

**AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 14, 2007 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

**2:00 P. 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

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - AUGUST 15, 2007 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 28-1**

**MISCELLANEOUS** - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **AFFIRMATIVE ACTION CONTRACT COMPLIANCE COMMISSION**:
  - Position One - **MR. ISAIAH "IKE" ALLEN**, reappointment, for a term to expire 1/1/2009
  - Position Two - **MR. ELIAS J. DE LA GARZA**, reappointment, for a term to expire 1/1/2009
  - Position Three - **MR. GERARDO CANTU**, appointment, for a term to expire 1/1/2008, and to serve as Chair
  - Position Four - **MR. FELIX CHEVALIER**, appointment, for a term to expire 1/1/2008
  - Position Five - **MS. MUNIRA S. PANJWANI-ZAHID**, reappointment, for a term to expire 1/1/2008

**AGENDA - AUGUST 15, 2007 - PAGE 2**

**MISCELLANEOUS** - continued

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **SPRING BRANCH MANAGEMENT DISTRICT**, for terms to expire June 1, 2011:
  - Position One - **MR. C. DAVID SCHWAB, JR.**, reappointment
  - Position Two - **MR. JAY WOODALL**, appointment
  - Position Three - **MS. CATHERINE M. BARCHFELD-ALEXANDER**, reappointment
  - Position Four - **MR. DANNY J. SAFADY**, appointment
  - Position Five - **MR. VICTOR C. ALVAREZ**, reappointment
  - Position Six - **MR. MAURICIO VALDES**, reappointment
  - Position Seven - **MR. DAN SILVESTRI**, reappointment
3. RECOMMENDATION from Director Parks & Recreation Department to rename **WIPPRECHT PARK** to **BARBARA JORDAN FAMILY PARK** - **DISTRICT B - JOHNSON**

**ACCEPT WORK** - NUMBERS 4 through 6

4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$12,800,362.61 and acceptance of work on contract with **W. W. WEBBER, LLC (Formerly known as W. W. WEBBER, INC)** for Miscellaneous Paving & Drainage Improvements at George Bush Intercontinental Airport/Houston; Project No. 542; WBS A-000063-0003-4-01; Contract No. 55361 - 2.50% over the original contract amount - **DISTRICT B - JOHNSON**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$546,274.98 and acceptance of work on contract with **SPAW GLASS CIVIL CONSTRUCTION, INC** for Safe Sidewalk Program F1 Project; WBS N-00610A-00F1-4 22.55% under the original contract - **DISTRICT E - WISEMAN**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$973,385.17 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in Canterbury Village, WBS S-000035-00B7-4 - 4.79% over the original contract amount - **DISTRICT D - EDWARDS**

**PROPERTY** - NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joyce Sanders, on behalf of the Estate of Raymond Sanders, for abandonment and sale of excess Yellowstone Street right-of-way from Eastwood Street to the eastern property line of Lot 1, Block 24, in exchange for the conveyance to the City of a utility easement, both located in the Foster Place Subdivision, out of the Washington County R. R. Survey, Parcels SY7-075 and VY8-032 - **STAFF APPRAISERS DISTRICT D - EDWARDS**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 12

8. **VETERINARY X-RAY SUPPLY, INC d/b/a VXS IMAGING** for High-Frequency Radiographic Systems (X-Ray Machines) for the Health & Human Services Department - \$76,886.40 - Grant Fund
9. **ORACLE USA, INC** for Oracle Software License and Support Service Agreement through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Information Technology Department - \$400,747.85 - Central Service Revolving Fund

**PURCHASING AND TABULATION OF BIDS** - continued

10. **APPLE GLASS COMPANY** for Automotive Glass for Various Departments - \$552,246.88 General Fund
11. **RAY ALLOWAY SALES, INC dba U. S. WHOLESALE PRODUCTS** - \$41,250.00, **MATERA PAPER CO., LTD.** - \$92,088.00 and **TEXAS TOWEL & SUPPLY, INC** - \$314,075.20 for Rags and Cleaning Towels for Various Departments - General and Enterprise Funds
12. **GULF COAST STABILIZED MATERIALS a Division of Campbell Concrete & Materials L.P.** - \$393,766.94 and **216 RESOURCES** - \$148,413.16 for Sand, Washed Gravel, and Stabilized Cement for Various Departments - \$553,245.00 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$542,180.10 - General, Enterprise and Park Special Revenue Funds

**ORDINANCES** - NUMBERS 13 through 28-1

13. **ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding Article XIII relating to groundwater; providing a process for establishing municipal setting designation ordinances to prohibit certain contaminated groundwater from potable use; containing findings and other provisions relating to the foregoing subject; providing a penalty; providing for severability; providing an effective date
14. **ORDINANCE** finding and determining that public convenience and necessity no longer require the continued use of a portion of excess Westcott Street right-of-way (Parcels SY7-023A and SY7-023B) located in the Camp Logan First Addition, John Reinerman Survey, A-642, Houston, Harris County, Texas, containing an aggregate of 3,494 square feet of land, more or less; vacating and abandoning said tracts of land to Coppage Properties, Inc., abutting owner, in consideration of owner's conveyance to the City of two utility easements (Parcels VY7-028A and VY7-028B), also located in said Camp Logan First Addition, John Reinerman Survey, A-642, containing an aggregate of 3,494 square feet of land, more or less, and owner's payment to the City of \$34,940.00 - **DISTRICT H - GARCIA**
15. **ORDINANCE** consenting to the addition of 33.477 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district
16. **ORDINANCE** consenting to the addition of 1.770 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district
17. **ORDINANCE** consenting to the addition of 45.97 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 382**, for inclusion in its district - **DISTRICT E - WISEMAN**
18. **ORDINANCE** approving and authorizing the submission of the Budgets for the following five (5) Services: (1) Bureau of Nutritional Services, Women Infants and Children (WIC); (2) Tuberculosis Control; (3) Title V-Part A, Associateship for Family Health Services; (4) Titles V, XX & X for Family Planning Services; and (5) the Immunization Program for the 2007-2008 contracts with the **DEPARTMENT OF STATE HEALTH SERVICES**; authorizing the Director of the Health and Human Services Department to accept the initial funding and applicable contract change notices and expend approved funding; to accept any supplemental change notices during the grant period; declaring the City's eligibility for such grants; authorizing the use of interim funding from the General Fund, not to exceed 15% of the requested level of funding for the WIC Program, and declaring intent to reimburse the General Fund from proceeds received from the Department of State Health Services for the WIC Program, authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$13,629,310.00 - General and Grant Funds

**ORDINANCES** - continued

19. ORDINANCE approving and accepting the **TEXAS DEPARTMENT ON AGING AND DISABILITY SERVICES (DADS) FY2008-2010 Area Plan** on behalf of the **HARRIS COUNTY AREA AGENCY ON AGING (HCAAA)** for Supportive Services, Nutrition Services, Caregiver Programs, Administration, Health Maintenance, State General Revenue, Assisted Living, Ombudsman Activity, and Elder Abuse Prevention; declaring HCAAA's eligibility for such plan funding; authorizing the Director of the Health and Human Services Department of the City of Houston to act as the HCAAA's representative for purposes of the DADS FY2008-2010 Area Plan; authorizing the Director of the Health & Human Services Department of the City of Houston to apply for, accept and expend the DADS FY2008-2010 Area Plan Funds, if awarded, and to apply for, accept and expend all subsequent DADS FY2008-2010 Area Plan Awards, if any, pertaining to the Plan - \$10,376,717.00 - General and Grant Funds
20. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause
21. ORDINANCE appropriating and transferring the sum of \$1,019,853.00 out of Disaster Recovery Fund to the Water and Sewer Operating Fund for expenses related to Tropical Storm Allison
22. ORDINANCE awarding contract to **PRECISION PNEUMATICS, INC** for Maintenance and Repair of Air Compressors for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,606,831.00 - General and Enterprise Funds
23. ORDINANCE awarding contract to **BL TECHNOLOGY, INC** for Security System Installation and Repair Services for the General Services Department; providing a maximum contract amount 3 Years with two one-year options - \$16,259,339.00 - General, Grant, Enterprise and Other Funds
24. ORDINANCE approving and authorizing an amendment to the Cost Sharing Agreement for the Southeast Water Purification Plant between the City of Houston and the **GULF COAST WATER AUTHORITY, THE CLEAR LAKE CITY WATER AUTHORITY, THE CITY OF NASSAU BAY, THE CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT, THE LAPORT AREA WATER AUTHORITY, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55, THE CITY OF PASADENA, THE CITY OF SOUTH HOUSTON, THE CITY OF WEBSTER, THE CITY OF FRIENDSWOOD** and **BAYBROOK MUNICIPAL UTILITY DISTRICT NO. 1**
25. ORDINANCE approving and authorizing an amendment to Water Supply Contract relating to the East Water Purification Plant between the City of Houston and the **CITY OF PASADENA**
26. ORDINANCE approving and authorizing an Indemnity and Maintenance Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT #3 (HCID #3)** for public right-of-way improvements - **DISTRICTS C - CLUTTERBUCK and G - HOLM**
27. ORDINANCE appropriating \$208,068.00 out of Water & Sewer System Consolidated Construction Fund and \$168,481.00 out of Drainage Improvement CPaper Series F Fund and approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410**, WBS S-000800-0103-4, R-000800-0103-4, M-000800-0103-4 - **DISTRICT E - WISEMAN**
28. ORDINANCE appropriating \$3,767,767.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **NORTH HOUSTON POLE LINE, L.P.** for Special Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-0103-4; 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 engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**ORDINANCES** - continued

