used for non-residential purposes and
  - B. Now contains more than four residential units;
- (3) Has received a city protected landmark designation under article VII of chapter 33 of this Code; and
- (4) Has been designated as a Recorded Texas Historical Landmark, or is individually listed in the National Register of Historic Places, or has been mentioned as having historic significance in an authoritative survey conducted by a non-profit or government agency.

(b) For purposes of this section, any property that meets the criteria in subsection (a) is a significant historic structure. Each significant historic structure must obtain a 75% approval of the members of the Houston Archeological and Historical Commission present at a regularly scheduled meeting. The Houston Archeological and Historical Commission shall review the applications for tax relief for significant historic structures on an annual basis to determine whether the eligibility standards of subsection (a) are met. Each owner desiring the tax exemption must make sworn application to the director of finance and administration of the city. The application shall be in a form approved by the director of finance and administration and shall set forth facts sufficient to show that the significant historic structure is eligible for tax relief as described in this section.

(c) An exemption granted by city council upon recommendation of the Houston Archeological and Historical Commission shall exempt from ad valorem taxation the significant historic structure, improvements and land associated with this significant historic structure from ad valorem taxation. The exemption shall be computed on the following basis:

100 percent of the appraised value of the structure, improvements

and the land necessary for access to and use of the significant historic structure per year may be exempt from ad valorem taxation. If the significant historic structure is owned by more than one owner, then the total tax reduction shall be pro-rated among the various multiple owners, in proportion to the appraised value of each owner's respective ownership interest in the structure to the total appraised value of all the owners' ownership interests in the structure. Under no circumstances may the exemption for any one structure result in a tax reduction of greater than \$30,000 for any tax year.

City Council from time to time may, by ordinance, exempt properties from the maximum limit established above so long as the properties meet the criteria required for this exemption. The duration of the aforesaid exemption shall be for the duration of compliance with subsection (a) of this section. The exemption shall begin on January 1 of the year following the date that the exemption is granted by city council.

The director of finance and administration, in consultation with the planning official, shall establish and promulgate written procedures for the implementation of the exemption and the annual review of applications, and these officials shall jointly make a recommendation and submit the recommendation of the Houston Archeological and Historical Commission to the city council regarding each application that is duly submitted for consideration.

(d) The exemption shall be automatically continued as of January 1 of each year succeeding the year the exemption was first granted until the criteria in subsection (a) of this section are no longer met. The exemption shall be continued in the event of a transfer of an ownership interest or a portion of an ownership interest in the significant historic structure during such period.

A person who has an ownership interest in property that has been granted a significant historic structure exemption from ad valorem taxation shall record a copy of the ordinance providing for the exemption in the real property records of the county in which the property is located.

(e) The director of finance and administration shall conduct an annual review of each property granted an exemption as a significant historic structure, and, if he finds that:

- (1) Any city taxes assessed on the subject property are delinquent;
- (2) The owner or, in the case of multiple owners, any of the multiple owners is delinquent on city taxes on any other property;

- (3) The significant historic structure has deteriorated, has been relocated, demolished or destroyed; or
- (4) The site no longer meets the requirements of section (a) of this ordinance;

then the changed condition shall constitute grounds for revocation of the exemption.

The director of finance and administration shall give a 90-day notice to the owner of a significant historic structure prior to any revocation of the exemption granted pursuant to this section. The purpose of such notice shall be to allow the owner an opportunity to correct the changed condition.

(f) Tax certificates issued for any significant historic structure receiving tax relief pursuant to this section shall be clearly marked: 'Significant Historic Structure --Subject to recapture of taxes under Code of Ordinances.' Each year during which the property is granted tax relief, the director of finance and administration shall note on his or her records the valuation that would have been made and the taxes that would have been due had the significant historic structure not qualified for tax relief under this section. If the property has a changed condition described under subsection (e) of this section or no longer meets the requirements of subsection (a) of this section, then the property shall be subject to a recapture of taxes and subject to penalties and interest calculated under pertinent provisions of the Texas Tax Code. The additional tax shall be equal to the amount of the tax payable for the preceding fifteen years had the property not been granted tax relief. Such additional taxes shall be deposited in a segregated account, the use of which shall be established by City Council by a subsequent ordinance. Until paid, there shall be a lien for additional taxes, penalty, and interest on the property granted tax relief under the provisions of this section. An obligation to pay recaptured taxes is extinguished by operation of force majeure. Force Majeure means: fires, floods, hurricanes, tornadoes, ice storms and other natural disasters, explosions, war, terrorist acts, riots, and the acts of superior governmental or military authority, and which the affected party is unable to prevent by the exercise of reasonable diligence. The term does not include any changes in general economic conditions such as inflation, interest rates, economic downturn or other factors of general application, bankruptcy or an event that merely makes performance more difficult, expensive or impractical.

(g) This exemption is not available to any qualifying significant historic structure that has been acquired or improved in whole or in part by a city funded economic development grant or loan, tax increment reinvestment zone financing or funding, tax abatement agreement, or acquired or improved as the subrecipient of a federally funded economic development grant or loan agreement.

(h) The owner of a historic site that receives an exemption under section 44-5 of this code may apply for and receive an exemption as a significant historic structure if it meets the requirements under this section."

**Section 4.** 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, Chapter 551, Texas Government Code 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 have been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 5.** 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 portions of this Ordinance or their application to other persons or sets of circumstances 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 6.** This Ordinance shall apply to City of Houston taxes levied for 2007 and thereafter. The provisions of Section 44-5 of the Code of Ordinances, Houston, Texas, as it read after the effective date of City of Houston Ordinance No. 2002-838 and prior to the effective date of this Ordinance, shall be saved from repeal for the limited purpose of their continued application to tax exemptions granted under City of Houston Ordinance

Number 2002-838. All tax exemptions granted by ordinance under City of Houston Ordinance Number 2002-838 shall continue in the amount and for the term established in each ordinance. Any owner of a designated historic site that has applied to the City of Houston for a historic site tax exemption prior to the effective date of this Ordinance and has not received approval of the exemption from City Council shall be deemed to have applied for a historic site tax exemption under the provisions of this Ordinance.

**Section 7.** 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 that 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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

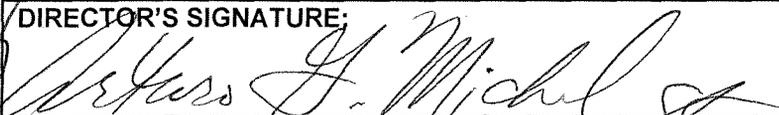
Prepared by Legal Dept. *WD*

*Sameer K. Mahendru*  
Assistant City Attorney

Requested by the Mayor

<b>SUBJECT:</b> Ordinance establishing election precincts and polling places for the City of Houston runoff election to be held on June 16, 2007.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  28
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> 05.25.07	<b>Agenda Date</b>  MAY 30 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All		
<b>For additional information contact:</b> Larry W. Schenk Phone: 713.247.2770		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2005-1139, 10/12/05		
<b>RECOMMENDATION: (Summary)</b> That the City Council adopt an ordinance establishing election precincts and designating polling places for the City of Houston runoff election to be held on June 16, 2007.				
<b>Amount of Funding:</b> N/A		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b>  The proposed ordinance establishes election precincts and designates polling places for the City of Houston runoff election to be held on June 16, 2007, for the purpose of filling the vacancy in the office of Council Member, At-Large Position 3.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

MS  
 112

<b>SUBJECT:</b> An ordinance appointing the presiding and alternate judges and other required election officials for the City of Houston Runoff Election to be held on June 16, 2007.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  29
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> 05/25/07	<b>Agenda Date</b>  MAY 30 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All		
<b>For additional information contact:</b> Larry Schenk Phone: 713.247.2770		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance (i) appointing the presiding and alternate judges for the Early Voting Ballot Boards, central counting stations, and voting precincts for the City of Houston General Election to be held on June 16, 2007, and (ii) prescribing the number of election clerks for each precinct and their rates of pay.				
<b>Amount of Funding:</b> N/A		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b>  As required by the Texas Election Code, the proposed ordinance appoints presiding and alternate judges for the Early Voting Ballot Boards and central counting stations for the Runoff Election to be held on June 16, 2007. The proposed ordinance also establishes the maximum number of election clerks for each City election precinct and their rates of pay.				
K:\ELECTION\RDC3370 G:\GENERAL\LWS\ELECTIONS\2007SPECIAL\RDC3370				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>SUBJECT:</b> Ordinance authorizing the abandonment of Morin Place, from its eastern terminus west ±75 feet, North Side Buffalo Bayou. Parcel IT6-006	<b>Category</b> # 7	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  30
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b>  MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: H</b>  Key Map 493L 
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate 	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment of Morin Place, from its eastern terminus west ±75 feet, North Side Buffalo Bayou. Parcel IT6-006

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**

Issa Z. Dadoush, Director, Building Services Department, on behalf of the Houston Police Department, requested the abandonment of Morin Place, from its eastern terminus west ±75 feet, North Side Buffalo Bayou. The Police Department requires additional land to accommodate the construction of expanded facilities including a new Property and Evidence Storage Room at 1202 Washington Avenue. The City owns all property abutting the portion of Morin Place to be abandoned. No public utilities are located in the portion of Morin Place to be abandoned, and written clearances have been obtained from the private utility companies. Signs notifying the public of the pending street abandonment were posted for at least thirty days.

After City Council approves the ordinance abandoning the street, the Real Estate Branch will adjust the City's property inventory records to reflect that the subject portion of Morin Place has been abandoned as street right-of-way and incorporated into the 1202 Washington Avenue Police Department Facility fee-owned land.

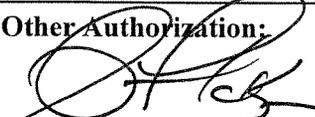
The Joint Referral Committee reviewed and approved this request. Therefore it is recommended City Council approve an ordinance authorizing the abandonment of Morin Place, west ±75 feet from its eastern terminus, North Side Buffalo Bayou.

MSM: NPC: dob

c: Phil Boriskie Arturo G. Michel  
 Raymond D. Chong, P.E., P.T.O.E. Reid K. Mrsny, P.E.  
 Issa Dadoush, P.E. Kirk Munden  
 Marlene Gafrick Venky Nagasandra, AIA  
 Daniel W. Krueger, P.E. Marty Stein

dob\it6-006.rcl.doc CUIC #20DOB8753

**REQUIRED AUTHORIZATION**

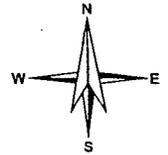
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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Abandonment of Morin Street/Place, from its eastern terminus to west ±75 feet, North Side Buffalo Bayou.  
**Parcel IT6-006**

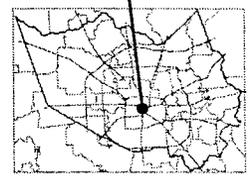
# Harris County Appraisal District



0 100 200  
 PUBLICATION DATE:  
 1/19/2007

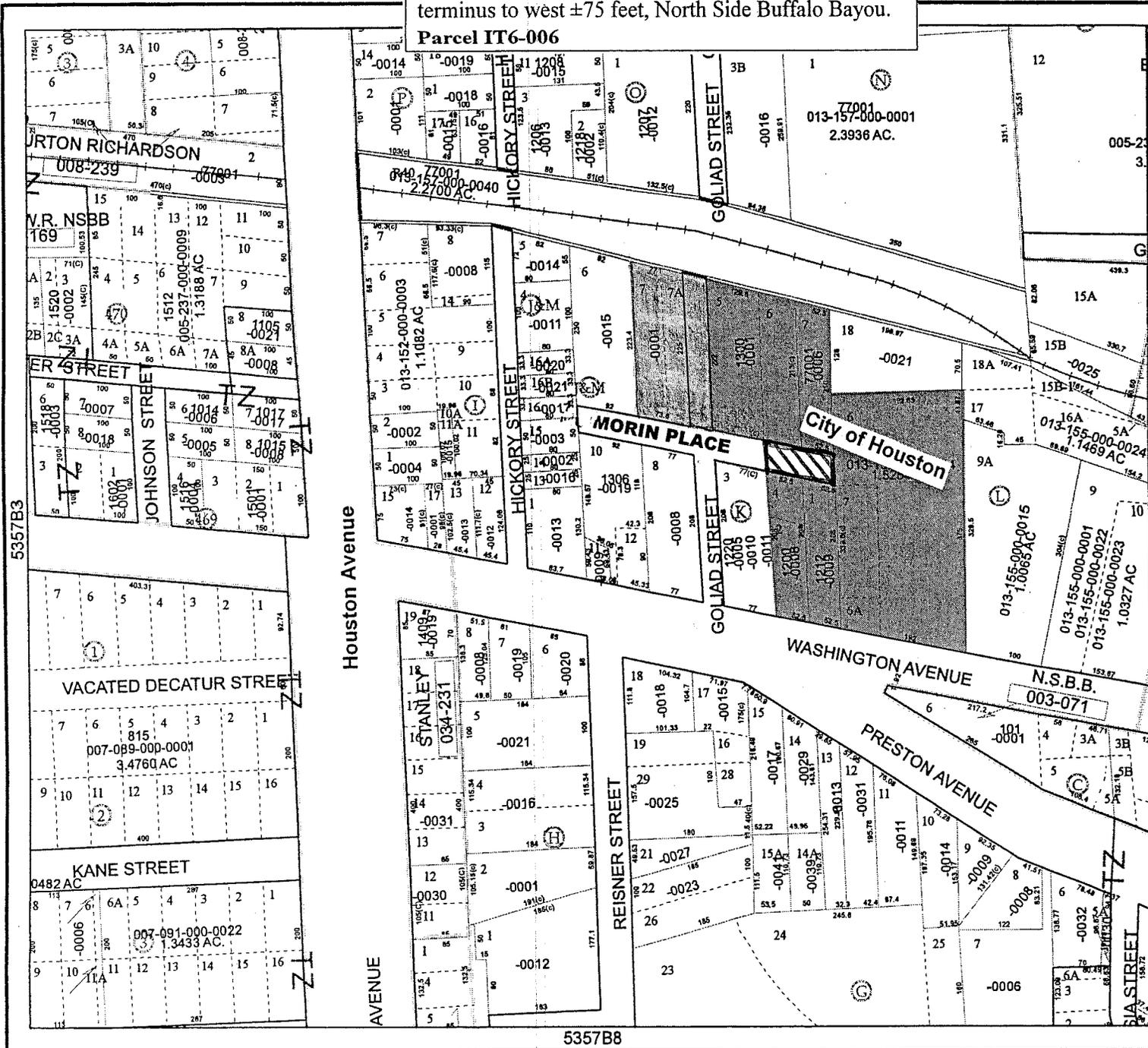


MAP LOCATION



## FACET 5357B

1	2	3	4
5	6	7	8
9	10	11	12



5357B8

**TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of a 10-foot-wide sanitary sewer easement in exchange for the conveyance to the City of a 20-foot-wide sanitary sewer easement, both out of Restricted Reserve A, Primeway Federal Credit Union. <b>Parcels SY6-075 and DY6-029</b>	<b>Category # 7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <b>31</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  5/17/07	<b>Agenda Date</b>  MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MSD</i>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: H</b>  Key Map 492H <i>DD</i>
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<b>For additional information contact:</b> Nancy P. Collins <b>Phone:</b> (713) 837-0881 <i>mpc</i> Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b> C.M. 2006-0274 (4/5/06)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of a 10-foot-wide sanitary sewer easement in exchange for a consideration of \$2,970.00 plus the conveyance to the City of a 20-foot-wide sanitary sewer easement, both out of Restricted Reserve A, Primeway Federal Credit Union. **Parcels SY6-075 and DY6-029**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
By Council Motion 2006-0274, City Council authorized the subject transaction. Washington Pointe, L.P., the property owner, plans to construct a multi-family development in the location of the abandoned sanitary sewer easement.

Washington Pointe, L.P. has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full. The City will abandon and sell to Washington Pointe, L.P.:

<b>Parcel SY6-075</b> 3,544-square-foot sanitary sewer easement	\$47,844.00
In exchange, Washington Pointe, L.P. will pay: Cash	\$2,970.00
Plus convey to the City: <b>Parcel DY6-029</b> 3,324-square-foot sanitary sewer easement	\$44,874.00
<b>TOTAL CASH AND CONVEYANCE</b>	<b><u>\$47,844.00</u></b>

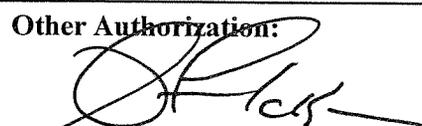
Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a 10-foot-wide sanitary sewer easement in exchange for a consideration of \$2,970.00 plus the conveyance to the City of a 20-foot-wide sanitary sewer easement, both out of Restricted Reserve A, Primeway Federal Credit Union.