28-1 ORDINANCE No. 2007-869, passed second reading August 8, 2007

ORDINANCE granting to **DESIGNING TECHNIQUES, LLC, a Texas Limited Liability Corporation, dba DURAN'S YOUR DUMPSTER.COM**, 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 - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 29 through 43

29. ORDINANCE appropriating \$422,583.49 out of the Water & Sewer System Consolidated Construction Fund and \$426,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Lake Way Village Subdivision, WBS S-000800-00M4-4/R-000800-00M4-4/M-000800-00M4-4 - **DISTRICT E - WISEMAN**

**POSTPONED BY MOTION #2007-816, 8/1/07**

This was Item 60 on Agenda of August 1, 2007

30. ORDINANCE appropriating \$275,828.34 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Riverbend Village Subdivision, WBS S-000800-00M2-4/R-000800-00M2-4/M-000800-00M2-4 **DISTRICT B - JOHNSON**

**POSTPONED BY MOTION #2007-816, 8/1/07**

This was Item 61 on Agenda of August 1, 2007

31. ORDINANCE appropriating \$420,496.01 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water and Sanitary Sewer Lines for Section One of South Meadow Place Subdivision, WBS S-000800-00M5-4/R-000800-00M5-4 - **DISTRICT E - WISEMAN**

**POSTPONED BY MOTION #2007-816, 8/1/07**

This was Item 62 on Agenda of August 1, 2007

32. ORDINANCE appropriating \$101,975.60 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **FAFB, LLC** for Construction of Water and Sewer Lines to serve the Red Robin Square Subdivision, WBS S-000800-0104-4 and R-000800-0104-4 - **DISTRICT E - WISEMAN**

**POSTPONED BY MOTION #2007-816, 8/1/07**

This was Item 63 on Agenda of August 1, 2007

33. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **MAXIMUS, INC** for Software Maintenance and Support Services Agreement for the Information Technology Department - \$80,000.00 - Central Service Revolving Fund

**TAGGED BY COUNCIL MEMBER KHAN**

This was Item 14 on Agenda of August 8, 2007

**MATTERS HELD** – continued

34. RECOMMENDATION from Finance & Administration Department to award to **SAFETY SHOE DISTRIBUTORS, L.L.P.** for Safety Footwear for Various Departments - \$3,902,931.46 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$3,882,931.46 - General, Enterprise, Fleet Management, Park Special Revenue and Storm Water Funds - **TAGGED BY COUNCIL MEMBER BERRY**  
This was Item 23 on Agenda of August 8, 2007
35. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) Bolsover Street from Kelvin Street to Morningside Street (Parcel No. SY6-099A), (2) a sidewalk easement along the north side of Bolsover Street (Parcel No. SY6-099B), and (3) a water line easement (Parcel No. SY6-099C); vacating and abandoning said right-of-way and easements to Lamesa Village, Limited, a Texas Limited Partnership and the abutting owner ("owner"), in consideration of (a) the conveyance to the City of additional street right-of-way along (I) the east side of Kelvin Street (Parcel No. AY7-023A) and (II) the west side of Morningside Street, (Parcel No. AY7-023B), (b) construction of angled on-street parking, and (c) development pursuant to a Development Agreement; all located within West Houston Addition, A. C. Reynolds Survey, A-61, a subdivision plat recorded at Volume 60, Page 184, of the Deed Records of Harris County, Texas; approving and authorizing said development agreement - **DISTRICT C - CLUTTERBUCK**  
**TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, NORIEGA and GARCIA**  
This was Item 25 on Agenda of August 8, 2007
36. ORDINANCE authorizing and approving Purchase Agreement between the City of Houston, Seller, and **FOUNDATION FOR THE RETARDED, a Texas Non-Profit Corporation, Purchaser**, for the sale of an aggregate of 6.7212 acres of land, more or less, and a 30 foot wide easement for Ingress and Egress, at 3550 West Dallas Street, Houston, Texas, said land and easement being out of the John Austin Survey, A-1, Harris County, Texas, in consideration of the development of said property by Purchaser for the City and the payment of \$6,000,000.00 by purchaser to the City on the terms set forth in the agreement - **DISTRICT D - EDWARDS**  
**TAGGED BY COUNCIL MEMBERS WISEMAN and GARCIA**  
This was Item 27 on Agenda of August 8, 2007
37. ORDINANCE authorizing the creation of the Contractor Responsibility Fund to defray the costs of providing Health Care Services to Uninsured Persons in the Houston Area; approving and authorizing a plan for distribution of monies in the Fund  
**TAGGED BY COUNCIL MEMBERS WISEMAN, CLUTTERBUCK and GARCIA**  
This was Item 28 on Agenda of August 8, 2007
38. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **DOMINION 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**  
**TAGGED BY COUNCIL MEMBER JOHNSON**  
This was Item 48 on Agenda of August 8, 2007
39. ORDINANCE appropriating \$3,823,840.00 out of Equipment Acquisition Consolidated Fund and authorizing the issuance of purchase orders to **DYONYX, L.P.** and **TEXAS PROCUREMENT CENTER, L.L.C.**, for Phase Three of the City's Network Implementation Project - \$3,230,000.00 Enterprise Funds - **TAGGED BY COUNCIL MEMBERS KHAN and HOLM**  
This was Item 49 on Agenda of August 8, 2007

**MATTERS HELD** – continued

40. ORDINANCE appropriating \$430,448.45 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **FLEMING LOOP PARTNERS, LTD.** for Construction of Water and Sewer Lines to serve the Fleming Loop Subdivision, WBS S-000802-0051-4 & R-000802-0051-4 - **DISTRICT A - LAWRENCE** - **TAGGED BY COUNCIL MEMBER LAWRENCE**  
This was Item 57 on Agenda of August 8, 2007
41. ORDINANCE appropriating \$1,069,642.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0108-4; 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 engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund  
**TAGGED BY COUNCIL MEMBER GARCIA**  
This was Item 58 on Agenda of August 8, 2007
42. ORDINANCE granting to **AGGREGATE HAULERS, L.P., a Texas Limited Partnership**, 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** - **TAGGED BY COUNCIL MEMBER BROWN**  
This was Item 60 on Agenda of August 8, 2007
43. ORDINANCE granting to **VEOLIA ES TECHNICAL SOLUTIONS, LLC, a Texas Limited Liability 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**  
**TAGGED BY COUNCIL MEMBER BROWN**  
This was Item 61 on Agenda of August 8, 2007

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Johnson 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 **TUESDAY, AUGUST 14, 2007 at 1:30 p.m. and WEDNESDAY, AUGUST 15, 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 10th day of AUGUST, 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 AUGUST 10, 2007 at       :       p.m.

by \_\_\_\_\_

for Anna Russell  
City Secretary

**CITY COUNCIL CHAMBER – CITY HALL 2<sup>nd</sup> FLOOR – TUESDAY  
AUGUST 14, 2007 - 2:00 P.M.**

**AGENDA**

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2MIN.	2MIN.	2MIN.
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MR. RON STEIN – 2480 Times Blvd., Ste. 203A – 77005 – 713-299-2349 – Closing of Bolsover – Item 35

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3MIN.	3MIN.	3MIN.
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MR. JOE FISHER – 2021 Dunstan – 77005 – 713-241-8436 – Bolsover Abandonment – Item 35

MR. STEVE WILHELM – 5917 D Valley Forge – 77057 - 713-952-9868 – Bolsover – Item 35

MR. TY KELLY – 67 Tiel Way – 77019 – 713-888-1809 – Complaint about MSD (Municipal Setting Designation) – Item 13

**NON-AGENDA**

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2MIN.	2MIN.	2MIN.
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MR. ASA SAMPSON – 311 Cedar Branch – League City – TX – 77573 – 713-882-4558 – Announcement of an Event and wish to invite City Council

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3MIN.	3MIN.	3MIN.
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MS. MELANIE WILLIAMS – 18042 Platinum Spring Dr. – Tomball – TX – 77375 – 281-251-5533 – Outreach Program

MS. JENNIFER HATCH – 18118 Navajo Trail – Spring – TX – 77388 – 281-288-6484 – Outreach Program

MR. RICKY FLORY – 6015 Winstead – Humble – TX - 77396 – 281-441-4091 – Neighborhood cleanliness

MS. MARTHA WILSON – 2005 Ross Rd. – 77034 – 713-947-7281 – Need ditches/weeds cleaned in our Neighborhood and Code Enforcement

MR/COACH R. J. BOBBY TAYLOR - 3107 Sumpter – 77026 – 202-FA3-4511 – Behavior, Coward, Conspiracy Campo Sheet Metal, Workers using People Children

MS. KRISTAL CASEY – 1831 Sherwood Forest, No. 22 – 77043 -713-480-3839 – First Annual Community Health and Wellness Fair

MR. RUSSELL LEHR – 1617 Fannin St. – 77002 – 713-222-2295 – City agreement for Environmental Compliance with Oak Farm Dairy

MR. SHERMAN HOPKINS – 3811 Botany -77047 – 713-733-9050 – Cut grass in ditch behind my house

MR. TASLEEM SIDIQI – 8313 SW Frwy., Ste. 105 – 77074 – 281-236-7597 – Increasing of gambling houses in Houston and the Pakistan Center

MS. BRENDA SAYERS – 5006 Bataan – 77033 – 713-733-0368 – Identity Theft

MS. HILDA DUFFER – 6910 SW Frwy. – 77074 – 281-250-5597 – Problems with Metro Board

MS. VIRGINIA WOODYARD – 4103 Levonshire Dr. – 77025 – 713-666-5777 – Water leak and Water Bill

MR. GERALD GARCIA – 2534 Glen Ave. – 77088 – 281-447-6624 – Discrimination

MR. RICHARD FREEMAN – 121 Riggs Rd. – 77022 – no phone – Dog bite, Fiesta false accusing me of stealing and Bus

MR. TRENT WINTERS – 7967 W. Airport – 77071 – 832-882-7761 –Why charge more money for people to become citizens

MR. JOHN JOHNSON – 1476 Wilcrest – 770742 – 832-453-1900 – Having problems with occupancy inspections

***PREVIOUS***

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1MIN.

1MIN.

1 MIN.

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MR. JOHN MORRIS – 5703 Caldicote St. – Humble – TX – 77346 – 281-446-9663 – Impeachment of President

MR. RUFUS BROWN – 906 Marcolin – 77088 – 281-570-5898 – Elimination of the Community Development Corporation, LARA, TIRZ. Neighborhood Protection

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - 832-453-6376 – I'm t/only – o/vs. Presidential candidate on – T/Ballot vs. G/Mafia terrorist imposter candidates

MS. JULIE TYSOR – 3701 Kirby Dr., Ste. 1030 – 77098 - 713-524-7200 ext. 105 – Bolsover – Item 35

MR. DON COOK – 7956 Glenheath - 77061 – 713-705-5594 – Resolution for Impeachment



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

AUG 15 2007

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: JUL 31 2007  
COUNCIL MEMBER: [Signature]

July 26, 2007

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to City of Houston, Section 15-19 of the Code of Ordinances, Houston, Texas, I am appointing or reappointing the following individuals to the Affirmative Action Contract Compliance Commission, subject to Council confirmation:

Mr. Isaiah "Ike" Allen, reappointment to Position One, for a term to expire January 1, 2009;

Mr. Elias J. De La Garza, reappointment to Position Two, for a term to expire January 1, 2009;

Mr. Gerardo Cantu, appointment to Position Three, for a term to expire January 1, 2008, and to serve as Chair;

Mr. Felix Chevalier, appointment to Position Four, for a term to expire January 1, 2008; and

Ms. Munira S. Panjwani-Zahid, reappointment to Position Five, for a term to expire January 1, 2008.

The résumés of the nominees are attached for your review.

Sincerely,

*Bill White*

Bill White  
Mayor

BW:CC:jsk



cc: Ms. Velma Laws, director, Affirmative Action and Contract Compliance, w/attachments



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

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AUG 15 2007

August 8, 2007

COPY TO EACH MEMBER OF COUNCIL:  
CITY CLERK: AUGUST 8<sup>th</sup> 2007  
COUNCIL SECRETARY: DATE

The Honorable City Council  
City of Houston

Pursuant to Chapter 3830, Texas Special District Local Laws Code and Acts 2005, 79<sup>th</sup> Leg. ch. 729, I am nominating the following individuals for appointment or reappointment to the Spring Branch Management District, upon the recommendation of the District's Board of Directors, subject to Council confirmation:

- Mr. C. David Schwab, Jr., reappointment to Position One, for a term to expire June 1, 2011;
- Mr. Jay Woodall, appointment to Position Two, for a term to expire June 1, 2011;
- Ms. Catherine M. Barchfeld-Alexander, reappointment to Position Three for a term to expire June 1, 2011;
- Mr. Danny J. Safady, appointment to Position Four, for a term to expire June 1, 2011;
- Mr. Victor C. Alvarez, reappointment to Position Five, for a term to expire June 1, 2011;
- Mr. Mauricio Valdes, reappointment to Position Six, for a term to expire June 1, 2011;
- and
- Mr. Dan Silvestri, reappointment to Position Seven, for a term to expire June 1, 2011.

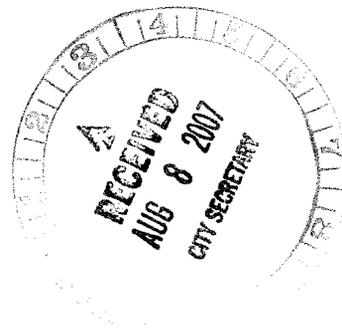
The résumés of the appointees are attached for your review.

Sincerely,

Bill White  
Mayor

BW:CC:jsk

Attachments



cc: Mr. David Hawes, executive director, Spring Branch Management District  
Mr. Timothy Austin, attorney for the district, Spring Branch Management District

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Park Renaming: Wipprecht Park to Barbara Jordan Family Park

Category #

Page 1 of 1

Agenda Item **3**

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

Houston Parks and Recreation Department

**Origination Date:**

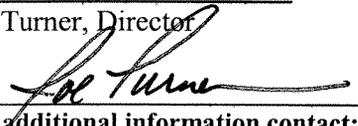
August 7, 2007

**Agenda Date**

AUG 15 2007

**DIRECTOR'S SIGNATURE:**

Joe Turner, Director

*MB*  


**Council District(s) affected:**

**B**

**For additional information contact:** Dan Pederson, 713-845-1248

**Date and Identification of prior authorizing Council Action:** N/A

**RECOMMENDATION: (Summary):**

Approve a motion to change the name of Wipprecht Park to Barbara Jordan Family Park

**Amount of Funding:**

**No Funding Required**

**F&A Budget:**

**SPECIFIC EXPLANATION:**

City Council is asked to approve a motion to rename Wipprecht Park to Barbara Jordan Family Park. Acquired in 1971, Wipprecht Park is a .69-acre park located at 2400 Wipprecht (Key Map 494C).

The Houston Parks and Recreation Department (HPARD) Policy for Naming and Renaming of Park Property guides HPARD in the naming and renaming process (HPARD Policy #1010.4 attached). Local citizens and neighborhood groups initiated the request. It complies with the criteria and approval process set out in the HPARD Renaming Policy. The seven member Naming Committee unanimously supported the name change. In addition, a 45-day Public Notice sign was installed on May 14, 2007 for public comment. During the 45-day public comment period concluding on June 28, 2007, HPARD received no opposing remarks to the proposed renaming. The final step is for Council to approve the name change.

Barbara Jordan was the first African-American from the South to serve in the United States Congress. She was born in the Fifth Ward and graduated from Wheatly High School in 1952 in the top five percent of her class. She graduated magna cum laude from Texas Southern University in 1956. Barbara Jordan served many years in public service in the Texas Senate and U. S. Congress. Barbara Jordan died in January 1996.

Council is asked to approve the name change in honor of Barbara Jordan's lifelong service to the community.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MB*

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work – W. W. Webber, LLC (formerly known as W. W. Webber, Inc.) for Miscellaneous Paving & Drainage Improvements at George Bush Intercontinental Airport/Houston; Project No. 542; WBS No. A-000063-0003-4-01; Contract No. 55361	<b>Category</b> # 7	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <b>4</b>
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> July 25, 2007	<b>Agenda Date</b> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Kae</i> <i>Th B Buehler For: RMV</i>	<b>Council District affected:</b> "B"
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<b>For additional information contact:</b> Eric R. Potts <i>erp</i> Phone: 281-233-1999 John S. Kahl <i>jsk</i> Phone: 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> 10/01/03 (O) 2003-919
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> None Required	<b>Prior appropriations:</b> \$13,736,685.32 CIP No. A-0063 Arpt Syst Consolidated 2001 Non AMT Const. Fund
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**RECOMMENDATION: (Summary)**  
Pass a motion to approve the final contract amount of \$12,800,362.61 or 2.50 percent more than the original contract amount. accept work and authorize final payment.

**SPECIFIC EXPLANATION:**

The Contractor, W. W. Webber, LLC, has completed all the work required under their Contract dated October 9, 2003, in the amount of \$12,487,895.75 for Miscellaneous Paving & Drainage Improvements at George Bush Intercontinental Airport/Houston. During construction, Houston Airport System inspected this project. The inspector was Mr. Jose Alvarez.

The final amount of the contract, including Change Orders Nos. 1 & 2 in the amount of \$312,466.86 will be \$12,800,362.61, which is 2.50 percent more than the original contract amount. The changes were for revision to the electrical controls, additional drainage excavation and installation of stronger security gates.

W. W. Webber, LLC exceeded their 19.30% M/WBE goal. According to the Office of Affirmative Action and Contract Compliance, their final participation was 20.11%. The Office of Affirmative Action and Contract Compliance awarded W.W. Webber, LLC an "Outstanding" rating.

RMV:ERP:JSK

Attachments

cc: Ms. Marty Stein                      Mr. Eric R. Potts                      Mr. Dara N. Umrigar  
Mr. Anthony W. Hall, Jr.              Ms. Kathy Elek                      Ms. Janice D. Woods  
Mr. Arturo G. Michel                  Mr. Carlos Ortis                      Mr. Richard Fernandez  
Ms. Velma Laws                      Mr. Frank D. Crouch                  Mr. J. Goodwillie Pierre  
Mr. Richard M. Vacar                  Mr. John S. Kahl                      Mr. Dave Arthur  
Ms. Sara S. Culbreth                  Mr. Adil Godiwalla

REQUIRED AUTHORIZATION		
<b>F&amp;A Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>NOT</i>

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Safe Sidewalk Program F1 Project; WBS No. N-00610A-00F1-4.	<b>Page</b> 1 of 1	<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> 8/9/07	<b>Agenda Date</b> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> E JK
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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> JK Ord. #2005-700 dated 06/08/2005 GN
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**RECOMMENDATION:** (Summary)  
Pass a motion to approve the final Contract Amount of \$546,274.98 or 22.55% 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 \$850,200.00 from the Street & Bridge Consolidated Construction Fund No 437.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Safe Sidewalk Program and was required to address the health, safety, and welfare of pedestrians.