MSM: NPC: dob

c:  
Daniel W. Krueger, P.E.  
Marty Stein  
Jeff Taylor

s:\dob\sy6-075.rc2.doc CUIC #20DOB008

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower, Brown & Gay Engineers, Inc., 11490 Westheimer, Suite 700, Houston, Texas, 77098, on behalf of Primeway Federal Credit Union (Mary Kay Brammer, Vice President), for the abandonment and sale of a 10-foot-wide sanitary sewer easement in exchange for the conveyance to the city of a sanitary sewer easement, both out of Restricted Reserve A, Primeway Federal Credit Union, Parcel Nos. SY6-075 and DY6-029, be adopted as follows:

1. The City abandon and sell a 10-foot-wide sanitary sewer easement in exchange for the conveyance to the city of a 20-foot-wide sanitary sewer easement, both out of Restricted Reserve A, Primeway Federal Credit Union;
2. The applicant be required to cut, plug, abandon, and relocate the existing 10-inch sanitary sewer line within the easement to be abandoned and sold into the new sanitary sewer easement being conveyed to the City, all at not cost to the City and under the proper permits;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

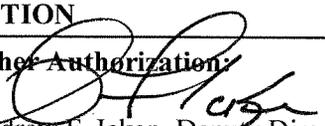
Seconded by Council Member Alvarado and carried.

Mayor White, Council Members Lawrence, Johnson,  
Clutterbuck, Edwards, Wiseman, Khan, Garcia, Alvarado,  
Brown, Lovell, Sekula-Gibbs, Green and Berry voting aye  
Nays none  
Council Member Holm absent

PASSED AND ADOPTED this 5th day of April, 2006.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is April 11, 2006.

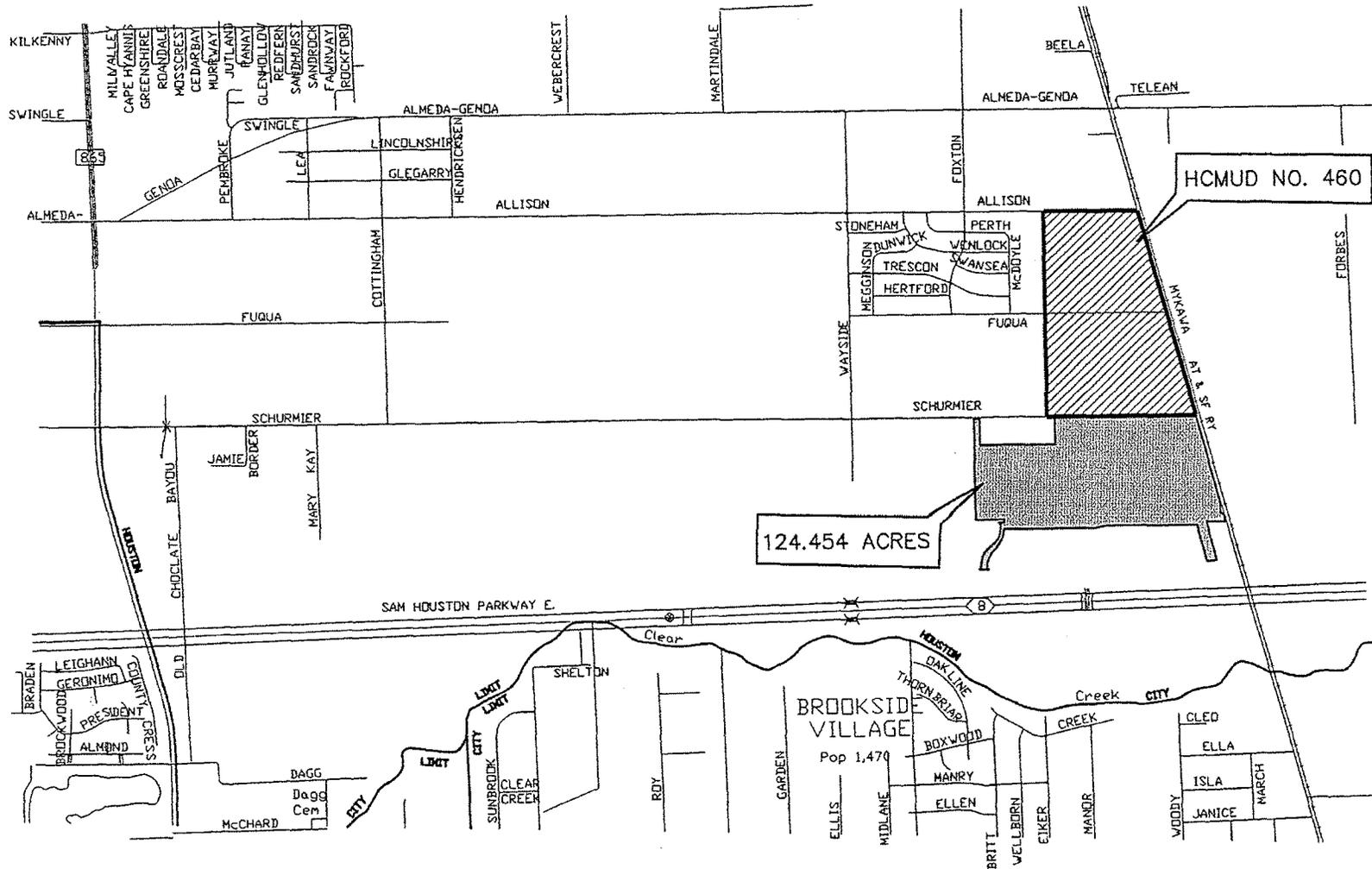
  
City Secretary

<b>SUBJECT</b> Sealed bid sale of <b>Parcels S71-051 and SY6-057.</b>	<b>Category # 7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <i>32 + 33</i>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>		<b>Agenda Date</b> MAY 30 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected: A and I</b> Key Maps: 450T and 494V <i>= mm</i>		
<b>For additional information contact:</b> Nancy P. Collins <b>Phone:</b> (713) 837-0881 Senior Assistant Director-Real Estate <i>upc</i>	<b>Date and identification of prior authorizing Council Action:</b> C.M. 2006 0122 (2/8/06); C.M. 71-1734 (5/25/71), C.M. 2004 1128 (11/03/04); ORD. 2005-422 (4/27/05); ORD. 2005 1360 (12/14/05).		
<b>RECOMMENDATION:</b> (Summary) It is recommended City Council accept the high bids for the sealed bid sale of <b>Parcels S71-051 and SY6-057</b> and approve ordinances authorizing the Mayor to execute and the City Secretary to attest special warranty deeds conveying the properties to the high bidders.			
<b>Amount and Source of Funding:</b> Not Applicable		<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> City Council authorized the sealed bid sale to the highest bidder of Parcels S71-051 and SY6-057. The sales are subject to the City's billboard restrictions; all easements and public utilities; and the applicable covenants, conditions, and restrictions.			
Inasmuch as the high bidders submitted bids greater than the appraised values, it is recommended City Council approve ordinances authorizing the Mayor to execute and the City Secretary to attest special warranty deeds conveying the properties to the highest bidders.			
<i>32</i> The sale proceeds will be directed to: <u>Enterprise Fund</u> Water and Sewer System Operating Fund 8300 <u>Parcel SY6-057</u> The City Secretary received two bids: <b>(High) Bidder: William Craig Schmidt</b> <b>Bid Amount: \$23,555.00</b> Bidder: Suleman Y. Unia - \$12,786.00 <b>9400 block Neuens Road:</b> ±5,002 square feet Campbell Wood Subdivision Key Map 450T Council District A		<i>33</i> The sale proceeds will be directed to the <u>General Fund.</u> <u>Parcel S71-051</u> The City Secretary received one bid: <b>Sole (High) Bidder: Squadra Realty, Ltd.</b> <b>Bid Amount: \$18,001.00</b> <b>6400 block Navigation Boulevard:</b> ±12,278 square feet Central Park Addition Key Map 494V Council District I	
MSM:AFI:NPC: c: Marty Stein Arturo G. Michel Jeff Taylor mfm\20mfm58.rca <span style="float: right;">CUIC #20MFM58</span>			
<b>REQUIRED AUTHORIZATION</b>			
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division	









124.454 ACRES

HCMUD NO. 460

**VICINITY MAP**

HARRIS COUNTY KEY MAP PAGE 574

**BROWN & GAY** CIVIL ENGINEERS & SURVEYORS  
 10777 WESTHEIMER, SUITE 400  
 HOUSTON, TEXAS 77042  
 (281) 558-8700

ANNEXATION OF  
 124.454 ACRES

Scale:	Job No.:	Date:	Exhibit:
N.T.S.	46060	FEB. 2007	1



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

### Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the  creation/  addition of 124.454 acres to Harris Co. MUD No. 460 under the provisions of Chapters 49 & 54 Texas Water Code.

*Julianne B. Kugle/Att*  
Attorney for the District

### Attorney: Coats Rose Yale Ryman & Lee, Julianne B. Kugle

Address: 3 Greenway Plaza, Suite 2000 Zip: 77046 Phone: 713.651.0111

### Engineer: Brown & Gay Engineers, Rodney R. Heisch, PE

Address: 10777 Westheimer Zip: 77042 Phone: 281.558.8700

### Owners: GARC Enterprises, Ltd., Attn: Brad Dill

Address: 480 N. Sam Houston Pkwy E, Suite 110 Zip: 77060 Phone: 281.272.2560

(If more than one owner, attach additional page. List all owners of property within the District)

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey William J. Lovett Abstract A-526

Geographic Location: List only major streets, bayous or creeks:

North of: S. Sam Houston Pkwy E East of: South Wayside  
South of: Schumier West of: Mykawa

### WATER DISTRICT DATA

Total Acreage of District: 129.84 + 28.099 (Pending Existing Plus Proposed Land 449.4786  
+ 167.0856 (Pending))

### Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 100% Multi-Family Residential N/A  
Commercial N/A Industrial N/A Institutional N/A

Sewage generated by the District will be served by a : District Plant  Regional Plant

Sewage Treatment Plant Name: City of Houston -- Chocolate Bayou WWTP

NPDES/TPDES Permit No: \_\_\_\_\_ TCEQ Permit No: \_\_\_\_\_



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): \_\_\_\_\_

Ultimate Capacity (MGD): \_\_\_\_\_

Size of treatment plant site: \_\_\_\_\_ square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: \_\_\_\_\_ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

or property owner(s)

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

Water Treatment Plant Name: City of Houston

Water Treatment Plant Address: \_\_\_\_\_

Well Permit No: \_\_\_\_\_

### Existing Capacity:

Well(s): \_\_\_\_\_

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): \_\_\_\_\_

MG

### Ultimate Capacity:

Well(s): \_\_\_\_\_

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): \_\_\_\_\_

MG

Size of Treatment Plant Site: \_\_\_\_\_

square feet/acres.

Comments or Additional Information: The District is located within the corporate limits of the City of Houston and receives both water and sanitary sewer service from the City.

TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Petition for the City's consent to the annexation of 167.0856 acres of land to the in-city district, Harris County Municipal Utility District No. 460 (Key Map No. 574GKL)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>35</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 5-16-07	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> "E"
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<b>For additional information contact:</b>  Jun Chang, P.E.  Senior Assistant Director      Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the annexation of 167.0856 acres of land to the in-city district, Harris County Municipal Utility District No. 460 be approved.

<b>Amount of Funding:</b>  NONE REQUIRED	<b>F &amp; A Budget:</b>
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**SOURCE OF FUNDING:**       General Fund       Grant Fund       Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 460 has petitioned the City of Houston for consent to annex 167.0856 acres to its district located entirely within the corporate limits of the city.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Madden, South Acres, Martindale, and Mykawa. The district desires to add 167.0856 acres, thus yielding a total of 449.4786 acres. The district will be served by the City of Houston's Chocolate Bayou Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 460 is Clear Creek which flows into Clear Lake and finally into Galveston Bay.

Potable water for the district will be provided by the City of Houston. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

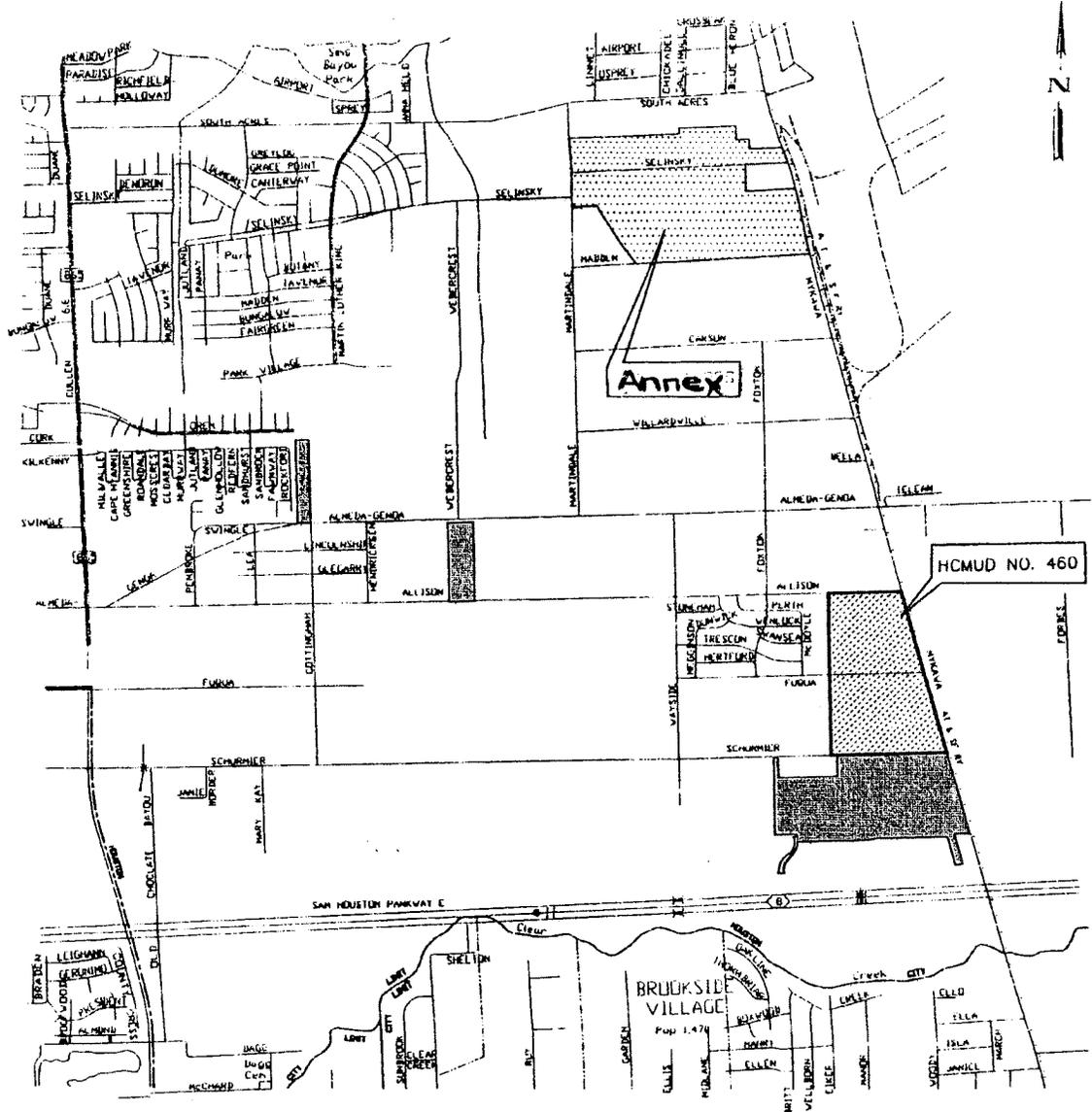
The Utility District Review Committee recommends that the subject petition be approved.

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**Attachments**

cc: Marty Stein   Marlene Gafrick   Jeff Taylor   Earl Travis   Dan Krueger  
Jack Sakolosky   Bill Zrioka   Waynette Chan   Deborah McAbee   Gary Norman

<b>REQUIRED AUTHORIZATION</b>		20JZC193
<b>F &amp; A Director</b>	<b>Other Authorization:</b>  Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>



PREVIOUS TRACTS SUBMITTED TO CITY FOR CONSENT TO ANNEXATION ON AUGUST 16, 2006

HCMUD NO. 460

**VICINITY MAP**

HARRIS COUNTY KEY MAP PAGE 574

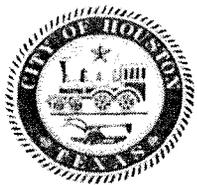
**BROWN & GAY**  
INCORPORATED IN TEXAS

CIVIL ENGINEERS & SURVEYORS  
 HOUSTON, TEXAS

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ANNEXATION OF  
 167.09 ACRES

Scale	Job No	Date	Title
SCALE	JOB#	DATE	EXHIBIT#



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

### Application Accepted as Complete (to be completed by PW&E)

Application is hereby made for consent of the City of Houston to the  creation/  addition of 167.0856 acres to Harris County MUD No. 460 under the provisions of Chapters 49 and 54 Texas Water Code.