**DESCRIPTION/SCOPE:** The project consisted of construction and replacement of sidewalks and curb ramps of various widths and lengths. Metroplex Core, Inc. designed the project with 180 calendar days allowed for construction. The project was awarded to Spaw Glass Civil Construction, Inc. with an original Contract Amount of \$705,301.00.

**LOCATION:** The project area is various locations in Northeast Houston. The project is located in various Key Map Grids.

**CONTRACT COMPLETION AND COST:** The Contractor, Spaw Glass Civil Construction, Inc. has completed the Work under the subject Contract. The project was completed within the Contract time with 61 additional days allowed by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 thru 4 will be \$546,274.98, a decrease of \$159,026.02 or 22.55% under the original Contract Amount.

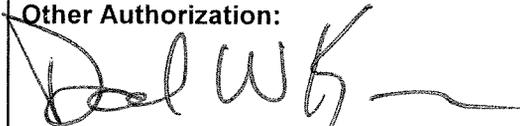
The decreased cost is primarily a result of the differences between planned and measured quantities. This decrease is primarily a result of an underrun in Bid Item No. 15 – Concrete slope paving (6”); Bid Item No. 16 – 6” Reinforced concrete saw-tooth curb; Bid Item No. 17 – 6” Reinforced concrete retaining wall (2 high max.) including 6” thick, 5’ wide sidewalk; Bid Item No. 21 – Reinforced colored concrete wheelchair ramps; Bid Item No. 34– 7” Concrete driveway sidewalks, complete in place; Bid Item No. 35 – 6” Concrete driveway sidewalks, complete in place; Bid Item No. 37 – 3/8” Checker plate which were not necessary to complete the work.

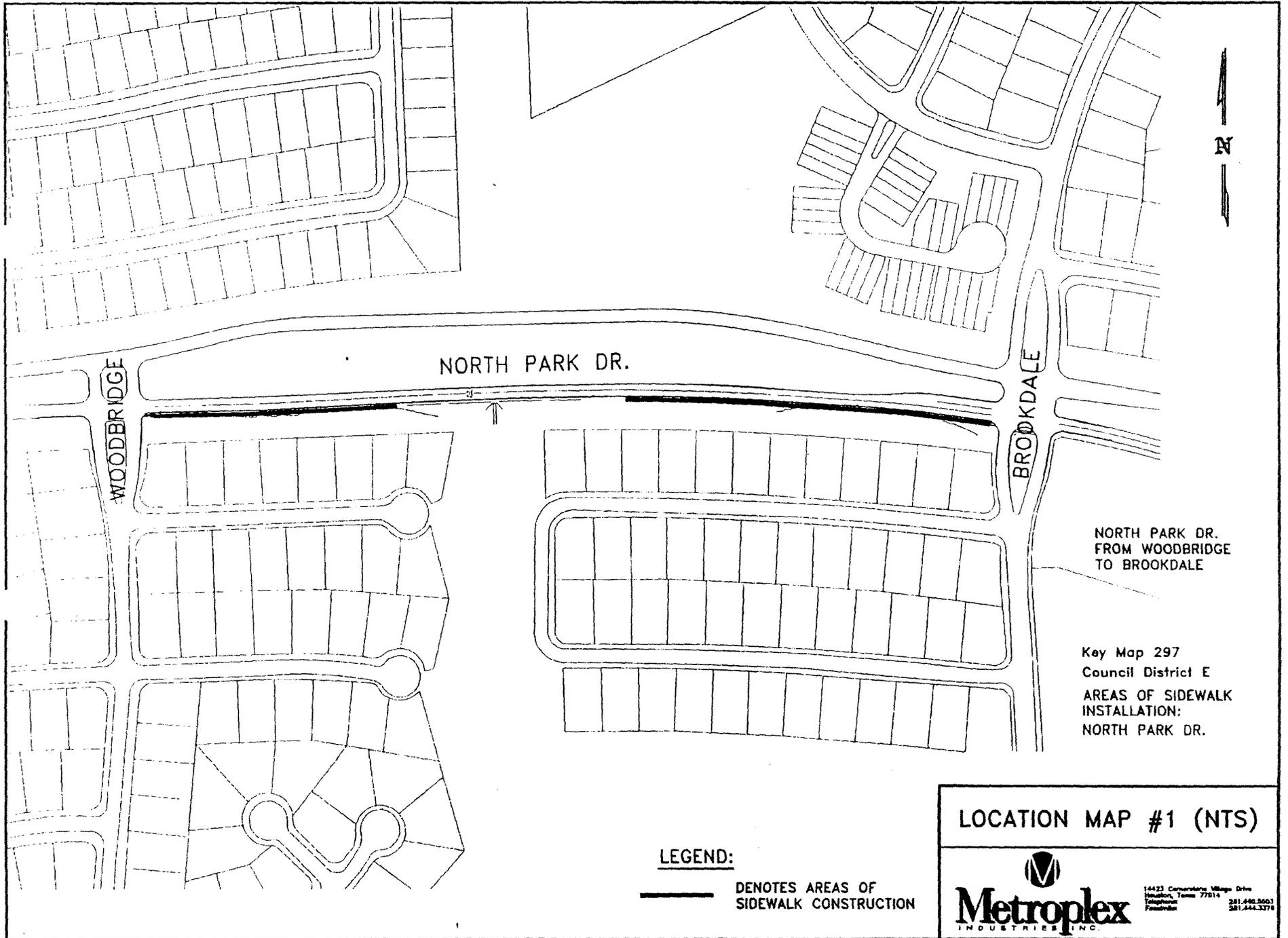
**M/WBE PARTICIPATION:** There was no M/WBE goal for this project.

MSM:DWK:JTL:JK:EK:ce

c: Daniel W. Krueger, P.E. Michael Ho, P.E. Velma Laws Susan Bandy Craig Foster Marty Stein  
Waynette Chan File No. SB9045

**REQUIRED AUTHORIZATION** CUIC ID# 20EK007

<b>A Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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NORTH PARK DR.

WOODBIDGE

BROOKDALE

NORTH PARK DR.  
FROM WOODBRIDGE  
TO BROOKDALE

Key Map 297  
Council District E  
AREAS OF SIDEWALK  
INSTALLATION:  
NORTH PARK DR.

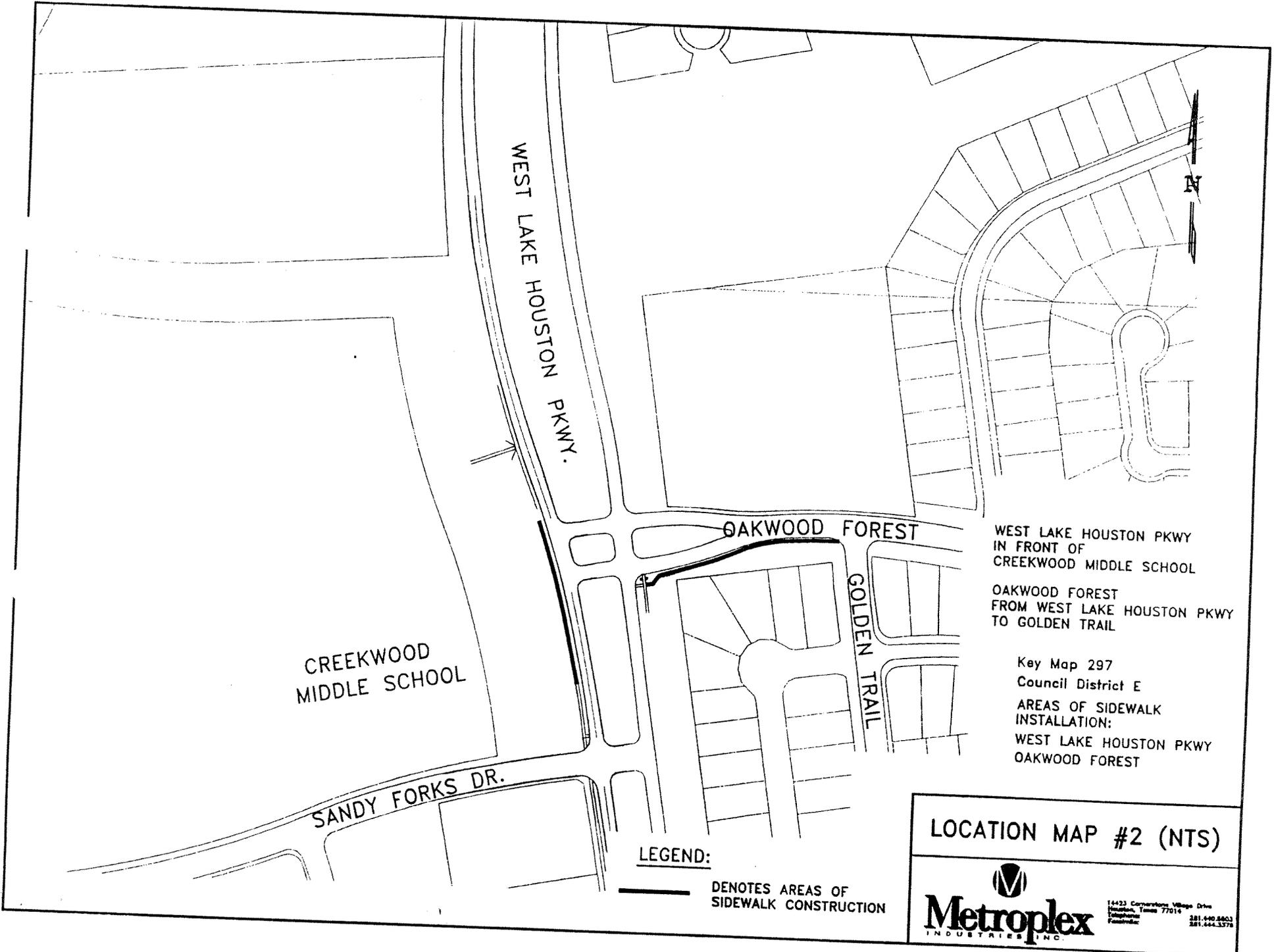
**LEGEND:**

 DENOTES AREAS OF  
SIDEWALK CONSTRUCTION

**LOCATION MAP #1 (NTS)**



14423 Cornerstone Village Drive  
Houston, Texas 77014  
Telephone 281.444.5603  
Facsimile 281.444.3374



CREEKWOOD  
MIDDLE SCHOOL

WEST LAKE HOUSTON  
PKWY.

OAKWOOD FOREST

GOLDEN TRAIL

SANDY FORKS DR.

LEGEND:

DENOTES AREAS OF  
SIDEWALK CONSTRUCTION

WEST LAKE HOUSTON PKWY  
IN FRONT OF  
CREEKWOOD MIDDLE SCHOOL

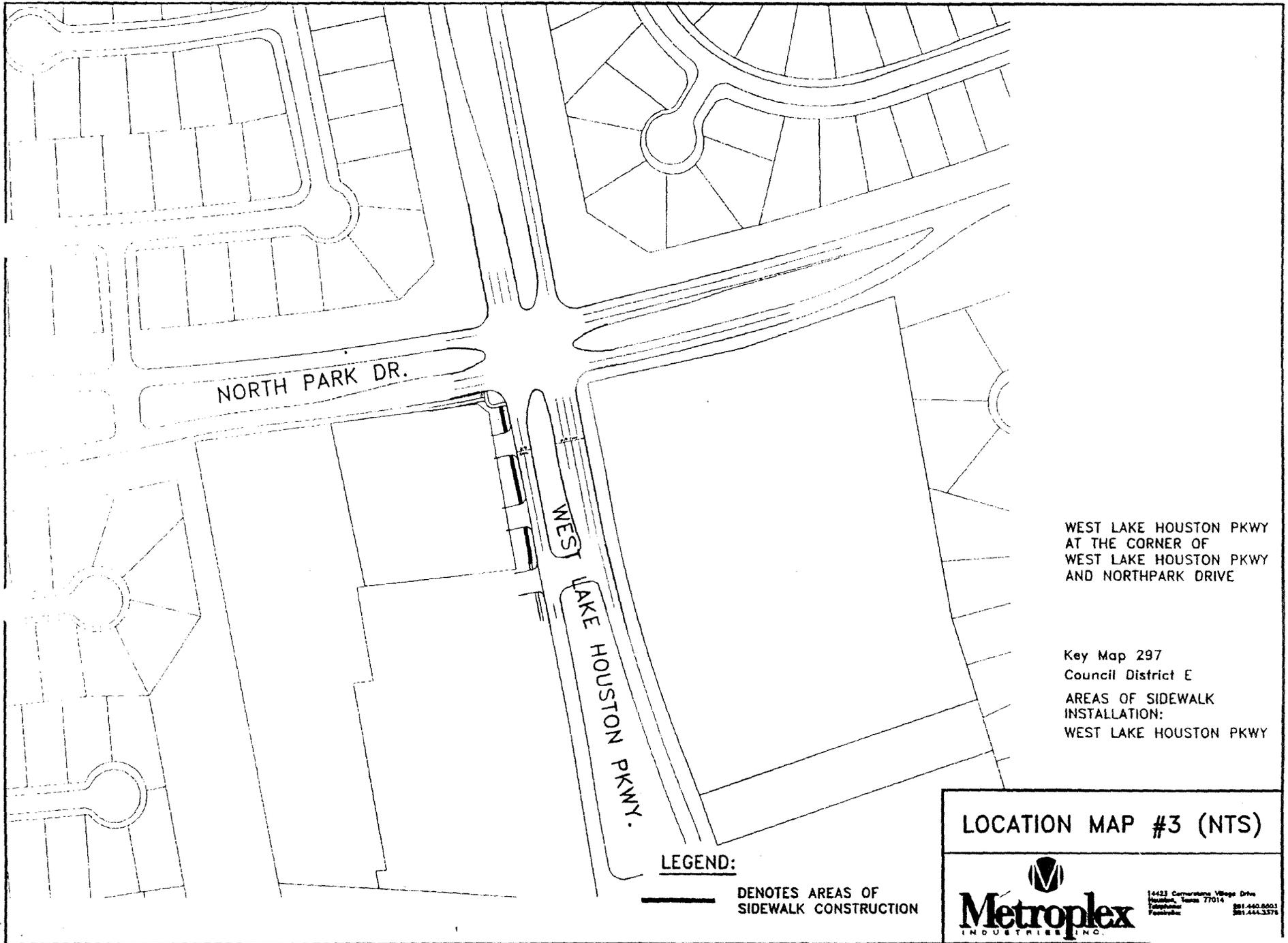
OAKWOOD FOREST  
FROM WEST LAKE HOUSTON PKWY  
TO GOLDEN TRAIL

Key Map 297  
Council District E  
AREAS OF SIDEWALK  
INSTALLATION:  
WEST LAKE HOUSTON PKWY  
OAKWOOD FOREST

LOCATION MAP #2 (NTS)



14423 Corporation Village Drive  
Houston, Texas 77014  
Telephone: 281-644-8603  
Facsimile: 281-644-3378



WEST LAKE HOUSTON PKWY  
AT THE CORNER OF  
WEST LAKE HOUSTON PKWY  
AND NORTHPARK DRIVE

Key Map 297  
Council District E  
AREAS OF SIDEWALK  
INSTALLATION:  
WEST LAKE HOUSTON PKWY

**LEGEND:**  
————— DENOTES AREAS OF  
SIDEWALK CONSTRUCTION

**LOCATION MAP #3 (NTS)**



14423 Cornerstone Village Drive  
Houston, Texas 77014  
Telephone: 281.444.8601  
Facsimile: 281.444.3376



**LEGEND:**

 DENOTES AREAS OF  
SIDEWALK CONSTRUCTION

KINGWOOD DR.  
FROM WOODLAND HILLS  
TO VALLEY MANOR DR.

Key Map 336 & 337  
Council District E

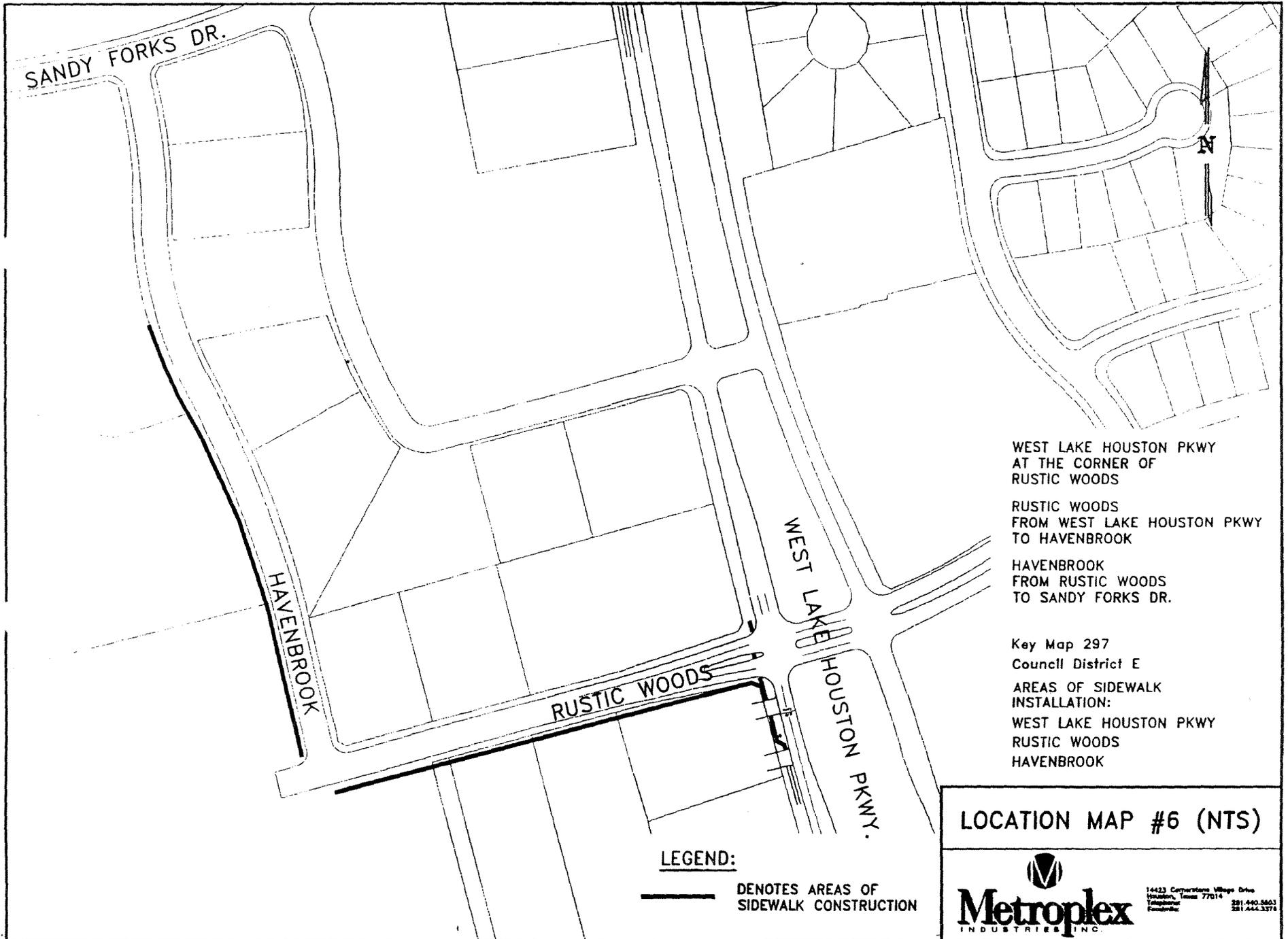
AREAS OF SIDEWALK  
INSTALLATION:  
KINGWOOD DR.