*Julian B. Kugle*  
Attorney for the District

#### Attorney: Coats, Rose, Yale, Ryman & Lee, Julianne Kugle

Address: 3 Greenway Plaza, Suite 2000 Zip: 77046 Phone: 713.653.7318

#### Engineer: Brown & Gay Engineers, Inc., Rodney R. Heisch, PE

Address: 10777 Westheimer Zip: 77046 Phone: 281.558.8700

#### Owners: El Tesoro Development, Ltd., Attn: Joe Fogarty

Address: 340 N. Sam Houston Pkwy E, #100 Zip: 77060 Phone: 281.272.6134

(If more than one owner, attach additional page. List all owners of property within the District)

#### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey Blass Herrera Abstract A-812

Geographic Location: List only major streets, bayous or creeks:

North of: Madden East of: Martindale

South of: South Acres West of: Mykawa

#### WATER DISTRICT DATA

Total Acreage of District: 129.84 + 28.099 (Pending) + 124.464 (Pending) Existing Plus Proposed Land 449.4786

#### Development Breakdown (Percentage) for tract being considered for annexation:

Single Family Residential 100% Multi-Family Residential -0-

Commercial -0- Industrial -0- Institutional -0-

Sewage generated by the District will be served by a : District Plant  Regional Plant

Sewage Treatment Plant Name: City of Houston -- Chocolate Bayou WWTP

NPDES/TPDES Permit No: \_\_\_\_\_ TCEQ Permit No: \_\_\_\_\_



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): \_\_\_\_\_

Ultimate Capacity (MGD): \_\_\_\_\_

Size of treatment plant site: \_\_\_\_\_ square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: \_\_\_\_\_ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

or property owner(s)

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

Water Treatment Plant Name: City of Houston

Water Treatment Plant Address: \_\_\_\_\_

Well Permit No: \_\_\_\_\_

**Existing Capacity:**

Well(s): \_\_\_\_\_

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): \_\_\_\_\_

MG

**Ultimate Capacity:**

Well(s): \_\_\_\_\_

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): \_\_\_\_\_

MG

Size of Treatment Plant Site: \_\_\_\_\_

square feet/acres.

Comments or Additional Information: The District is located within the corporate limits of the City of Houston and receives both water and sanitary sewer service from the City.

TO: Mayor via City Secretary    **REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinances renaming a portion of Fuqua Street between S. Post Oak and its intersection with West Fuqua to Fuqua Gardens View Road and renaming a portion of Tidwell Road between North Wayside and its intersection with Tidwell Road to Tidwell Fountains Lane.	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <b>36-37</b>
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<b>FROM (Department or other point of origin):</b> Department of Planning and Development	<b>Origination Date</b> 02-08-07	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Madeleine R. Stapleton</i>	<b>Council District affected:</b> B & D
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<b>For additional information contact:</b> Jennifer Ostlind Phone: x7-7871	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of ordinances to rename a portion of Fuqua Street between S. Post Oak and its intersection with West Fuqua to Fuqua Gardens View Road and renaming a portion of Tidwell Road between North Wayside and its intersection with Tidwell Road to Tidwell Fountains Lane.

<b>Amount and Source of Funding:</b> NA	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**

The Planning and Development Department received a request from Public Works and Engineering regarding duplicate intersection names and asked the Department to research the issue with emergency service providers and other relevant agencies. After research, the Department is recommending that the following two street names be changed:

- 36 • A portion of Fuqua Street between S. Post Oak and its intersection with West Fuqua to Fuqua Gardens View Road
- 37 • A portion of Tidwell Road between North Wayside and its intersection with Tidwell Road to Tidwell Fountains Lane.

The proposed street names comply with City of Houston street naming standards. The Planning Department notified affected property owners and public agencies and there were no objections.

Attachment: Maps

cc: Michael Marcotte, Director, Public Works and Engineering  
Arturo Michel, City Attorney  
Deborah McAbee, Legal Department  
Bill Hlavacek, Public Works and Engineering

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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POST OAK VILLAGE SEC 3  
5388

SOUTHMONT  
31211

WINDSOR VILLAGE SEC 1  
5384

HEATHERBROOK  
5385

HEATHERCREST  
7459

SOUTHMONT ANNEX SEC 1  
7460

PUEBLA

PRIMA VERA

SABA

SOUTHMONT ANNEX SEC 2  
7465

RIVAS PLACE  
0

HEATHERBROOK

HEATHERCREST

HEATHERCREST

SIMS VILLA  
7462

SOUTHMONT ANNEX SEC 2  
7466

BLAYER

SIMSBROOK

SOUTHMONT ANNEX SEC 3  
5394

BARABIN

THOMAS ESTATE SEC 1

OAKLAW

MENDOCINO

TRAFALGAR

PROPOSED FUQUA GARDENS VIEW ROAD

DUMBARTON OAKS SE  
7471

TIFFANY

TIFFANY

WINDSOR VILLAGE SEC 2  
5383

GRAPEVINE

TIFFANY GARDENS R/P  
5414

GRAPEVINE ESTATES  
0

HOLY TRINITY MISSIONARY  
5418

WINCHESTER PLACE SEC 1  
5410

BROOKFIELD

TEJANO PLACE  
0

BROOKFIELD

FUQUA

VALMARTIAN

BLAYER

DRACONIT

ESSELINE

WEST HAMPTON R/P  
7481

PIERCE JUNCTION BLUE RIDGE  
7495

WINCHESTER PLACE SEC 2  
5411

GARDEN PLACE TR ALME  
7492

W. FUQUA

FUQUA

WESTWARD

PENINSULA APARTMENTS LP  
0

EDMUNDSON GUGLOW  
7484

PINEBROOK

SMOOTH OAK

WESTBROOK  
7482

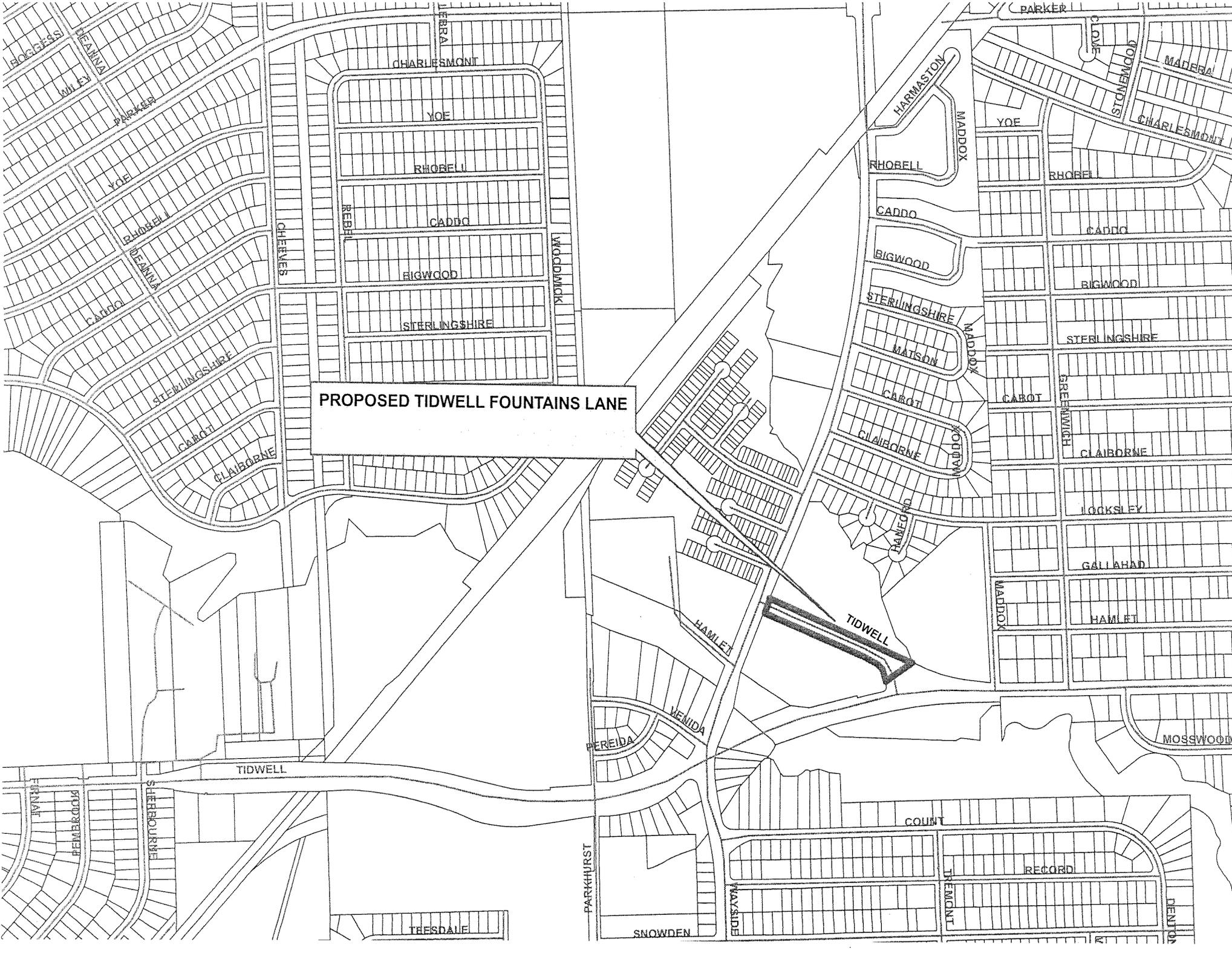
EDMUNDSON GUGLOW  
7483

KNOTTWOOD

ROSEBUD

BROWNSTONE

ALMEDA ESTATES  
5415



**PROPOSED TIDWELL FOUNTAINS LANE**

CHARLESMONT

YOE

RHOPELL

CADDO

BIGWOOD

STERLINGSHIRE

HARMASTON

YOE

RHOPELL

RHOPELL

CADDO

CADDO

BIGWOOD

BIGWOOD

STERLINGSHIRE

STERLINGSHIRE

MATSON

CAROT

CAROT

CLAIBORNE

CLAIBORNE

LOCKSLEY

GALLAHAD

HAMLET

MOSSWOOD

HAMLET

VENIDA

PEREIDA

PARKHURST

SNOWDEN

COUNT

RECORD

BEAUMONT

DENTON

TEESDALE

BOGESS

DEANNA

PARKER

YOE

RHOPELL

CADDO

BIGWOOD

STERLINGSHIRE

CAROT

CLAIBORNE

HAMLET

VENIDA

PEREIDA

SNOWDEN

PARKHURST

FENNAL

PEMBROKE

SHERBOURNE

TIDWELL

COUNT

RECORD

DENTON

MOSSWOOD

BEAUMONT

FENNAL

PEMBROKE

SHERBOURNE

TIDWELL

PARKHURST

MAYSIDE

BEAUMONT

DENTON

MADDOX

MADDOX

MADDOX

MADDOX

MADDOX

GREENWICH

MADDOX

MADDOX

MADDOX

PARKER

STONEWOOD

MADERA

CHARLESMONT

LEBBRA

WOODMICK

CHEWES

REBEL

YOE

RHOPELL

DEANNA

CADDO

STERLINGSHIRE

CAROT

CLAIBORNE

BOGESS

DEANNA

PARKER

YOE

RHOPELL

CADDO

BIGWOOD

STERLINGSHIRE

CAROT

CLAIBORNE

HAMLET

VENIDA

PEREIDA

SNOWDEN

PARKHURST

FENNAL

PEMBROKE

SHERBOURNE

TIDWELL

COUNT

RECORD

DENTON

MOSSWOOD

BEAUMONT

FENNAL

PEMBROKE

SHERBOURNE

TIDWELL

PARKHURST

MAYSIDE

BEAUMONT

DENTON

MADDOX

MADDOX

MADDOX

MADDOX

MADDOX

GREENWICH

MADDOX

MADDOX

PARKER

STONEWOOD

MADERA

CHARLESMONT

LEBBRA

WOODMICK

CHEWES

REBEL

YOE

RHOPELL

DEANNA

CADDO

STERLINGSHIRE

CAROT

CLAIBORNE

BOGESS

DEANNA

PARKER

YOE

RHOPELL

CADDO

BIGWOOD

STERLINGSHIRE

CAROT

CLAIBORNE

HAMLET

VENIDA

PEREIDA

SNOWDEN

PARKHURST

FENNAL

PEMBROKE

SHERBOURNE

TIDWELL

COUNT

RECORD

DENTON

MOSSWOOD

BEAUMONT

**SUBJECT:** An Ordinance authorizing the execution of a contract between the City of Houston and AIDS Foundation Houston, Inc. for the administration of a HOPWA Grant.

Page  
1 of 2

Agenda Item  
# 38

**FROM (Department or other point of origin):**  
Richard S. Celli, Director  
Housing and Community Development Department

**Origination Date**  
3/9/07

**Agenda Date**  
MAY 30 2007

**DIRECTOR'S SIGNATURE:**  
*[Signature]*

**Council District affected:**  
All

**For additional information contact:** Dena Gray  
Phone: 713-868-8335

**Date and identification of prior authorizing Council action:**  
N/A

**RECOMMENDATION: (Summary)**

Approval of an ordinance authorizing the execution of a contract between the City of Houston and AIDS Foundation Houston, Inc. providing up to \$2,190,135.00 for operation of multiple community residences, administration of a short-term rent, mortgage and utility assistance program, a tenant based rental assistance program, a housing information and resource identification program, and supportive services under the Housing Opportunities for Persons with AIDS ("HOPWA") Act.

**Amount of Funding:**  
\$2,190,135.00 HOPWA Grant. (See attached)

**F&A Budget:**  
*[Signature]*

**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund  
 Other (Specify)      Grant Fund (5000)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department ("HCDD") recommends approval of a contract between the City of Houston and AIDS Foundation Houston, Inc. ("AFH") for the administration of a Housing Opportunities for Persons with AIDS ("HOPWA") grant – funded 1) Community Residences; 2) Short-Term Rent, Mortgage and Utility Assistance Program; 3) a Tenant Based Rental Assistance Program; 4) Housing Information and Resource Identification Program, and 5) Supportive Services for persons living with AIDS and their families.

AFH, Inc. is a Texas 501(c)(3) non-profit corporation and has operated in Houston/Harris County and the HOPWA EMSA for twenty-three years, serving the HIV/AIDS community. AFH currently owns/manages "A Friendly Haven" a thirty-one (31) unit permanent housing complex for HIV positive women and their children. AFH will also incorporate Project Help House, a twenty (20)-unit permanent housing complex into their current services delivery system. In addition, AFH will continue to administer the Short-Term Rent, Mortgage and Utility Assistance Program, the Tenant Based Rental Assistance Program, and supportive services to existing clients and their families.

Service Category	Number of Households Receiving Services
Tenant Based Rental Assistance (12 month assist)	95 Individuals and their family members
Community Residence Support (A Friendly Haven)	45 women and their family members
Community Residence Support (Proj. Help House)	25 individual men and women
Short-Term Rent, Mortgage and Utility Assistance (21 week housing assistance)	210 individuals and their family members
Housing Information/ Resource Identification (housing referral and client management)	550 individuals
Supportive Services (Life skills, housing case management)	All clients entering HOPWA Program

**REQUIRED AUTHORIZATION**

NDT

**F&A Director:**

**Other Authorization:**

**Other Authorization:**

**Date:**  
3/9/07

**Subject:** An Ordinance authorizing the execution of a contract between the City of Houston and AIDS Foundation Houston, Inc. for the administration of a HOPWA Grant.

**Originator's  
Initials**  
*BC*

**Page**  
2 of 2

HOPWA recommends a contract for **\$2,190,135.00** for a twelve (12) month period in order to provide the above-referenced services to a minimum of nine hundred and twenty-five (925), unduplicated households consisting of low-income, HIV/AIDS individuals and their family members.

Total Funds and Sources: **\$2,190,135.00**  
Number of Persons to be Served: 925  
Category of Persons: HIV/AIDS/Low-income

The Contract will provide funding for:

<b>Service Category</b>	<b>Recommended Funding Amounts</b>
Tenant Based Rental Assistance (12 month assist)	\$851,573.00
Community Residence	\$207,000.00
Community Residence	\$65,846.00
Short-Term Rent, Mortgage and Utility Assistance (21 week housing assistance)	\$691,573.00
Housing Information/ Resource Identification (housing referral and client management)	\$20,000.00
Supportive Services (Life skills, housing case management)	\$200,834.00
Administration	\$153,309.00
<b>Total Amount</b>	<b>\$2,190,135.00</b>

The project was reviewed by the Housing and Community Development Committee on March 19, 2007, and was recommended for Council Action.

RC:DG:tw

cc: City Secretary  
Finance & Administration  
Legal Department  
Mayor's Office

<b>SUBJECT:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Tejano Center for Community Concerns, Inc., using Federal HOME funds to assist in the development of 10 affordable single-family houses in the East End area.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <span style="font-size: 2em; font-weight: bold;">39</span>
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<b>FROM (Department or other point of origin):</b>  Housing and Community Development Department	<b>Origination Date:</b>  05/16/07	<b>Agenda Date:</b>  MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Richard S. Celli, Director	<b>Council District affected:</b> "H" CM Adrian Garcia "I" CM Carol Alvarado
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<b>For additional information contact:</b> Donald Sampley, Assistant Director  Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
 The Department recommends approval of an ordinance authorizing a \$700,000 contract between the City of Houston and Tejano Center for Community Concerns, Inc., using Federal HOME funds to assist in the development of 10 affordable single-family houses in the East End area.

<b>Amount of Funding:</b> \$700,000	<b>F&amp;A Budget:</b> 
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) HOME FUND      Grant Funds (5000)

**SPECIFIC EXPLANATION:**

Tejano Center for Community Concerns, Inc., ("Tejano") is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO).

The Housing and Community Development Department, (HCDD) proposes providing a total of \$700,000 to Tejano in Federal HOME funds to assist in the development of 10 affordable single-family houses. The \$700,000 will be in the form of a grant. HCDD will require that there be an interim construction lender that finances the cost of the construction less the subsidy from the HOME funds, to include all lots costs to include carry and all non HOME eligible costs. The HCDD construction subsidy will be \$70,000 per house.

Specific home sites are: 9802 Richcroft; 6501,6503 and 6505 Jensen; 5705 Sudan; 3302 and 3304 Salder; 7121 and 7125 Gainesville and 301 Bryan. All homes will be located in Council District "H" with the exception of 9802 Richcroft, which will be located in Council District "I". The development will be known as "East End Affordable Housing I." The sites comply with HUD's environmental regulations. The newly constructed houses will be sold to families whose annual incomes do not exceed 80% of AML, and who will occupy the property as their principal residence.

The City will allow the CHDO (Tejano) to retain the proceeds generated from this CHDO development activity provided that Tejano performs as required under the contract and provided that Tejano uses the proceeds from the sale of the houses to conduct HOME-eligible activities in the East End area. HOME Regulations do not apply to use of the proceeds.

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

**Date**  
05/16/07

**Subject:** An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Tejano Center for Community Concerns, Inc., using Federal HOME funds to assist in the development of 10 affordable single-family houses in the East End.

**Originator's  
Initials**  
PSC

**Page**  
2 of 2

The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this contract before being submitted to City Council.

The plan to give Tejano funds to assist in the development of 10 affordable single-family houses in the East End area was published for 30 days in the local newspaper. There was no citizen or community opposition to the Tejano development.

This item was approved by the Housing and Community Development Committee on November 29, 2006.

The Department recommends approval of an ordinance approving and authorizing a \$700,000 contract between the City of Houston and Tejano Center for Community Concerns, using Federal HOME Housing Funds to assist in the development of 10 affordable single-family houses in the East End.

RC:DHS:MEB

HCD 07-93

Avenue

<b>SUBJECT:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Avenue Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Near Northside area.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  40

<b>FROM (Department or other point of origin):</b>  Housing and Community Development Department	<b>Origination Date:</b>  03/21/07	<b>Agenda Date:</b>  MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Richard S. Celli, Director <i>Richard S. Celli</i>	<b>Council District affected:</b> "H" CM Adrian Garcia
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<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
The Department recommends approval of an ordinance authorizing a \$700,000 contract between the City of Houston and Avenue Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Near Northside area.

<b>Amount of Funding:</b> \$700,000	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) HOME FUND      Grant Funds (5000)

**SPECIFIC EXPLANATION:**

Avenue Community Development Corporation ("Avenue CDC") is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO).

The Housing and Community Development Department, (HCDD) proposes providing a total of \$700,000 to Avenue CDC in Federal HOME funds to assist in the development of 10 affordable single-family houses. The \$700,000 will be in the form of a grant. HCDD will require that there be an interim construction lender that finances the cost of the construction less the subsidy from the HOME funds, to include all lots costs to include carry and all non HOME eligible costs. The HCDD construction subsidy will be \$70,000 per house.

Specific home sites are: Lots 6, 7, 8, 9,10,11,12,13,14,15, Block 1, Avenue Villas, which Property consists of a replat of a portion of Lots 1-12, Block 111, Ryon Addition, also known as 4500 Cochran.

The development will be known as "Near Northside Affordable Housing I." The sites comply with HUD's environmental regulations. The newly constructed houses will be sold to families whose annual incomes do not exceed 80% of AMI, and who will occupy the property as their principal residence.

The City will allow the CHDO (Avenue CDC) to retain the proceeds generated from this CHDO development activity provided that Avenue CDC performs as required under the contract and provided that Avenue CDC uses the proceeds from the sale of the houses to conduct HOME-eligible activities in the Near Northside area. HOME Regulations do not apply to use of the proceeds.

*mgg*

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>1407</i>

<b>Date</b> 03/21/07	<b>Subject:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Avenue Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Near Northside area.	<b>Originator's Initials</b> <i>RSC</i>	<b>Page</b> <u>2</u> of <u>2</u>
<p>The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this contract before being submitted to City Council.</p> <p>The plan to give Avenue CDC funds to assist in the development of 10 affordable single-family houses in the Near Northside area was published for 30 days in the local newspaper. There was no citizen or community opposition to the Avenue CDC development.</p> <p>This item was approved by the Housing and Community Development Committee on November 29, 2006.</p> <p>The Department recommends approval of an ordinance approving and authorizing a \$700,000 contract between the City of Houston and Avenue CDC, using Federal HOME Housing Funds to assist in the development of 10 affordable single-family houses in the Near Northside area.</p> <p>RSC:DHS:MEB</p>			

<b>SUBJECT:</b> An ordinance approving and authorizing a \$420,000 contract between the City of Houston and Guiding Light Community Development Corporation, using Federal HOME funds to assist in the development of six (6) affordable single-family houses in the Sunnyside & Settegast Houston Hope areas.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  41
	(Empty)		

<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date:</b> 05/22/07	<b>Agenda Date:</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> Richard S. Celli, Director <i>Richard S. Celli</i>	<b>Council District affected:</b> "D" CM Ada Edwards
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<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
The Department recommends approval of an ordinance authorizing a \$420,000 contract between the City of Houston and Guiding Light Community Development Corporation, using Federal HOME funds to assist in the development of six (6) affordable single-family houses in the Sunnyside & Settegast Houston Hope areas.

<b>Amount of Funding:</b> \$420,000	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) HOME FUND      Grant Funds (5000)      (HOME)

**SPECIFIC EXPLANATION:**

Guiding Light Community Development Corporation (Guiding Light CDC) is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO).

The Housing and Community Development Department, (HCDD) proposes providing a total of \$420,000 to Guiding Light CDC in Federal HOME funds to assist in the development of six (6) affordable single-family houses. The \$420,000 will be in the form of a grant. HCDD will require that there be an interim construction lender that finances the cost of the construction less the subsidy from the HOME funds, to include all lots costs to include carry and all non HOME eligible costs. The HCDD construction subsidy will be \$70,000 per house.

Specific home sites are: LT 15 BLK M Sunnyside Place; LT 2 BLK 90 Sunnyside Place; LT 1 BLK 18 Sunnyside Place; Lot 68 BLK 35; Lot 77 BLK 35; Lot 84 BLK 35

The development will be known as "Guiding Light Affordable Housing I." The sites comply with HUD's environmental regulations. The newly constructed houses will be sold to families whose annual incomes do not exceed 80% of AMI, and who will occupy the property as their principal residence.

The City will allow the CHDO (Guiding Light CDC) to retain the proceeds generated from this CHDO development activity provided that Guiding Light CDC performs as required under the contract and provided that Guiding Light CDC uses the proceeds from the sale of the houses to conduct HOME-eligible activities in the Sunnyside & Settegast Houston Hope areas. HOME Regulations do not apply to use of the proceeds.

<b>REQUIRED AUTHORIZATION</b>			<b>NDT</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	(Empty)

<b>Date</b> 05/22/07	<b>Subject:</b> An ordinance approving and authorizing a \$420,000 contract between the City of Houston and Guiding Light Community Development Corporation, using Federal HOME funds to assist in the development of six (6) affordable single-family houses in the Sunnyside & Settegast Houston Hope areas	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
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The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this contract before being submitted to City Council.

The plan to give Guiding Light CDC funds to assist in the development of six (6) affordable single-family houses in the Sunnyside & Settegast Houston Hope areas was published for 30 days in the local newspaper. There was no citizen or community opposition to the Guiding Light CDC development.

On November 29, 2006, The Housing and Community Development Committee recommended this item for favorable Council consideration.

The Department recommends approval of an ordinance approving and authorizing a \$420,000 contract between the City of Houston and Guiding Light CDC, using Federal HOME Housing Funds to assist in the development of six (6) affordable single-family houses in the Sunnyside & Settegast Houston Hope areas.

RSC:DHS:MEB

**SUBJECT:** An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Re-Ward Third Ward, Inc. using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Third Ward Houston Hope area.

<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 42
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<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date:</b> 05/22/07	<b>Agenda Date:</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> MS Richard S. Celli, Director <i>Richard S. Celli</i>	<b>Council District affected:</b> "D" CM Ada Edwards "I" CM Carol Alvarado
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<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
The Department recommends approval of an ordinance authorizing a \$700,000 contract between the City of Houston and Re-Ward Third Ward, Inc. using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Third Ward Houston Hope area.

<b>Amount of Funding:</b> \$700,000	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) HOME FUND      Grant Funds (5000)

**SPECIFIC EXPLANATION:**

Re-Ward Third Ward, Inc., (Re-Ward) is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO).

The Housing and Community Development Department, (HCDD) proposes providing a total of \$700,000 to Re-Ward Third Ward, Inc., in Federal HOME funds to assist in the development of 10 affordable single-family houses. The \$700,000 will be in the form of a grant. HCDD will require that there be an interim construction lender that finances the cost of the construction less the subsidy from the HOME funds, to include all lots costs to include carry and all non HOME eligible costs. The HCDD construction subsidy will be \$70,000 per house.

Specific home sites are: 3123 Trulley; 3328 McIlhenny; 3332 McIlhenny; 3267 Simmons; 3430 Simmons; 3431 Simmons; 3433 Simmons; 3213 Tuam; 3214 Beulah; and 338 Beulah.

The development will be known as "Re-Ward Affordable Housing I." The sites comply with HUD's environmental regulations. The newly constructed houses will be sold to families whose annual incomes do not exceed 80% of AMI, and who will occupy the property as their principal residence.

The City will allow the CHDO (Re-Ward) to retain the proceeds generated from this CHDO development activity provided that Re-Ward performs as required under the contract and provided that Re-Ward uses the proceeds from the sale of the houses to conduct HOME-eligible activities in the Third Ward Houston Hope area. HOME Regulations do not apply to use of the proceeds.

<b>REQUIRED AUTHORIZATION</b>		<b>NOT</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>Date</b> 05/22/07	<b>Subject:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Re-Ward Third Ward, Inc. using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Third Ward Houston Hope area.	<b>Originator's Initials,</b> <i>RSC</i>	<b>Page</b> <u>2</u> of <u>2</u>
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The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this contract before being submitted to City Council.

The plan to give Re-Ward funds to assist in the development of 10 affordable single-family houses in the Third Ward area was published for 30 days in the local newspaper. There was no citizen or community opposition to the Re-Ward development.

On November 29, 2006, the Housing and Community Development Committee recommended this item for favorable Council consideration.

The Department recommends approval of an ordinance approving and authorizing a \$700,000 contract between the City of Houston and Re-Ward using Federal HOME Housing Funds to assist in the development of 10 affordable single-family houses in the Third Ward Houston Hope area.

RSC:DHS:MEB

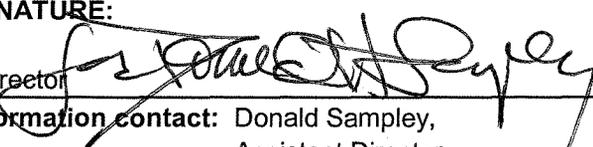
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD 07-129 ACRES HOMES CDC

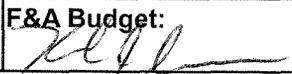
<b>SUBJECT:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Acres Homes Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in Acres Homes Houston Hope area.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <b>43</b>
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<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date:</b> 03/21/07	<b>Agenda Date:</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> Richard S. Celli, Director 	<b>Council District affected:</b> "B" CM Jarvis Johnson
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<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
The Department recommends approval of an ordinance authorizing a \$700,000 contract between the City of Houston and Acres Homes Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area.

<b>Amount of Funding:</b> \$700,000	<b>F&amp;A Budget:</b> 
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) HOME FUND      Grant Funds (5000)

**SPECIFIC EXPLANATION:**

Acres Homes Community Development Corporation (Acres Homes CDC) is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO).

The Housing and Community Development Department, (HCDD) proposes providing a total of \$700,000 to Acres Homes CDC in Federal HOME funds to assist in the development of 10 affordable single-family houses. The \$700,000 will be in the form of a grant. HCDD will require that there be an interim construction lender that finances the cost of the construction less the subsidy from the HOME funds, to include all lots costs to include carry and all non HOME eligible costs. The HCDD construction subsidy will be \$70,000 per house.

Specific home sites are: Lt 1 Blk 2 Highland Addition, Lt 2 Blk 2 Highland Addition; Lt 3 Blk 2 Highland Addition; Lt 6 Blk 2 Highland Addition; Lt 7 Blk 2 Highland Addition; Lt 8 Blk 2 Highland Addition; Lt 9 Blk 2 Highland Addition; Lt 14 Blk 2 Highland Addition; Lt 15 Blk 2 Highland Addition; Lt 19 Blk 2 Highland Addition. The development will be known as "Acres Homes Affordable Housing I." The sites comply with HUD's environmental regulations. The newly constructed houses will be sold to families whose annual incomes do not exceed 80% of AMI, and who will occupy the property as their principal residence.

The City will allow the CHDO (Acres Homes CDC) to retain the proceeds generated from this CHDO development activity provided that Acres Homes CDC performs as required under the contract and provided that Acres Homes CDC uses the proceeds from the sale of the houses to conduct HOME-eligible activities in the Acres Homes Houston Hope area. HOME Regulations do not apply to use of the proceeds.

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <span style="float: right;">NDT</span>

**Date**  
03/21/07

**Subject:** An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Acres Homes Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area.

**Originator's  
Initials**



**Page**  
2 of 2

The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this contract before being submitted to City Council.

The plan to give Acres Homes CDC funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area was published for 30 days in the local newspaper. There was no citizen or community opposition to the Acres Homes CDC development.

On November 29, 2006, the Housing and Community Development Committee recommended this item for favorable Council consideration.

The Department recommends approval of an ordinance approving and authorizing a \$700,000 contract between the City of Houston and Acres Homes CDC, using Federal HOME Housing Funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area.

RSC:DHS:MEB

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD 07-131 MACSC

<b>SUBJECT:</b> An ordinance approving and authorizing a \$210,000 contract between the City of Houston and MACSC and Housing, Inc. using Federal HOME funds to assist in the development of three (3) affordable single-family houses.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 44

<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director	<b>Origination Date:</b> 05/16/07	<b>Agenda Date:</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Richard S. Celli</i>	<b>Council District affected:</b> "D" - CM Ada Edwards
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<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
The Department recommends approval of an ordinance authorizing a \$210,000 contract between the City of Houston and MACSC and Housing, Inc., using Federal HOME funds to assist in the development of three (3) affordable single-family houses.

<b>Amount of Funding:</b> \$210,000	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) HOME FUND      Grant Funds (5000)

**SPECIFIC EXPLANATION:**

MACSC and Housing, Inc., ("MACSC") is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO).

The Housing and Community Development Department, (HCDD) proposes providing a total of \$210,000 to MACSC in Federal HOME funds to assist in the development of three (3) affordable single-family houses. The \$210,000 will be in the form of a grant. HCDD will require that there be an interim construction lender that finances the cost of the construction less the subsidy from the HOME funds, to include all lots costs to include carry and all non HOME eligible costs. The HCDD construction subsidy will be \$70,000 per house.

Specific home sites are: 4830 Paula, 9404 Coffee, and 4829 Paula. The sites must comply with HUD's environmental regulations. The newly constructed homes will be sold to families whose annual incomes do not exceed 80% of AMI, and who will occupy the property as their principal residence.

The City will allow the CHDO (MACSC) to retain the proceeds generated from this CHDO development activity provided that MACSC performs as required under the contract and provided that MACSC uses the proceeds from the sale of the houses to conduct HOME-eligible activities in the Sunnyside Houston Hope area. HOME Regulations do not apply to use of the proceeds.