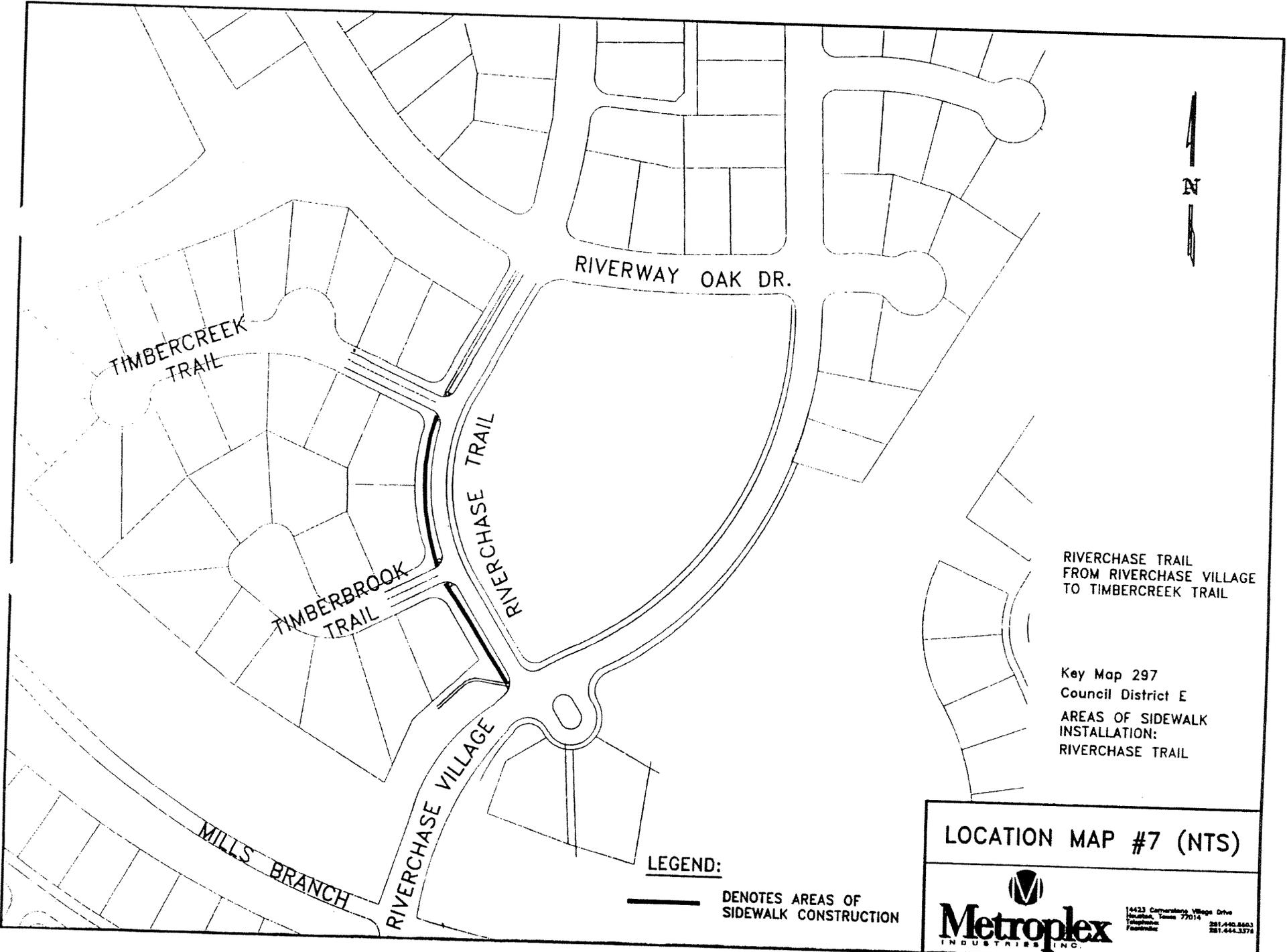
**LOCATION MAP #4 (NTS)**



14423 Cornerstone Village Drive  
Houston, Texas 77014  
Telephone 281-440-5903  
Facsimile 281-444-3376







RIVERCHASE TRAIL  
FROM RIVERCHASE VILLAGE  
TO TIMBERCREEK TRAIL

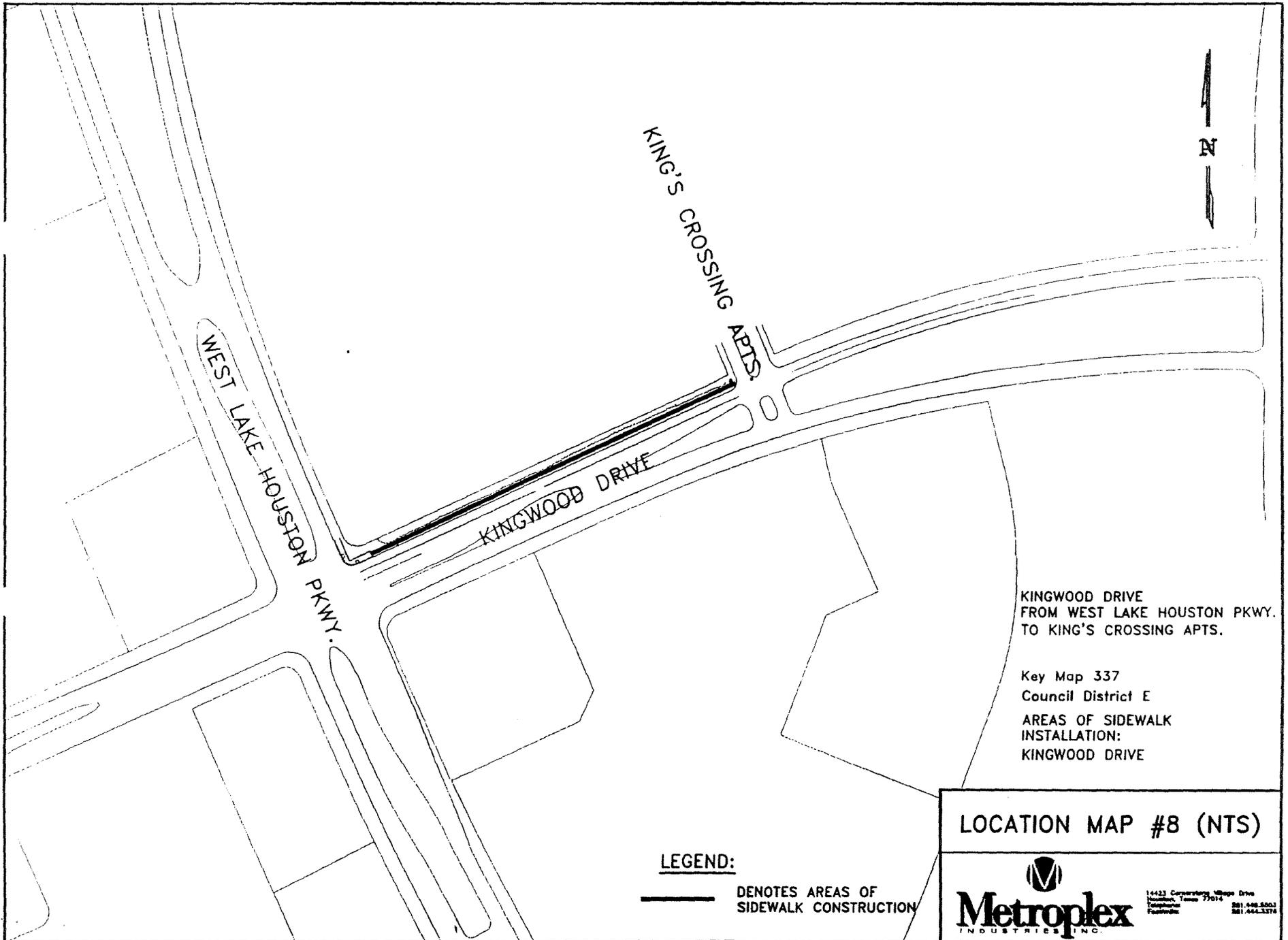
Key Map 297  
Council District E  
AREAS OF SIDEWALK  
INSTALLATION:  
RIVERCHASE TRAIL

**LEGEND:**  
————— DENOTES AREAS OF  
SIDEWALK CONSTRUCTION

**LOCATION MAP #7 (NTS)**



14423 Carversburg Village Drive  
Houston, Texas 77014  
Telephone: 281.440.8663  
Facsimile: 281.444.3374



KINGWOOD DRIVE  
FROM WEST LAKE HOUSTON PKWY.  
TO KING'S CROSSING APTS.