<b>REQUIRED AUTHORIZATION</b>		<b>NOT</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>Date</b> 05/16/07	<b>Subject:</b> An ordinance approving and authorizing a \$210,000 contract between the City of Houston and MACSC and Housing, Inc., using Federal HOME funds to assist in the development of three (3) affordable single-family houses	<b>Originator's Initials</b> <i>RSC</i>	<b>Page</b> <u>2</u> of <u>2</u>
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The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this contract before being submitted to City Council.

The plan to give MACSC funds to assist in the development of three (3) affordable single-family houses was published for 30 days in the local newspaper. There was no citizen or community opposition to the MACSC development.

The project was reviewed by the Housing and Community Development Committee on November 29, 2006 and was recommended for Council Action.

The Department recommends approval of an ordinance approving and authorizing a \$210,000 contract between the City of Houston and MACSC and Housing, Inc., using Federal HOME Housing Funds to assist in the development of three (3) affordable single-family houses.

RC:DHS:MEB

<b>SUBJECT:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Holmes Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Sunnyside Houston Hope area.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  45
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<b>FROM (Department or other point of origin):</b>  Housing and Community Development Department	<b>Origination Date:</b>  05/22/07	<b>Agenda Date:</b>  MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> MS Richard S. Celli, Director 	<b>Council District affected:</b> "D" – CM Ada Edwards
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<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
 The Department recommends approval of an ordinance authorizing a \$700,000 contract between the City of Houston and Holmes Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Sunnyside Houston Hope area.

<b>Amount of Funding:</b> \$700,000	<b>F&amp;A Budget:</b> 
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) HOME FUND      Grant Funds (5000)

**SPECIFIC EXPLANATION:**

Holmes Community Development Corporation, ("Holmes CDC") is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO).

The Housing and Community Development Department (HCDD) proposes providing a total of \$700,000 to Holmes CDC in Federal HOME funds to assist in the development of 10 affordable single-family houses in Sunnyside Houston Hope area. The \$700,000 will be in the form of a grant. HCDD will require that there be an interim construction lender that finances the cost of the construction less the subsidy from the HOME funds, to include all lots costs to include carry and all non HOME eligible costs. The HCDD construction subsidy will be \$70,000 per house.

Specific home sites are: Lot 17 Blk J; Lot 7 Blk K; Lot 14B Blk 6; Lot 13 Blk S; Lot 12 Blk 91; Lot 7 BLK I; Lot 11 Blk 60; Lot 12 BLK 17; Lot 10 BLK 16; Lot 10 Blk 22. The sites must comply with HUD's environmental regulations. The newly constructed houses will be sold to families whose annual incomes do not exceed 80% of AMI, and who will occupy the property as their principal residence.

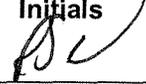
The City will allow the CHDO (Holmes CDC) to retain the proceeds generated from this CHDO development activity provided that Holmes CDC performs as required under the contract and provided that Holmes CDC uses the proceeds from the sale of the houses to conduct HOME-eligible activities in the Sunnyside Houston Hope area. HOME Regulations do not apply to use of the proceeds.

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

**Date**  
05/22/07

**Subject:** An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Holmes Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Sunnyside Houston Hope area.

**Originator's  
Initials**



**Page**  
2 of 2

The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD will secure HUD's approval of this contract before it is submitted to City Council.

The plan to give Holmes CDC funds to assist in the development of 10 affordable single-family houses in the Sunnyside Houston Hope area was published for 30 days in the local newspaper. There was no citizen or community opposition to the Holmes CDC development.

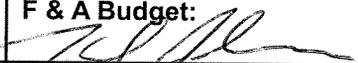
On November 29, 2006, the Housing and Community Development Committee recommended this item for favorable Council consideration.

The Department recommends approval of an ordinance approving and authorizing a \$700,000 contract between the City of Houston and Holmes Community Development Corporation, using Federal HOME Housing Funds to assist in the development of 10 affordable single-family houses in the Sunnyside Houston Hope area.

RC:DHS:MEB

<b>SUBJECT:</b> Solving Cold Cases with DNA – FY 2008 Grant Proposal	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 46
<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date</b> April 30, 2007		<b>Agenda Date</b> MAY 30 2007
<b>DIRECTOR'S SIGNATURE:</b> Harold L. Hurtt, Chief of Police (713) 308-1600 	<b>Council Districts affected:</b> ALL		
<b>For additional information contact:</b> Joseph A. Fenninger, Deputy Director, (713) 308-1700	<b>Date and identification of prior authorizing Council Action:</b> N/A		

**RECOMMENDATION: (Summary)** Adopt Ordinance authorizing the submission of a grant proposal from the Department of Justice, Office of Justice Program, for solving Cold Case murder investigations through the use of DNA analysis and police investigations.

<b>Amount of Funding:</b>	<u>DOJ</u> \$469,889	<u>Total Funding</u> \$469,889	<b>F &amp; A Budget:</b> 
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**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund

Other (Specify)                      No cash match required.

**SPECIFIC EXPLANATION:**

Funding is necessary to pursue an aggressive approach in the use of improved technologies such as DNA testing and collaborative approaches with investigators and laboratory personnel in identifying evidence for testing as well as pursuing investigative leads in an effort to solve cases, provide resolution to the families of murdered victims, and bring individuals guilty of crimes to justice.

The grant will provide funding for personnel and necessary consultants and contractors, including overtime, travel, supplies, equipment and DNA testing.

cc: Arturo Michel, City Attorney  
 Marty Stein, Agenda Director  
 Anna Russell, City Secretary

cc:

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>SUBJECT:</b> Ordinances for the KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT (from Brays Bayou to Kirkwood) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. N-000420-0025-2-01	<b>Category #7</b>	<b>Page 1 of 1</b> <i>47 thru 50</i>	<b>Agenda Item #</b>
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> C / F Key Map 528 U,V,Z; 529 W,X,Y,Z; 530 S, W and 560 B, C
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<b>For additional information contact:</b>  Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director	<b>Date and identification of prior authorizing Council Action:</b> Ordinance 2006-729, passed June 28, 2006 Ordinance 2003-628, passed June 25, 2003 Ordinance 2003-1287, passed December 17, 2003 Ordinance 1997-624, passed May 28, 1997
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**RECOMMENDATION: (Summary)** Ordinances for the KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT (from Brays Bayou to Kirkwood) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

<b>Amount and Source of Funding:</b> No additional funding required (Funds are covered under Blanket Appropriation Ordinance 2006-729 N-000420-0002-2-01) Street and Bridge Consolidated Construction Fund 437	<b>F&amp;A Budget:</b>
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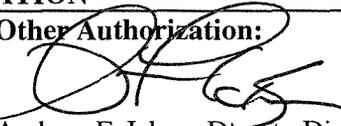
**SPECIFIC EXPLANATION:**  
 The Department of Public Works and Engineering is requesting that ordinances for the KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT (from Brays Bayou to Kirkwood and being out of the Leo Roark Survey, Abstracts 651 and 652; James Alston Survey, Abstract 100; E. R. Campbell Survey, Abstract 1632; H.T. & B.R.R. Co. Survey, Abstract, 397; L. Cotton Survey, Abstract 1012) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. This project provides for a safer route of travel for bicyclists and/or hikers away from street traffic. Various trails will encourage use of an alternative method to commute within the City.

This action authorizes payment for the costs of land purchases/condemnations, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire rights-of-way and easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Payment for purchase considerations or condemnation awards in an amount of \$25,000.00 or greater will be submitted to City Council as they are finalized. This will expedite the process of acquiring land in support of the KEEGANS' BAYOU HIKE AND BIKE TRAIL PROJECT (from Brays Bayou to Kirkwood).

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 c: Marty Stein

CUIC #20SDR05

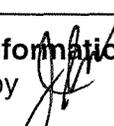
**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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<b>SUBJECT:</b> Award Construction Contract Columbia Environmental Services, Inc. Removal of Underground Storage Tanks at various Fire Stations WBS No. C-000170-0010-4	Page 1 of 2	Agenda Item <b>51</b>
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<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b>	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E.  5/10/07	<b>Council Districts affected:</b> A, D, E, F, I
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<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION:** Award construction contract and appropriate funds for the project.

<b>Amount and Source of Funding:</b> \$286,000.00 Fire Consolidated Construction Fund (4500)	<b>F&amp;A Budget:</b> 
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**SPECIFIC EXPLANATION:** The Building Services Department recommends that City Council award a construction contract to Columbia Environmental Services, Inc. on its low bid amount of \$252,450.00 to provide environmental services for the Houston Fire Department.

**PROJECT LOCATIONS:**

Fire Station No. 45	4910 McCarty	Key Map 455-U	District I
Fire Station No. 49	1212 Gessner	Key Map 450-W	District A
Fire Station No. 59	13925 So. Post Oak	Key Map 571-Q	District D
Fire Station No. 65	11531 FM 1960	Key Map 338-R	District E
Fire Station No. 73	9600 Wilcrest	Key Map 529-U	District F

**PROJECT DESCRIPTION:** The project involves removal of Leaking Petroleum Storage Tanks (LPST) at various Fire Stations including associated piping and ancillary equipment. The work also includes saw-cutting, demolition and removal of concrete paving over the LPSTs, off-site disposal of concrete, product lines and debris generated as a result of all activities, backfilling and compaction, waste classification, loading, hauling and proper disposal.

The contract duration for this project is 90 calendar days.

**BIDS:** The following four bids were received on March 8, 2007:

	<u>Bidder</u>	<u>Bid Amount</u>
1.	Columbia Environmental Services, Inc.	\$252,450.00
2.	Eagle Construction and Environmental Services, L.P.	\$266,930.00
3.	Dup's Inc.	\$366,300.00
4.	Geo Environmental Consultants, Inc.	\$385,125.00

**REQUIRED AUTHORIZATION** CUIC ID # 25GM157

<b>Building Services Department:</b>  Wendy Teas Heger, AIA Chief of Design and Construction	<b>Other Authorization:</b>  Phil Boriskie, Chief Houston Fire Department	<b>NOT</b>
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<b>Date</b>	<b>SUBJECT:</b> Award Construction Contract Columbia Environmental Services, Inc. Removal of Underground Storage Tanks at various Fire Stations WBS No. C-000170-0010-4	<b>Originator's Initials</b>  GM	<b>Page</b>  2 of 2
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**AWARD:** It is recommended that City Council award the construction contract to Columbia Environmental Services, Inc., and appropriate funds for the project, including an additional appropriation of \$20,927.50 for project management and construction oversight services under the existing contract with Environmental Consulting Services, Inc.

**FUNDING SUMMARY:**

\$ 252,450.00	Construction Contract Services
\$ 12,622.50	5% Contingency
<u>\$ 265,072.50</u>	<b>Total Contract Services</b>
\$ 20,927.50	Project Management and Construction Oversight
<u>\$ 286,000.00</u>	<b>Total Funding</b>

*MH* *BN* *mcj*  
 IZD:WTH:JLN:GM:MCJ:fk

- c: Marty Stein
- Jacquelyn L. Nisby
- Velma Laws
- Gabriel Mussio
- File

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7418**

**Subject:** Approve an Ordinance Awarding a Contract for Vehicle Car Wash Services for the Police Department  
S30-L22454

Category #  
4

Page 1 of 2

Agenda Item

*52*

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 03, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Joseph Fenninger                      Phone: (713) 308-1708  
Ray DuRousseau                        Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to TIBH Industries, Inc. for vehicle car wash services in an amount not to exceed \$1,250,000.00 for the Police Department.

Estimated Spending Authority: \$1,250,000.00

**F & A Budget**

\$1,250,000.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to extend, for a total five-year term to TIBH Industries, Inc. in an amount not to exceed \$1,250,000.00 for vehicle car wash services for the Police Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, tools, parts, facilities, supplies, equipment, transportation and supervision necessary to clean/wash approximately 3,500 vehicles per month at eight Department locations throughout the City.

TIBH Industries, Inc. (TIBH) employs people with disabilities. Six to eight individuals with disabilities, including a disabled veteran of the first Gulf War, will provide services under this contract. Additionally, TIBH has committed, in writing, to priority hiring of disabled veterans from the Iraq, Afghanistan and Bosnia conflicts. The Police Department is satisfied with TIBH's performance on current and previous contracts with the City.

The Texas Human Resources Code, Section 122.017 provides: A political subdivision of this state may purchase products or services for its user from private businesses through its authorized purchasing procedures, but may substitute equivalent products or services produced by persons with disabilities under the provisions of this chapter.

Attorney General of Texas Opinion No. JM-444 states that general statutes that require counties, cities, hospital districts and school districts to engage in competitive bidding in order to make certain purchases do not apply to purchases such as political subdivisions make pursuant to Section 122.017 of the Human Resources Code. TIBH Industries, Inc. has approved the contract specifications, services and the agency that will provide these services.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MPI*

*mgf*

5-15-07

54

Date: 5/3/2007	Subject: Approve an Ordinance Awarding a Contract for Vehicle Car Wash Services for the Police Department S30-L22454	Originator's Initials RM	Page 2 of 2
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**Estimated Spending Authority**

<b>DEPARTMENT</b>	<b>FY2007</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Police Department	\$25,000.00	\$1,225,000.00	\$1,250,000.00

Buyer: Richard Morris

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7157**

**Subject:** Approve an Ordinance Awarding a Contract for Trailer Repair Services for the Police Department  
S29-L22418

Category #  
4

Page 1 of 2

Agenda Item

**53**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 08, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Joseph Fenninger Phone: (713) 308-1708  
Ray DuRousseau Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to TIBH Industries, Inc. for trailer repair services in an amount not to exceed \$412,445.00 for the Police Department.

Estimated Spending Authority: \$412,445.00

**F & A Budget**

\$412,445.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to extend, for a total five-year term, to TIBH Industries, Inc. in an amount not to exceed \$412,445.00 for trailer repair services for the Police Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, tools, parts, facilities, supplies, equipment, transportation and supervision necessary to perform complete repair services for various types of horse, boat, utility and special duty trailers. The services will consist of mechanical repairs, electrical repairs, body repairs, sandblasting, painting and any other related services or alteration that may be deemed necessary.

TIBH Industries, Inc. employs people with disabilities. Three individuals with disabilities will provide services under this contract. Additionally, TIBH Industries, Inc. has committed, in writing, to priority hiring of disabled veterans from the Iraq, Afghanistan and Bosnia conflicts. The Police Department is satisfied with TIBH Industries, Inc.'s performance on current and previous contracts with the City.

The Texas Human Resources Code, Section 122.017 provides: A political subdivision of this state may purchase products or services for its user from private businesses through its authorized purchasing procedures, but may substitute equivalent products or services produced by persons with disabilities under the provisions of this chapter.

Attorney General of Texas Opinion No. JM-444 states that general statutes that require counties, cities, hospital districts and school districts to engage in competitive bidding in order to make certain purchases do not apply to purchases such as political subdivisions make pursuant to Section 122.017 of the Human Resources Code. TIBH Industries, Inc. has approved the contract specifications, services and the agency that will provide these services.

Buyer: Douglas Moore

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**MPT**

Date: 5/8/2007	Subject: Approve an Ordinance Awarding a Contract for Trailer Repair Services for the Police Department S29-L22418	Originator's Initials DM	Page 2 of 2
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**Estimated Spending Authority**

<b>DEPARTMENT</b>	<b>FY2007</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Police Department	\$8,400.00	\$404,045.00	\$412,445.00

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7376**

**Subject:** Formal Bids Received for Mobilization, Collection, Characterization and Packaging of Household Hazardous Waste Debris Services for the Solid Waste Management Department S30-L22243

Category #  
4

Page 1 of 2

Agenda Item

**54**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

April 09, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Dan Gutierrez Phone: (713) 837-9214  
Ray DuRousseau Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve the award of a pre-positioned contract to Effective Environmental, Inc. on its low bid for mobilization, collection, characterization and packaging of household hazardous waste debris services for the Solid Waste Management Department.

No funding required at this time.

**F & A Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve a pre-positioned five-year contract to Effective Environmental, Inc. on its low bid for mobilization, collection, characterization and packaging of hazardous waste debris services for the Solid Waste Management Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. The contractor shall be required to provide collection and packaging of hazardous household debris in the event of a natural or man-made disaster.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Thirteen prospective bidders viewed the solicitation document on SPD's e-bidding website and four bids were received as outlined below:

	<b><u>COMPANY</u></b>	<b><u>AMOUNT</u></b>
1.	Effective Environmental, Inc.	\$12,750.20
2.	Legacee Environmental	\$18,747.25
3.	USA Environment, L.P.	\$21,514.50
4.	Phillip Reclamation Services, Houston, Inc.	\$48,445.05

- Bidders were asked in the bid solicitation to provide the City with prices for the various types of services and ancillary items, identified on the official bid form, which may be needed in the event of a natural or man-made disaster. The bidder who submitted the low bid for all the services and ancillary items is being recommended for award of this pre-positioned contract. The actual amount of each service or ancillary item will be determined at the time of each disaster. **This contract will be activated upon approval of funding by City Council.**

The City's Emergency Management Plan has tasked the Solid Waste Management Department with the mission of collecting, packaging, and transporting hazardous/toxic household debris as part of the Debris Management Plan.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MOT*

4-9-07

51

Date: 4/9/2007	Subject: Formal Bids Received for Mobilization, Collection, Characterization and Packaging of Household Hazardous Waste Debris Services for the Solid Waste Management Department S30-L22243	Originator's Initials RM	Page 2 of 2
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The scope of work requires the contractor to provide all labor, material, expendable supplies, vehicles, and supervision necessary for the mobilization, collection, characterization and packaging of hazardous household waste debris following a hurricane or other natural or man-made disasters in a timely, efficient, safe and lawful manner.