Key Map 337  
Council District E

AREAS OF SIDEWALK  
INSTALLATION:  
KINGWOOD DRIVE

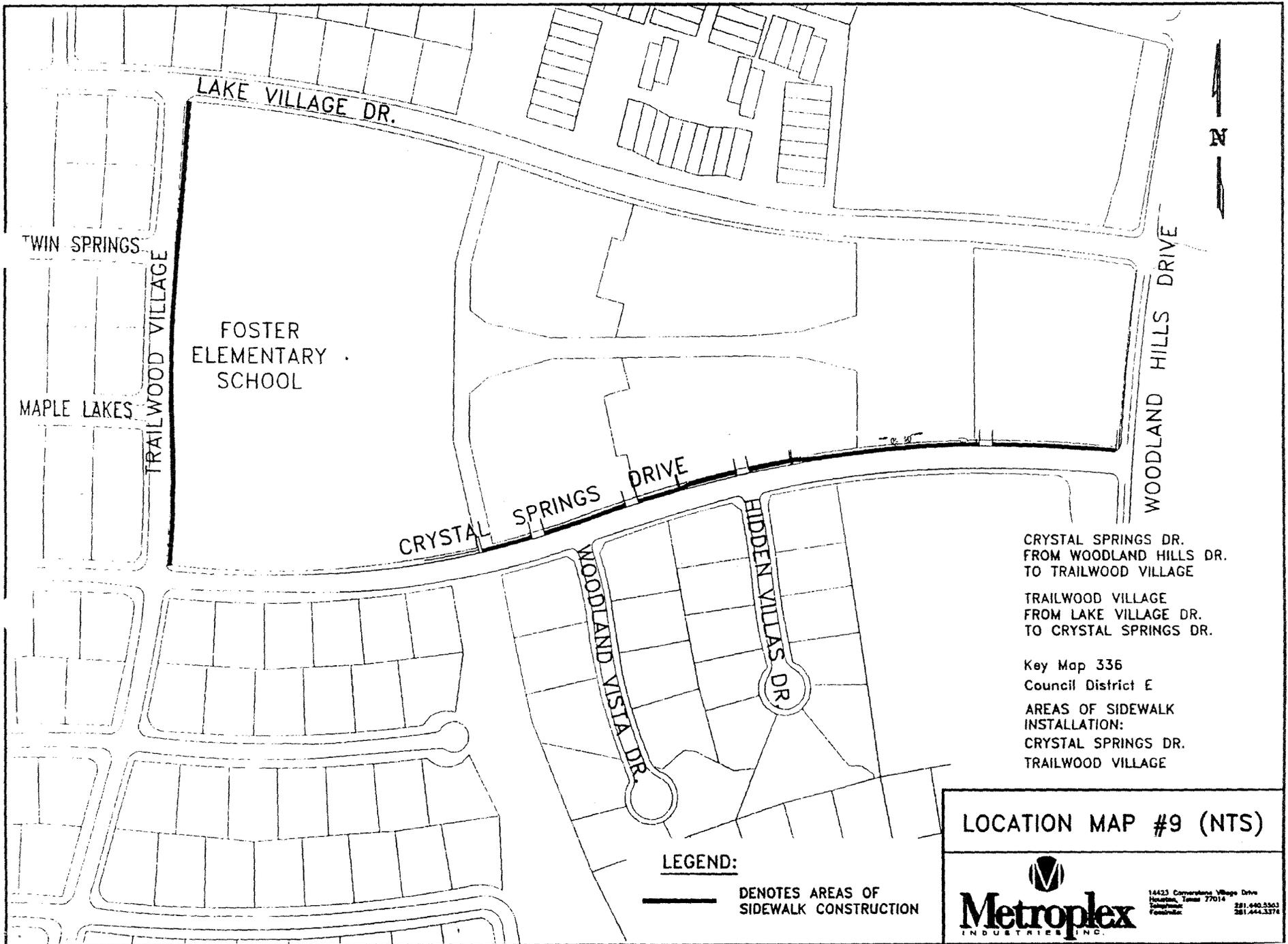
**LOCATION MAP #8 (NTS)**

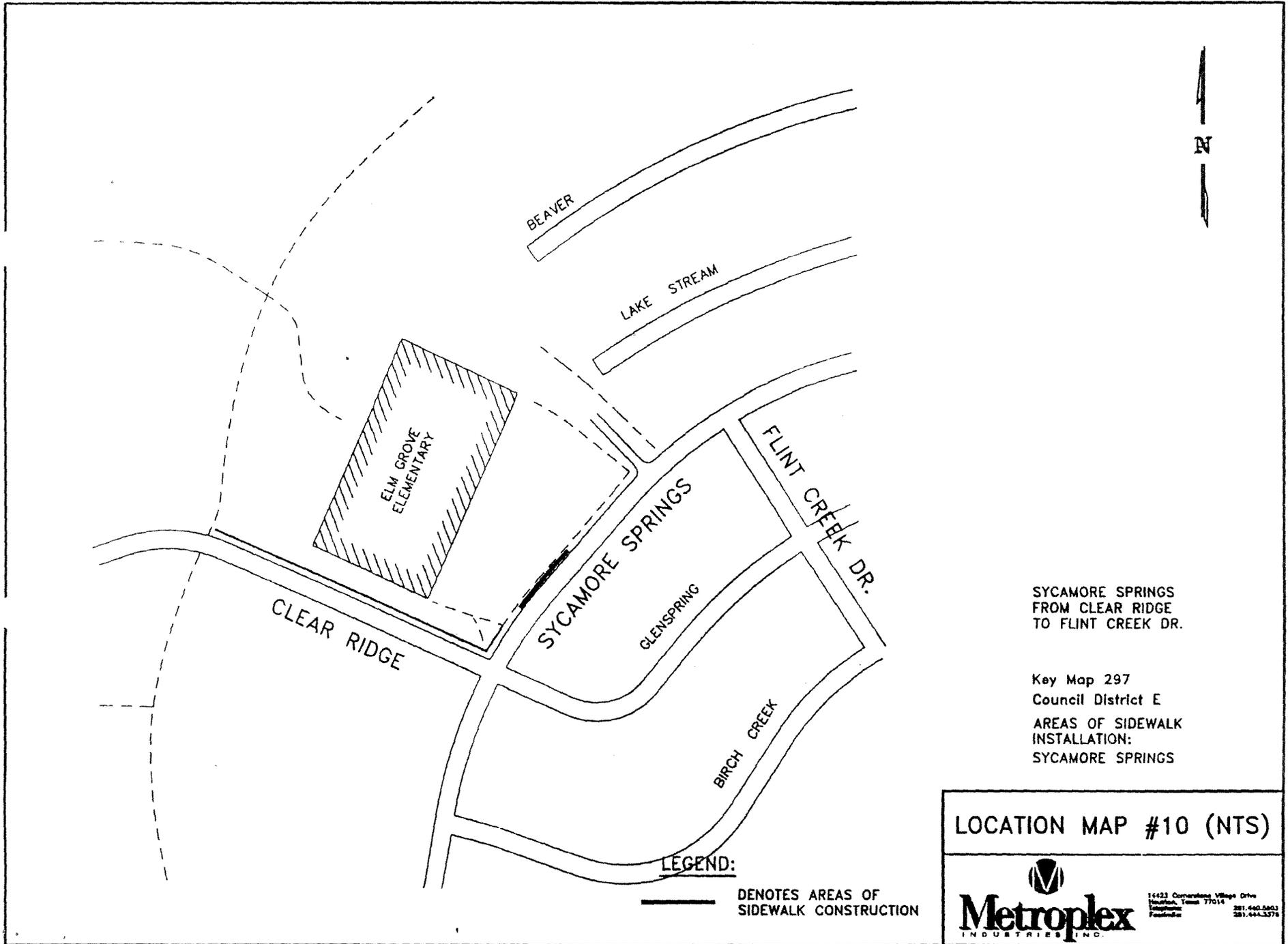
**LEGEND:**

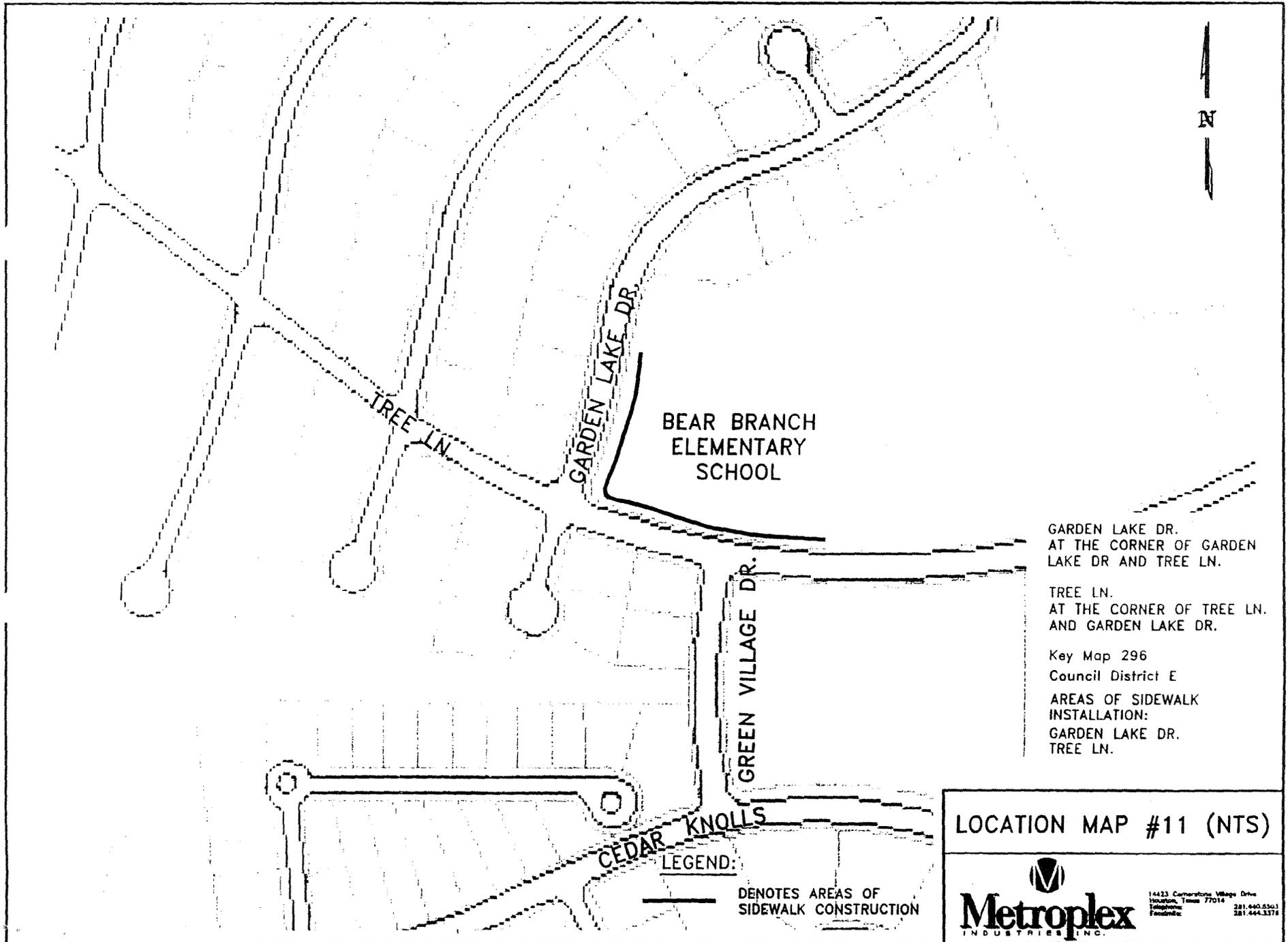
 DENOTES AREAS OF  
SIDEWALK CONSTRUCTION



14423 Cooperating Village Drive  
Houston, Texas 77014  
Telephone: 281.442.5803  
Facsimile: 281.442.5378







GARDEN LAKE DR.  
AT THE CORNER OF GARDEN  
LAKE DR AND TREE LN.

TREE LN.  
AT THE CORNER OF TREE LN.  
AND GARDEN LAKE DR.

Key Map 296  
Council District E

AREAS OF SIDEWALK  
INSTALLATION:  
GARDEN LAKE DR.  
TREE LN.

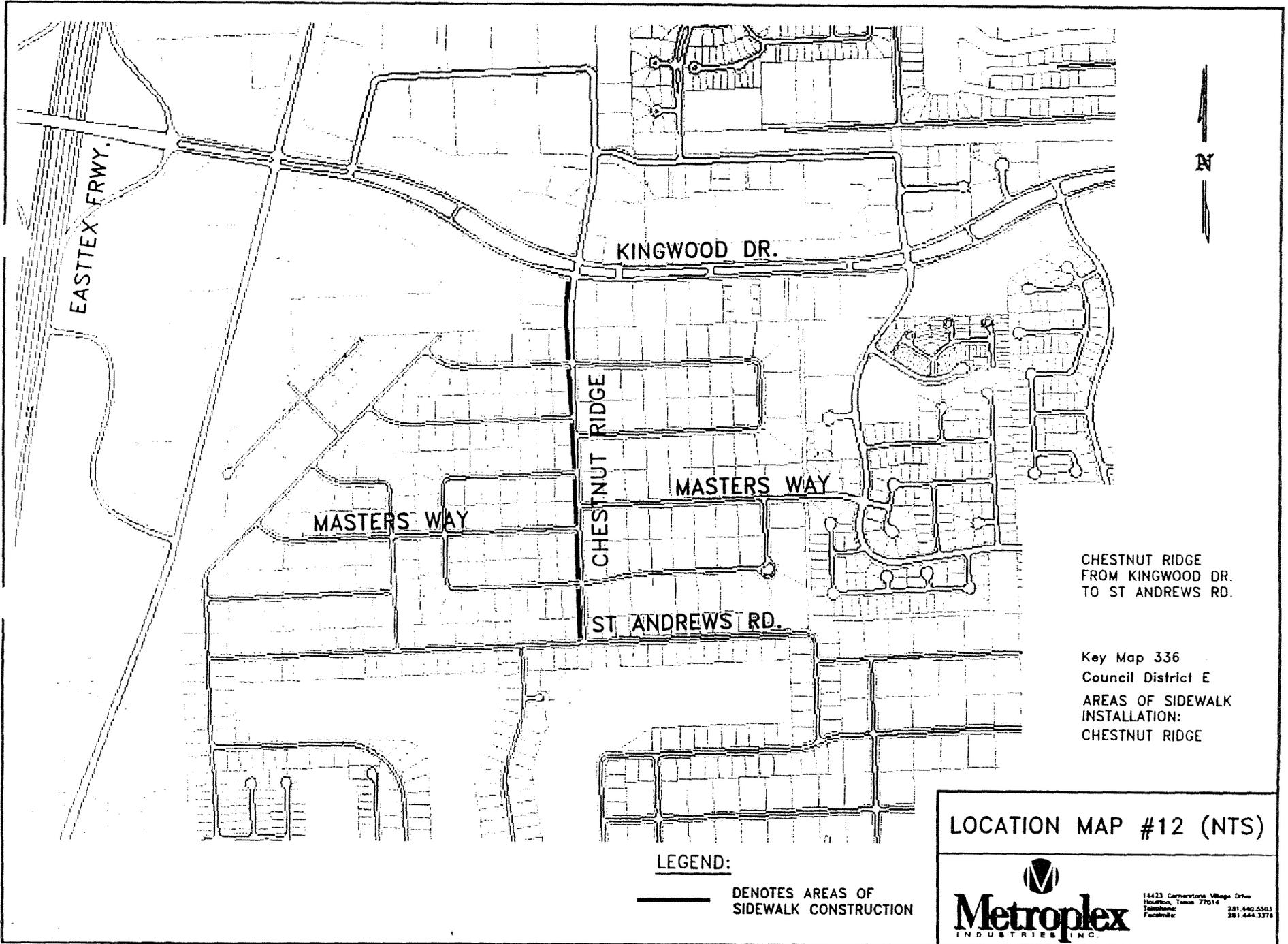
LEGEND:

— DENOTES AREAS OF  
SIDEWALK CONSTRUCTION

LOCATION MAP #11 (NTS)



14423 Cornerstone Village Drive  
Houston, Texas 77014 281.440.8501  
Telephone: 281.444.3374  
Facsimile:



CHESTNUT RIDGE  
FROM KINGWOOD DR.  
TO ST ANDREWS RD.

Key Map 336  
Council District E  
AREAS OF SIDEWALK  
INSTALLATION:  
CHESTNUT RIDGE

LEGEND:

— DENOTES AREAS OF  
SIDEWALK CONSTRUCTION

LOCATION MAP #12 (NTS)



14423 Cornerstone Village Drive  
Houston, Texas 77014  
Telephone: 281.440.5503  
Facsimile: 281.444.3374

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

<b>SUBJECT:</b> Accept Work for Water Line Replacement in Canterbury Village. WBS No. S-000035-00B7-4.	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  <b>6</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 8/9/07	<b>Agenda Date</b> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> D JK SK