This contract will contain a 15% M/WBE goal that will use City of Houston-certified M/WBE contractors upon activation and approval of funding by City Council.

Buyer: Richard Morris

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7385**

**Subject:** Approve an Ordinance Authorizing a First Amendment to Contract No. C53573 for Scrap Tire Disposal Services for Various Departments  
LC-R-0769-039-13410-A1

Category #  
4

Page 1 of 1

Agenda Item

**55**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 16, 2007

**Agenda Date**

MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Karen Dupont Phone: (713) 859-4934  
Ray DuRousseau Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

Ordinance No. 2002-149, passed March 6, 2002

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing a first amendment to Contract No. C53573 between the City of Houston and Liberty Tire Recycling, LLC (originally awarded to Silver Creek Materials, Inc.) to extend the term of the contract from June 10, 2007 to June 9, 2009 for scrap tire disposal services for various departments.

No Additional Spending Authority Required.

**F & A Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing a first amendment to Contract No. C53573 between the City of Houston and Liberty Tire Recycling, LLC (originally awarded to Silver Creek Materials, Inc.) to extend the term of the contract from June 10, 2007 to June 9, 2009 for scrap tire disposal services for various departments with no additional spending authority required. Under this contract, the contractor is required to pick up and properly dispose of scrap tires from various fleet facilities within the City.

This contract was awarded on March 6, 2002 by Ordinance No. 2002-149 for a three-year term, with two one-year options to extend, for a total five-year term in the original amount of \$288,870.63. This contract was assigned to Liberty Tire Recycling, LLC on November 17, 2006. Expenditures as of April 1, 2007 totaled \$152,707.85. Liberty Tire Recycling, LLC has agreed to maintain the prices and all other terms and conditions as originally approved by City Council through the extended term.

The scope of work requires the contractor to provide all labor, materials, equipment, transportation and supervision necessary to collect, transport and dispose of, in accordance with Federal, State and local regulations, scrap tires generated by the Fleet Divisions of the Fire, Police, Parks & Recreation, Solid Waste Management, and Public Works & Engineering Departments. Pursuant to the regulations promulgated by the Texas Commission on Environmental Quality, the contractor is required to shred and mix the scrap tire material with at least 50% inert material (dirt clay, certain types of construction debris and concrete scrap) for subsequent use in land reclamation projects.

Buyer: Richard Morris

Attachment: Zero-Percentage M/WBE Goal Document Approved by the Affirmative Action Division

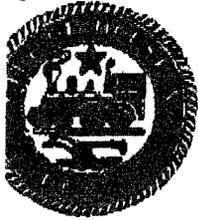
**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**NOT**



**CITY OF HOUSTON**  
Finance & Administration Department

**Interoffice**  
Correspondence

To: Calvin D. Wells - City Purchasing Agent

From: Teresa Clark

Date: 11-21-01

Subject: M/WBE 0% Goal Request

Is this to establish a goal for advertisement? YES

Bid Number: LC-R-0769-039-13410

Advertisement schedule Date: 11/23/01

Bids Due Date: 12/13/01

Items or Scope of Bid: Contractor will place trailers and roll-off containers at various sites throughout Houston for tires to be dumped into. Once the trailers are full, the contractor must take the full trailer for proper disposal and replace it with an empty trailer.

The total dollar value is approximately \$400,000.00

I am requesting approval of 0 % goal.

Justification:

This specialized service includes the pickup, transportation and disposal of used/scrap tires from the various fleet divisions within the City. The Contractor must have the appropriate Texas Natural Resource Conservation Commission (TNRCC) permits which ensure that the contractor's facilities as a disposal facility has procedures in strict compliance with federal, state and local regulations. In view of the TNRCC requirements, disposal of used tires will be the sole responsibility of the successful contractor. There are only two known contractors in Harris County capable of providing the specified service. Neither of these contractors are certified M/WBEs. In view of the aforementioned, there are no subcontracting possibilities.

Approved:

Ray Dufourcassau - Division Manager

Approved:

Contract Compliance

Approved:

Calvin D. Wells  
City Purchasing Agent

Approved:

John DeLeon  
Director Affirmative Action

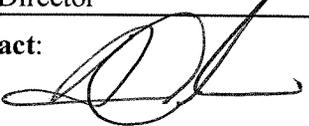
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Construction Management and Inspection Services Contract between the City of Houston and Pierce Goodwin Alexander & Linville, Inc. for the construction of Long Point Road-Wirt Road Intersection and Approaches Project – WBS No. N-000674-0001-4.	<b>Category</b> # 7, 9	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 56
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 4-18-07	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE., Director	<b>Council District affected:</b> A 4
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<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director  <b>Phone:</b> (713) 837-7074	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approve Construction Management and Inspection Services Contract with Pierce Goodwin Alexander & Linville, Inc. and appropriate funds.

**Amount and Source of Funding:** \$5,000.00 from the Metro Project Commercial Paper Series E Fund No. 4027. *03/20/07* 

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's Capital Improvement Plan (CIP) and is required to improve traffic flow and capacity and reduce congestion in the area.

**DESCRIPTION/SCOPE:** The contract provides Construction Management and Inspection Services for the Construction Branch of the Department of Public Works and Engineering in connection with the construction of Long Point Road-Wirt Road Intersection and Approaches Project. The project was designed by Cobb Fendley & Associates, Inc.

**LOCATION:** This project is generally bounded to the west by Spenwick Drive, to the east Johanna Drive, to the south Westwood Drive, and to the north Ravenwood Circle. The project is located in Key Map grids 451S, 451T.

**SCOPE OF CONTRACT AND FEE:** This Contract will provide Construction Management and Inspection Services including constructability reviews, contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project close-out, and other tasks requested by the Director.

Project funding for Construction Management and Inspection Services will be appropriated with the Construction contract award. The requested appropriation of \$5,000 will provide for limited pre-construction review and preparation as required.

**REQUIRED AUTHORIZATION** 20AR55+

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <span style="float: right;">NDT</span>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>SUBJECT:</b> Construction Management and Inspection Services Contract between the City of Houston and Pierce Goodwin Alexander & Linville, Inc. for the construction of Long Point Road-Wirt Road Intersection and Approaches Project – WBS No. N-000674-0001-4.	<b>Category</b> # 7, 9	<b>Page</b> 2 of 2
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M/WBE PARTICIPATION:

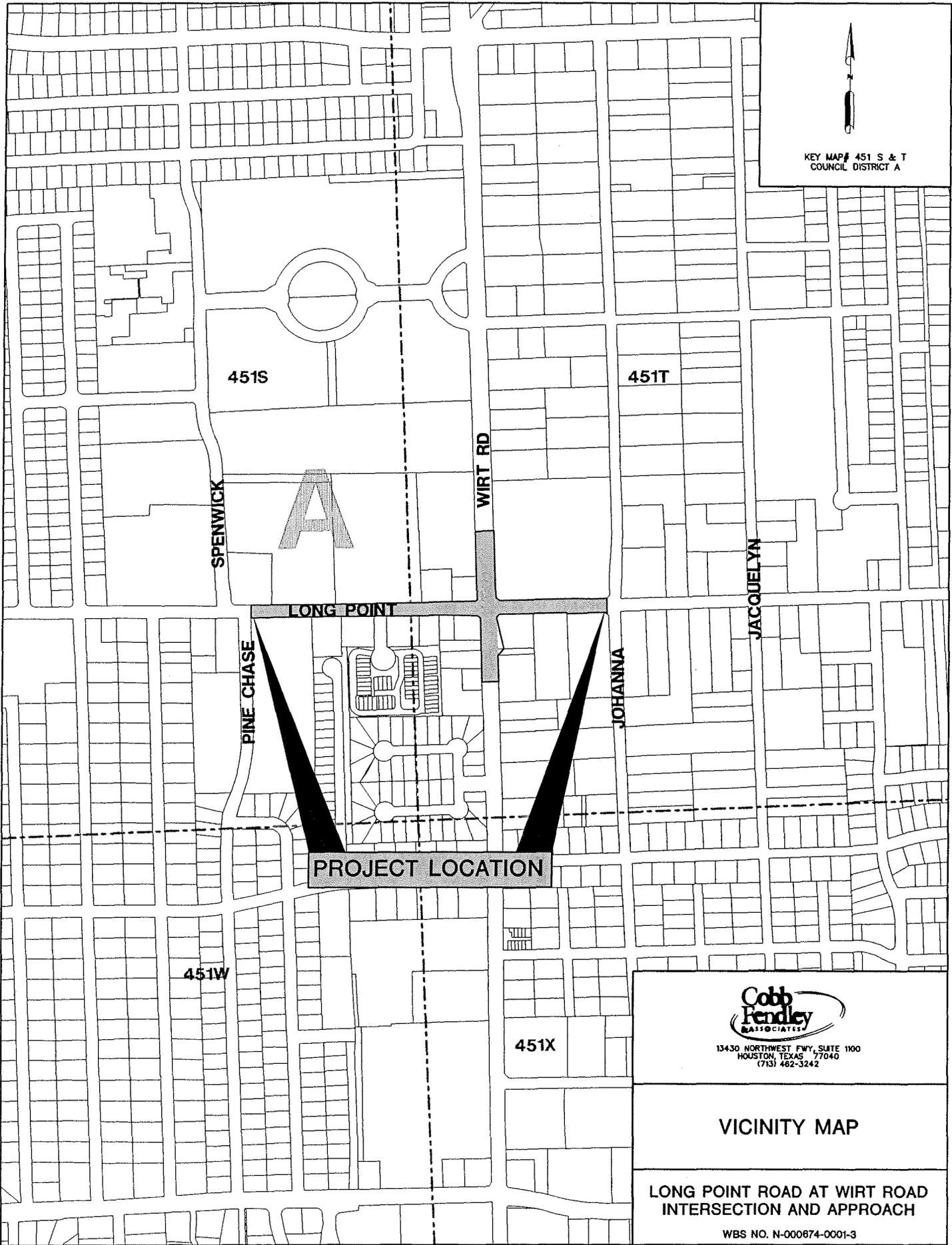
The M/WBE goal for this project is set at twenty four percent (24%). Pierce Goodwin Alexander & Linville, Inc. has proposed the following firm to achieve this goal.

	<u>Name of Firm</u>	<u>Work Description</u>	<u>Percentage</u>
1.	Isani Consultants	Inspection Services	24%

*PA*

MSM:DWK:JTL:AR:ce  
S:\constr\Admin\CONST\Consultants\SW CM\PGALRCA.doc

cc: Daniel W. Krueger, P.E.  
Velma Laws  
Marty Stein  
Susan Bandy  
Waynette Chan  
Gary Norman  
Michael Ho, P.E.  
Craig Foster  
File No. Admin. SB9172-1



KEY MAP# 451 S & T  
COUNCIL DISTRICT A



13430 NORTHWEST FWY, SUITE 1100  
HOUSTON, TEXAS 77040  
(713) 482-3242

VICINITY MAP

LONG POINT ROAD AT WIRT ROAD  
INTERSECTION AND APPROACH

WBS NO. N-000874-0001-3

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> First Amendment Professional Architectural Services Task Order Contract for Various City Departments Natex Corporation Architects WBS Nos. C-000142-0002-3; D-000105-0002-3	<b>Page</b> 1 of 2	<b>Agenda Item</b>  57
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<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b> 4.30.07	<b>Agenda Date</b> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 4/29/07	<b>Council District affected:</b> H, D
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JL Nisby</i> Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2004-0112, dated 02/11/04 Ordinance No. 2004-1185, dated 11/17/04
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**RECOMMENDATION:** Approve First Amendment to architectural services contract and appropriate funds for the project.

<b>Amount and Source of Funding:</b> \$102,000.00 Fire Consolidated Construction Fund (4500) \$ 65,000.00 General Improvements Consolidated Construction Fund (4509) <b>\$167,000.00 Total Appropriation</b>	<b>F &amp; A Budget:</b> <i>Abby SL</i>
<b>Previous Funding:</b> \$ 98,000.00 Public Health Consolidated Construction Fund 440 \$202,000.00 Water & Sewer Consolidated Construction Fund 755 \$ 15,553.20 Public Health Consolidated Construction Fund 440 \$ 50,000.00 General Improvements Consolidated Construction Fund 441 <b>\$365,553.20 Total</b>	

**SPECIFIC EXPLANATION:** The Building Services Department recommends that City Council approve a First Amendment to the existing architectural services contract with Natex Corporation Architects (Natex) to extend the term of the contract to February 16, 2008, and appropriate \$167,000.00 to perform architectural and engineering services for Municipal Courts and Fire Station 35.

**PROJECT LOCATIONS:** Municipal Courts Building 1400 Lubbock (493L) Fire Station 35 5535 Van Fleet (534S)

**SCOPE OF WORK:** The scope of work consists of the following services:

**Municipal Courts** - The consultant will perform re-design phase services for the first floor of the Municipal Courts Building to accommodate the functional needs as dictated by its new Integrated Case Management System. The project will displace one court and redesign 22 customer service booths, lobby area, Prosecutors' offices and an information booth. Further design will be required to accommodate a new courtroom at the North Command Station.

**Fire Station 35** - The consultant will perform design phase services for the addition of an ambulance bay and expansion of the existing sleeping quarters.

**REQUIRED AUTHORIZATION** 25RAV157

<b>Building Services Department:</b> <i>Wendy Teas Heger</i> Wendy Teas Heger, AIA Chief of Design and Construction	<b>Houston Fire Department:</b> <i>Phil Boriskie</i> Phil Boriskie, Fire Chief
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**SUBJECT:** First Amendment  
Professional Architectural Services  
Task Order Contract for Various City Departments  
Natex Corporation Architects  
WBS Nos. C-000142-0002-3; D-000105-0002-3

**Page**  
2 of 2

**Agenda Item**

**PREVIOUS HISTORY AND PROJECT SCOPE:** On February 11, 2004, City Council approved a Task Order Contract with Natex to perform design and construction phase services on an as-needed basis for projects of various City departments. On May 12, 2004, City Council appropriated additional funds to the contract for design phase services for Municipal Courts to accommodate the functional needs as dictated by its new Integrated Case Management System.

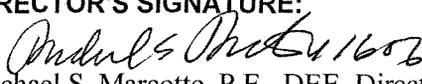
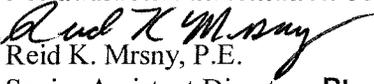
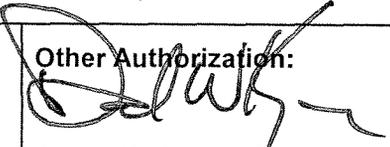
**FUNDING SUMMARY:**

\$	110,000.00	Basic Services
\$	27,500.00	Reimbursable Expenses
\$	<u>29,500.00</u>	Additional Services
\$	167,000.00	<b>Total Appropriation</b>

**M/WBE INFORMATION:** The original Task Order Contract has a 24% M/WBE goal. Through April 2007, Natex has billed \$373,835.11 and has paid \$163,696.48 to certified M/WBE sub-consultants for miscellaneous project support, or 43.79%.

  
IZD:WTH:JLN:RAV:MPC:ps

c: Marty Stein, Jacquelyn Nisby, James Tillman, Joseph Kurian, Kim Nguyen, Velma Laws, Assistant Chief Jack Williams, File

<b>SUBJECT:</b> Additional Appropriation and De-appropriation for Park Row Road from SH 6 to Eldridge Parkway, Segment 2; WBS Nos. N-000723-0002-4, S-000521-0029-4, and R-000521-0029-4.		<b>Page</b> 1 of <u>2</u>	<b>Agenda Item #</b>  58
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>  4/27/07	<b>Agenda Date</b>  MAY 30 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> A <i>OK</i>	
<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Senior Assistant Director Phone: (713) 837-0452		<b>Date and identification of prior authorizing Council action:</b> 2006-1050, 10/11/06	
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance authorizing additional appropriation for City's cost participation and de-appropriation of unused funds.			
<b>Amount and Source of Funding:</b> Appropriate a total of \$160,568.61 with \$73,918.31 from Metro Project Commercial Paper Series E Fund No. 4027 and \$86,650.30 from Water and Sewer System Consolidated Construction Fund No. 8500; and de-appropriate a total of \$173,728.06 from Water and Sewer System Consolidated Construction Fund No. 8500. Previous appropriation of \$1,300,082.16 from Street and Bridge Consolidated Fund No. 4506 and Water and Sewer System Consolidated Construction Fund No. 8500.			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This roadway is a designated major thoroughfare and the project is required to improve flow/circulation, reduce congestion and eliminate potential hazards along the I-10 corridor. The project is divided into two segments. Segment 1 is Park Row Road from Eldridge Parkway to 3,265 feet east of State Highway 6. Segment 2 is Park Row between 3,265 feet and 2,465 feet east of State Highway 6 and provides connection to the proposed I-10 controlled access lanes. The requested funds will be applied to Segment 2.			
<b>DESCRIPTION/SCOPE:</b> This project consists of the construction of a four lane divided concrete-paved roadway with curbs, sidewalks, street lighting, signals, storm sewers, and other necessary underground utilities along the proposed alignment.			
<b>LOCATION:</b> The project is located on Park Row between 3,265 feet and 2,465 feet east of SH 6 and is located in Key Map grids 488 W, X, Y.			
<b>PREVIOUS HISTORY AND SCOPE:</b> Under Ordinance No. 2006-1050 passed by City Council on October 11, 2006, the City entered into an agreement with HCTRA to construct Segment 2 of the Park Row project. This segment will connect the existing segment of Park Row to the ramp leading to the new managed lanes for I-10. Under the terms of this agreement, HCTRA is responsible for 80% and the City is responsible for 20% of the construction costs associated with roadway and storm sewer items. The City is also responsible for 100% of the cost associated with the right-of-way acquisition, water line and sanitary sewer construction including inspection, construction management and contingencies.			
In accordance with the Interlocal Agreement, HCTRA is requesting the City's share of the actual bid cost for this project. The actual bid cost for this project is higher than initially estimated by the Engineer. In addition, approximately 400 linear feet of water line was required for the project to successfully tie the new waterline into the existing waterline on Park Row. The end of the existing water line was found to be further west than indicated on the construction plans.			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #20JAK289</b> ✓	
<b>F&amp;A Director:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

<b>Date</b>	<b>SUBJECT:</b> Additional Appropriation and De-appropriation for Park Row Road from SH 6 to Eldridge Parkway, Segment 2; WBS Nos. N-000723-0002-4, S-000521-0029-4, and R-000521-0029-4	<b>Originator's Initials</b> JAK	<b>Page</b> <u>2</u> of <u>2</u>
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Since Park Row, Segment 2 is an integral part of the I-10 managed lanes, it was critical to coordinate with TxDOT to meet the paving schedule for the opening of these lanes. Because of time constraints, the sanitary sewer construction initially proposed as part of this project has been deleted and will be included in a subsequent wastewater project. As a result, funds previously requested for the sanitary sewer portion should be de-appropriated and returned to Water and Sewer System Consolidated Construction Fund No. 8500.

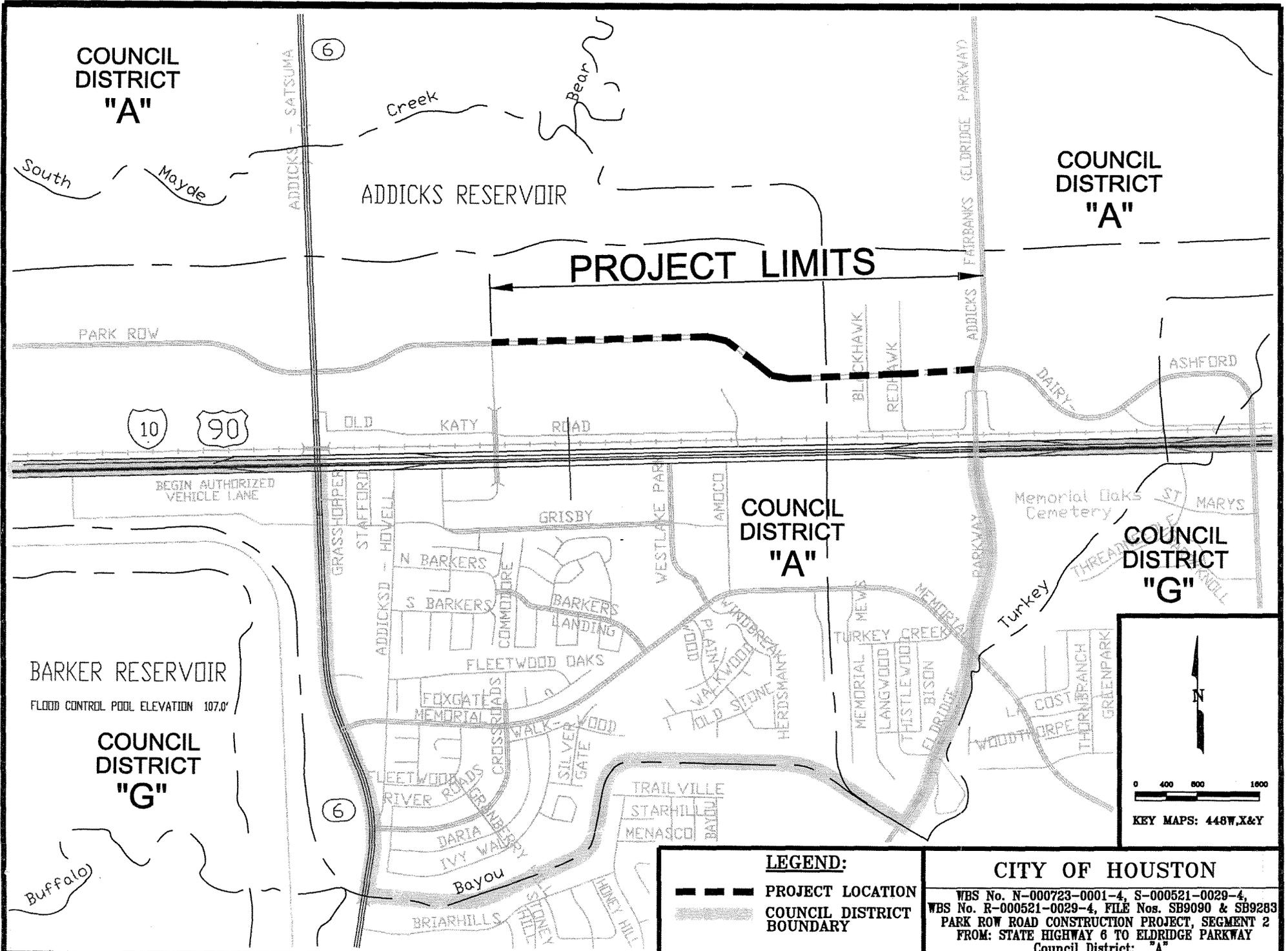
The City previously appropriated \$1,300,082.16 for this project with \$886,922.12 from Street and Bridge Consolidated Fund No. 4506 and \$413,160.04 from Water and Sewer System Consolidated Construction Fund No. 8500 (\$231,535.25 from S-000521-0029-4 and \$181,624.79 from R-000521-0029-4).

**ACTION RECOMMENDED:** It is recommended that City Council approve an ordinance authorizing the following:

- Additional appropriation of \$73,918.31 from Metro Project Commercial Paper Series E Fund No. 4027 for actual bid amount of the project. These funds will be designated to WBS No. N-000723-0002-4.
- Additional appropriation of \$86,650.30 from Water and Sewer System Consolidated Construction Fund No. 8500 for additional waterline included in the project. These funds will be designated to WBS No. S-000521-0029-4.
- De-appropriation of \$173,728.06 from WBS No. R-000521-0029-4. These funds will be returned to Water and Sewer System Consolidated Construction Fund No. 8500.

  
MSM:DWK:RKM:MLL:JAK:AHH:ahh  
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C: Susan Bandy  
Carol Ellinger  
O. Craig Foster  
Velma Laws  
Marty Stein  
File – HCTRA – Park Row from SH 6 to Eldridge Parkway, Segment 2



COUNCIL DISTRICT "A"

COUNCIL DISTRICT "A"

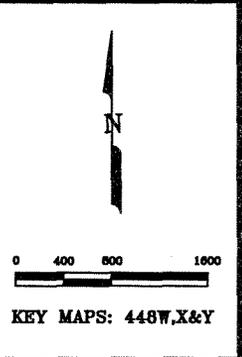
PROJECT LIMITS

COUNCIL DISTRICT "A"

COUNCIL DISTRICT "G"

BARKER RESERVOIR  
FLOOD CONTROL POOL ELEVATION 107.0'

COUNCIL DISTRICT "G"



**LEGEND:**

- PROJECT LOCATION
- COUNCIL DISTRICT BOUNDARY

**CITY OF HOUSTON**

WBS No. N-000723-0001-4, S-000521-0029-4,  
WBS No. R-000521-0029-4, FILE Nos. SB9090 & SB9283  
PARK ROW ROAD CONSTRUCTION PROJECT, SEGMENT 2  
FROM: STATE HIGHWAY 6 TO ELDRIDGE PARKWAY  
Council District: "A"

Drawn By: A. Watts

08/23/06, 09/27/06 & 01/30/07

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary		RCA #	
<b>SUBJECT:</b> Ordinance granting Commercial Solid Waste Operator Franchise	Category #	Page 1 of 1	Agenda Item#
	<i>1<sup>st</sup> Reading</i>		<i>59</i>
<b>FROM: (Department or other point of origin):</b> Judy Gray Johnson, Director Finance and Administration		Origination Date 4/19/2007	Agenda Date MAY 30 2007
<b>DIRECTOR'S SIGNATURE:</b> 		Council Districts affected:  ALL	
For additional information contact: Wendy E. Thomas      Phone: (713) 837- 9623 Thomas "Buck" Buchanan      Phone: (713) 837- 9103		Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.	

**RECOMMENDATION: (Summary)**

Approve ordinance granting Commercial Solid Waste Operator Franchise

Amount of Funding: NA	F & A Budget:
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**SOURCE OF FUNDING:**       General Fund       Grant Fund       Enterprise Fund       Other (Specify)

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator ("Franchisee") pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. Mouser Container Services, Inc.

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise term expires on December 31, 2013.

It is recommended that City Council approve the proposed ordinance granting a Commercial Solid Waste Operator franchise to the Franchisee.

**REQUIRED AUTHORIZATION**

F&A Director:

<b>SUBJECT:</b> Supplemental Allocation Professional Civic Art and Conservation Administration Services Contract Houston Arts Alliance WBS # C-000422-0001-4, R-000422-0001-4 WBS # G-000422-0002-4, E-000422-0003-4 WBS # F-000422-0002-4, H-000422-0001-4	Page 1 of 2	Agenda Item
	<div style="border: 1px solid black; padding: 10px; display: inline-block;"> <span style="font-size: 2em; font-family: cursive;">603</span> </div>	

<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b> 05-10-07	<b>Agenda Date</b> <del>MAY 18 2007</del> MAY 30 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 4/19/07	<b>Council District(s) affected:</b> B, D, G, H, and I
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2006-1122, 11/8/06
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**RECOMMENDATION:** Approve a supplemental allocation to the Professional Civic Art and Conservation Administration Services Contract with the Houston Arts Alliance and allocate funds.

<b>Amount and Source of Funding:</b> \$183,000.00 Fire Consolidated Construction Fund 4500 \$467,500.00 W&S Syst Consolidated Construction Fund 8500 \$369,000.00 Police Consolidated Construction Fund 4504 \$161,250.00 Public Library Consolidated Construction Fund 4507 \$187,800.00 Parks Consolidated Construction Fund 4502 \$140,000.00 Public Health Consolidated Construction Fund 4508 <b>\$1,508,550.00 Total Allocation (previously appropriated for Civic Art)</b>	<b>F&amp;A Budget:</b> <i>Milly</i> <i>SL</i>
<b>Previous Funding:</b> <b>\$56,950.00</b> Various Civic Art Funds	

**SPECIFIC EXPLANATION:** The Building Services Department recommends that City Council approve a supplemental allocation in the amount of \$1,508,550 to the existing contract with the Houston Arts Alliance (HAA) for continued administration of the Civic Art Program for all CIP projects managed by the Building Services Department.

REQUIRED AUTHORIZATION		CUIC ID # 25SI01 <i>NOT</i>
<b>Building Services Department:</b> <i>Wendy Heger</i> Wendy Teas Heger, AIA Chief of Design & Construction Division	<b>Houston Public Library:</b> <i>Rhea Brown Lawson</i> Dr. Rhea Brown Lawson, Ph. D. Director	<b>Houston Fire Department:</b> <i>Phil Boriskie</i> Phil Boriskie Fire Chief
<b>Houston Police Department:</b> <i>Harold L. Hurtt</i> Harold L. Hurtt Chief of Police	<b>Public Works and Engineering Department:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.E.E. Director	SEE INTERNET OR CHOICE NET FOR BACKUP INFORMATION
<b>Health and Human Services Department:</b> <i>Stephen L. Williams</i> Stephen L. Williams, M. ED, MPA Director	<b>Parks and Recreation Department:</b> <i>Joe Turner</i> Joe Turner Director	

<b>Date</b>	<b>SUBJECT:</b> Supplemental Allocation Professional Civic Art and Conservation Administration Services Contract Houston Arts Alliance WBS # C-000422-0001-4, R-000422-0001-4 WBS # G-000422-0002-4, E-000422-0003-4 WBS # F-000422-0002-4, H-000422-0001-4	<b>Originator's Initials</b>  SI	<b>Page</b>  2 of 2
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**PROJECT DESCRIPTION:** This Supplemental allocation will provide Civic Art for the following projects.

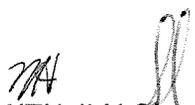
<b>PROJECT NAME</b>	<b>ADDRESS</b>	<b>DISTRICT</b>	<b>COST</b>
Fire Station No. 8	1901 Milam	I	\$ 183,000.00
Water Museum	12121 N Sam Houston Pkwy E	B	\$ 363,000.00
Sabine @ Memorial Pump Station	105 Sabine	H	\$ 104,500.00
Mounted Police/Animal Services Facility	5005 Little York	B	\$ 209,000.00
Southeast Division Police Station	8300 Mykawa	I	\$ 160,000.00
Flores Branch Library	110 North Milby	H	\$ 75,000.00
Looscan Library	2510 Willowick	G	\$ 76,200.00
Looscan Library Conservation of Portrait Jesse Jones Central Library Valuation of Art Holdings	2510 Willowick	G	\$ 4,050.00
Kashmere Multi-Service Center	500 McKinney	I	\$ 6,000.00
Northeast Multi-Service Center, Tidwell Park	4802 Lockwood	B	\$ 50,000.00
Market Square Photos Conservation	9720 Spaulding	B	\$ 90,000.00
Houston Conservation (Sculpture), Stude Park	301 Milam	I	\$ 18,500.00
Don Miguel Hidalgo Conservation (Sculpture) Hidalgo Park	1030 Stude	H	\$ 30,500.00
Vaquero Conservation (Sculpture) Moody Park	7000 Avenue Q	I	\$ 15,500.00
Neuhaus Fountain Conservation	3725 Fulton	H	\$ 25,500.00
Portable Trojan Bear Conservation, Hermann Park	1000 Bagby	I	\$ 36,800.00
Dick Dowling (Sculpture) Conservation	Golf Course Drive	D	\$ 30,500.00
	N. MacGregor Drive at N. MacGregor Way	D	<u>\$ 30,500.00</u>
			<b>\$1,508,550.00</b>

**PREVIOUS HISTORY AND PROJECT SCOPE:** On November 8, 2006, by Ordinance 2006-1122, City Council approved a contract for one-year with HAA for civic art and conservation administration services associated with CIP projects managed by the Building Services Department.

**FUNDING SUMMARY:**

\$1,453,100.00 Additional Services  
\$ 55,450.00 Reimbursable Expenses  
**\$1,508,550.00 Total Allocation**

**M/WBE INFORMATION:** The contract requires that HAA make a good faith effort to award subcontractors or supply agreements in at least 5% of the value of the contract to certified M/WBE firms. To date, HAA has achieved 0% M/WBE participation.

  
 ZD:WTH:JLN:SI:ps

Issa Z. Dadoush, Wendy Teas Heger, Jacquelyn L. Nisby, Marty Stein, Joseph Kurian, Harold L. Hurtt  
 Michael S. Marcotte, Phil Boriskie, Judy G. Johnson, Stephen L. Williams, Joe Turner, Dr. Rhea Brown Lawson  
 James Tillman IV, Project File

61

MAY 30 2007

MOTION NO. 2007

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, for the allocation of funds and for the purchase of a NextPhase Traffic Signal Timing Operations Software (WBS N-000650-0032-5), be adopted, and the City Council hereby approves the allocation of \$300,000.00 from the Limited Use Roadway Fund No. 4034 for the purchase of a NextPhase software site license and authority is given for the issuance of a purchase order to Siemens Energy and Automation (Vendor ID 118016) for the NextPhase™ Traffic Signal Timing Operations Software.

Seconded by Council Member Alvarado

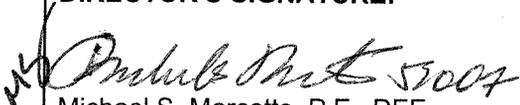
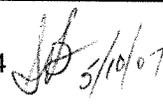
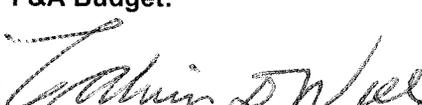
Council Member Berry absent

On 5/16/07 the above motion was tagged by Council Member Wiseman.

cr

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Purchase Agreement with Siemens Energy and Automation (Vendor ID 118016) for NextPhase™ Traffic Signal Timing Operations Software (WBS N-000650-0032-5).		Page of 1 Agenda Item # <b>17</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> February 19, 2007	<b>Agenda Date:</b> <del>MAY 18 2007</del> MAY 30 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> All Districts	
<b>For additional information contact:</b> Jeffery Weatherford, P.E., Deputy Director (713) 881-3144 Gary Norman, Council Liaison (713) 837-7425	<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b> Pass a motion approving a Purchase Order with Siemens Energy and Automation and allocating \$300,000.00 from the Limited Use Roadway Fund No. 4034 for the purchase of a NextPhase software site license.		
<b>AMOUNT AND SOURCE OF FUNDING:</b> \$300,000.00 from the Limited Use Roadway Fund No. 4034 		
<b>PROJECT NOTICE/JUSTIFICATION:</b> Purchasing this site license will accomplish several objectives, which will yield both short and long term benefits. The principal short term benefit is an immediate, city-wide standardization of traffic signal timing operations control software, which will increase the ability to optimize the timing at signalized intersections throughout the city. The principal long term benefit is significant cost savings as the traffic signal system is upgraded and as it expands to encompass new signalized intersections.		
<b>DESCRIPTION/SCOPE:</b> There are approximately 2,450 signalized intersections in the City of Houston. The City of Houston currently runs Siemens NextPhase software to control the timing operations at 1700 (70%) of these signalized intersections. The current price for one license of the NextPhase software is \$750. At this price, installing NextPhase software at the remaining 750 (30%) signalized intersections not currently running NextPhase will cost \$562,500. Approving this purchase agreement will allow the city to purchase a life time site license for NextPhase software, which covers up to 2,700 signalized intersections, for \$300,000. This site license will not only allow the city to upgrade its entire traffic signal system as new software releases occur, but will also allow for the traffic signal system to expand by up to 10% without expending additional funds for timing operations software. If full expansion occurs, this site license will save the city an additional \$187,500.		
<b>LOCATION:</b> All signalized intersections throughout the City of Houston.		
<b>MWBE:</b> Due to the proprietary nature of this site license, and in accordance with discussions with the Affirmative Action Division, there is no MWBE goal for this purchase.		
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #20RXC10 (A) NDT</b>
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Raymond D. Chong P.E., PTOE



# CITY OF HOUSTON

Public Works and Engineering  
Department

## Interoffice

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Correspondence

To: Velma Laws, Director, Affirmative  
Action and Contract Compliance  
Division

From: Mark McAvoy, Chief of Staff, PWE Traffic and  
Transportation Division

Date: May 3, 2007

Subject: **ZERO GOAL REQUEST - SEIMENS SITE  
LICENSE PURCHASE**

PWE currently runs Seimens Energy and Automation, Inc. NextPhase software to control the traffic signal timing at approximately 1700 of the 2450 signalized traffic intersections in the city. We are seeking Council approval to purchase an extended site license from Seimens to expand the use of the software to the remaining 750 intersections. The purchase of this software will enhance signal timing along all of the major corridors in the city providing for decreased travel time and more efficient maintenance.

Due to the proprietary nature of this product, there are no MWBE subcontract opportunities available. Therefore PWE requests the Affirmative Action and Contract Compliance Divisions concurrence with a zero MWBE goal. If we can provide further information, please feel free to contact me at 713-837-0998.

Approved as to zero goal.

  
Velma Laws, Director

62 + 62A  
MAY 30 2007

MOTION NO. 2007

MOTION by Council Member Khan that the recommendation of the Finance and Administration Department, on bids received for a Security Fence Upgrade at the East Water Purification Plant for the Department of Public Works and Engineering, S25-C22328, be adopted, and authority is hereby given to issue purchase orders as necessary to Foster Fence, Ltd., on their low bid meeting specifications in the amount of \$1,264,317.49 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$63,215.87 for a total amount not to exceed \$1,327,533.36.

Seconded by Council Member Alvarado

Council Member Berry absent

On 5/16/07 the above motion was tagged by Council Member Wiseman.

cr

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7383**

**Subject:** Formal Bids Received for a Security Fence Upgrade at the East Water Purification Plant for the Public Works & Engineering Department S25-C22328

Category #  
1 & 4

Page 1 of 2

Agenda Item

62062A 13-13A

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

April 17, 2007

**Agenda Date**

~~MAY 10 2007~~  
MAY 30 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

E

**For additional information contact:**

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$1,327,533.36 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500) and approve an award to Foster Fence, Ltd. on its low bid meeting specifications in the amount of \$1,264,317.49 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$63,215.87 for a total amount not to exceed \$1,327,533.36 for a security fence upgrade at the East Water Purification Plant for the Public Works & Engineering Department.

Award Amount: \$1,327,533.36

**F & A Budget**

\$1,327,533.36 Water & Sewer System Consolidated Construction Fund (8500) WBS S-000056-0048-4

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$1,327,533.36 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500). It is further recommended that City Council approve an award to Foster Fence, Ltd. on its low bid meeting specifications in the amount of \$1,264,317.49 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$63,215.87 for a total amount not to exceed \$1,327,533.36 for a security fence upgrade at the East Water Purification Plant for the Public Works & Engineering Department and that authorization be given to issue purchase orders as necessary.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Sixteen prospective bidders viewed the solicitation document on SPD's e-bidding website and three bids were received as outlined below:

<u>Company</u>	<u>Total Amount</u>
1. Dow Pipe & Fence Supply Company	\$ 761,340.00 (Partial Bid)
2. Commercial Fence, Inc.	\$1,110,532.37 (Did Not Meet Specifications)
3. Foster Fence, Ltd.	<b>\$1,264,317.49</b>

The scope of work requires the construction contractor to furnish all labor, materials, equipment, supervision and transportation necessary to remove and replace the security fencing at the Department's East Water Purification Plant, located at 2300 Federal Road. The contractor will be required to remove approximately 15,000 lineal feet of existing chain link fence and install approximately 4,655 lineal feet of 10-foot concrete wall and 13,115 lineal feet of 8-foot wirewall fence with barbed wire. The contractor will also be required to furnish and install seven various sized gates with hardware. Additionally, the contractor will be required to dispose of all non-reusable fencing and associated materials in strict accordance with all Federal, State and local regulations. The Department will re-use all salvageable material at other locations. Materials for this

**REQUIRED AUTHORIZATION**

NDT

F&A Director:

Other Authorization:

Other Authorization:

Date: 4/17/2007	Subject: Formal Bids Received for a Security Fence Upgrade at the East Water Purification Plant for the Public Works & Engineering Department S25-C22328	Originator's Initials TS	Page 2 of 2
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project are warranted for five years, workmanship for one year. The security fence will have a life expectancy of 20 years.

The contractor will have 180 days to complete the work on this project upon receipt of the notice-to-proceed.

**M/WBE and SBE Subcontracting:**

This invitation to bid was issued as a goal-oriented project with a 15% M/WBE and a 5% SBE participation level. Foster Fence, Ltd. has designated the below-named companies as its certified M/WBE and SBE subcontractors.

<u>Name</u>	<u>Classification</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
J.P. Industries	M/DBE	Site preparation	\$195,334.22	15
K & S Contractors	SBE	Landscaping services	\$ 68,361.90	5

This project will be monitored by the Affirmative Action Division.

Buyer: Tom Smyer

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

HCD07-126

SUBJECT: An ordinance approving and authorizing an amendment to the administrative guidelines of the City's designated home repair program in the Houston Hope areas of the City of Houston.

Page 1 of 1  
Agenda Item # 63 21

FROM (Department or other point of origin):  
Richard Celli, Director  
Housing and Community Development Department

Origination Date  
05/04/2007

Agenda Date  
~~MAY 1 8 2007~~  
MAY 30 2007

DIRECTOR'S SIGNATURE: *Richard Celli*

Council District affected:  
All

MAY 30 2007

For additional information contact:  
Stephen Tinnermon  
Phone: 713-247-1307

Date and identification of prior authorizing Council action:  
October 11, 2006, 2006-1040

RECOMMENDATION: (Summary)  
Approval of an Ordinance amending the administrative guidelines of the City's designated home repair program for the purpose of providing critical home repairs in the Houston Hope areas of the City of Houston.

Amount of Funding: N/A

F&A Budget:

SOURCE OF FUNDING [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)

SPECIFIC EXPLANATION:  
  
The proposed ordinance amends the administrative guidelines so that more houses are eligible for repair to meet the goal of revitalizing Houston Hope neighborhoods. The guidelines will require evidence that the homes are occupied by persons having an ownership interest and are in close proximity to affordable new housing construction in the Houston Hope areas. The ordinance does not affect other home repair programs such as the citywide Single Family Home Repair Program operating under the HUD rules and regulations.

RC: cc  
CC: City Secretary  
Legal Department  
Mayor's Office  
City Controller

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD07-125

**SUBJECT:** An ordinance approving and authorizing a first amendment to the contract between the City of Houston and Houston Housing Finance Corporation (HHFC) for the implementation and administration of the Houston Hope Home Repair Program.

Page of 1	Agenda Item #
63A	21A

**FROM (Department or other point of origin):**  
Richard Celli, Director  
Housing and Community Development Department

**Origination Date**  
05/04/2007

<b>Agenda Date</b> MAY 30 2007
<del>MAY 16 2007</del>

**DIRECTOR'S SIGNATURE:** *[Signature]*

**Council District affected:**  
All

**For additional information contact:**  
Stephen Tinnermon  
Phone: 713-247-1307

**Date and identification of prior authorizing Council action:**  
October 11, 2006, 2006-1041

**RECOMMENDATION: (Summary)**

Approval and authorization of Ordinance for the first amendment to the contract between the City of Houston and Houston Housing Finance Corporation for the purpose of providing home repairs in the Houston Hope Areas of the City of Houston.

**Amount of Funding:** N/A

**F&A Budget:**

**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund  
 Other (Specify)

**SPECIFIC EXPLANATION:**

On October 11, 2006, City Council by the passing of ordinance number 2006-1041 approved the initial contract between the City and Houston Housing Finance Corporation. The contract provided for HHFC to implement and administer the designated repair program in the Houston Hope Areas.

The amendment to the contract will provide for HHFC to administer the contact according to the first amended and restated administrative guidelines for the Houston Hope Home Repair Program formerly known as Critical Home Repair Program.

RC:cc

CC: City Secretary  
Legal Department  
Mayor's Office  
City Controller

**REQUIRED AUTHORIZATION**

**F&A Director:**

**Other Authorization:**

**Other Authorization:**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA# 7442

**Subject:** Approve an Amending Ordinance to Increase the Spending Authority for Contract No. C52034 for Local Telephone and Data Services Citywide for the Information Technology Department

Category #  
4 & 5

Page 1 of 1    Agenda Item

**64 25**

**FROM (Department or other point of origin):**

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

May 07, 2007

**Agenda Date**

**MAY 30 2007**  
~~MAY 10 2007~~

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Richard Lewis                      Phone: (832) 393-0065  
Ray DuRousseau                    Phone: (713) 247-1735

**Date and Identification of prior authorizing Council Action:**

Ord 2000-882, Ord 2002-453 and Ord. 2003-728

**RECOMMENDATION: (Summary)**

Approve an amending ordinance to increase the spending authority for contract No. C52034 between the City of Houston and AT&T Inc. (formerly Southwestern Bell Telephone) from \$48,300,000.00 to \$61,300,000.00 for Local Telephone and Data Services Citywide for the Information Technology Department.

Spending Authority: \$13,000,000.00

**F & A Budget**

\$13,000,000.00 Central Services Revolving Fund (1002)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the spending authority for Contract No. C52034 between the City of Houston and AT&T Inc. (formerly Southwestern Bell Telephone) from \$48,300,000.00 to \$61,300,000.00 for Local Telephone and Data Services Citywide for the Information Technology Department.

This contract was awarded on October 10, 2000, by Ordinance No. 2000-882 for a five-year term, in amount of \$48,300,000.00. A first amendment was approved on May 29, 2002, by Ordinance No. 2002-0453, to include an add/delete provision to add and delete services as needed citywide. The amendment gave the City more economy and flexibility to add or delete services in order to meet current and future needs. A second amendment was approved on July 30, 2003, by Ordinance No. 2003-728, to increase the term from October 15, 2005 to July 30, 2008.

The scope of work requires the contractor to provide all equipment, facilities, labor, materials, parts, and supervision necessary to provide local telephone services (dial tone), data circuits, and other services. These data and voice circuits are a deeply embedded critical component of City business and are used at every City facility. The amending ordinance will increase the spending authority and appropriate an additional \$13,000,000.00. The increase will fund the contract until contract expiration on July 30, 2008. The City will need to replace the current contract by July of 2008 and will continue to consider options for reduce circuit costs. Opportunities to reduce these costs include pricing reductions via conversion of circuits to Wireless, deployment of VoIP where it makes sense and avoids termination penalties, and other methods available to the City.

Buyer: Frank Rodriguez

**Spending Authority**

DEPARTMENT	FY 2007	OUT YEARS	TOTAL
Information Technology	\$1,942,000.00	\$11,058,000.00	\$13,000,000.00

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*Frank Rodriguez 5/2/07*



# CITY OF HOUSTON

Information Technology  
Department

## Interoffice

Correspondence

To: All Council Members

From: Richard F. Lewis  
Chief Information Officer

VIA: Marty Stein

Date: May 23, 2007

Subject: **AT&T Contract Spending Increase**

This is in follow up to several Council member tags and questions concerning the AT&T contract spending increase for \$13,000,000. The contract provides highly redundant Telephone and Data circuits to every City location. The RCA did reference the three previous Council actions on this matter, but did not elaborate on the significant undertaking by AT&T (then SBC) and the City IT Department during 2003. This communication is intended to provide you the history for the significant cost saving initiatives that occurred that year, which benefited the City for the five subsequent fiscal years, i.e. FY03 through FY07 in the amount of \$19.1 million cumulatively.

### BACKGROUND

In early 2003, the ITD was beginning an initiative related to new technology that would allow internal voice communication within city departments to travel across data lines with a significant cost saving. A procurement process was proceeding and as the initial ratings were being published SBC offered to guarantee a savings of \$1.8 million annually through better circuit utilization to capacity and a longer term agreement with more favorable rates. At first impression, ITD assumed it was an effort to derail the procurement as SBC stood to lose significant revenue from a change in city technology.

After extensive discussions with SBC, a joint project team worked through the summer and verified that the savings were achievable. During the June – November period telephone expenses dropped significantly. The following reflects telephone and communication services beginning in FY02 through FY07 as documented in the approved budgets for FY04 through FY07:

FY02	\$17.0 million
FY03	\$15.1 million
FY04	\$11.7 million
FY05	\$12.0 million
FY06	\$12.7 million
FY07	\$14.4 million

This represents a cumulative savings of approximately \$19.1 million over the five fiscal years since the initiative was completed at the end of FY02, using that year as the base to calculate the savings.

**SPENDING CAP INCREASE**

As stated in the RCA, the original contract was entered into by the parties in October of 2000 for five years (60 months) with a total spending authorization of \$48.3 million. The contract was amended in 2003, and an additional 3 years added to the contract length. However, additional spending authority was not added at that time. The initiative described above allowed the spending cap to satisfy the City's telephone requirements for an additional 19 months or 31% longer than was anticipated originally. The Council action in July of 2003 recognized this fact and was the basis for extending the contract expiration term from Oct.2005 until July 2008. However, the trend in expenditure reductions began to level off in FY04 and FY05 as the new call centers came on-line, 3-1-1 and the HEC, adding capacity as call volume increased as well as ITD began to upgrade the data network citywide to support newer applications with greater bandwidth.

As we monitored the trend in FY07, it became clear that the spending cap should be increased based on the extension to the term. This will allow AT&T and ITD an opportunity to negotiate a new agreement or pursue other alternatives. We intend to do so expeditiously as savings in telephone and communications expenses are a very high priority for this Administration.

I hope this history and strategy for managing these contract expenses are helpful in terms of your consideration of the contract spending increase, as recommended.

Sincerely,



Richard F. Lewis  
Chief Information Officer