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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> JK SK Ord. #06-516 dated 05/24/06
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$973,385.17 or 4.79% over the original Contract Amount, accept the Work, and authorize final payment.

<b>Amount and Source of Funding:</b> No additional funding required. Original appropriation of \$1,079,000.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase circulation and availability of water.

**DESCRIPTION/SCOPE:** This project consisted of construction of 15,986 linear feet of water lines with all related appurtenances in the Canterbury Village. Edwards and Kelcey designed the project with 150 calendar days allowed for construction. The project was awarded to Reliance Construction Services, L.P. with an original Contract Amount of \$928,893.88.

**LOCATION:** The project area is generally bound by Canterlane on the north, Almeda-Genoa on the south, Northumb on the east, and Monarch on the west. The project is located in Key Map grids 572-R & V.

**CONTRACT COMPLETION AND COST:** The Contractor, Reliance Construction Services, L.P. has completed the work under the subject contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$973,385.17, an increase of \$44,491.29 or 4.79% over the original Contract Amount.

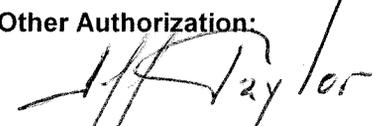
The increased cost is a result of the differences between planned and measured quantities. This increase is primarily a result of an overrun in Base Unit Item No. 11 – 8-inch Water Main, Augered and Base Unit Item No. 14 – 12-inch Water Main, Augered, which were necessary to complete the project.

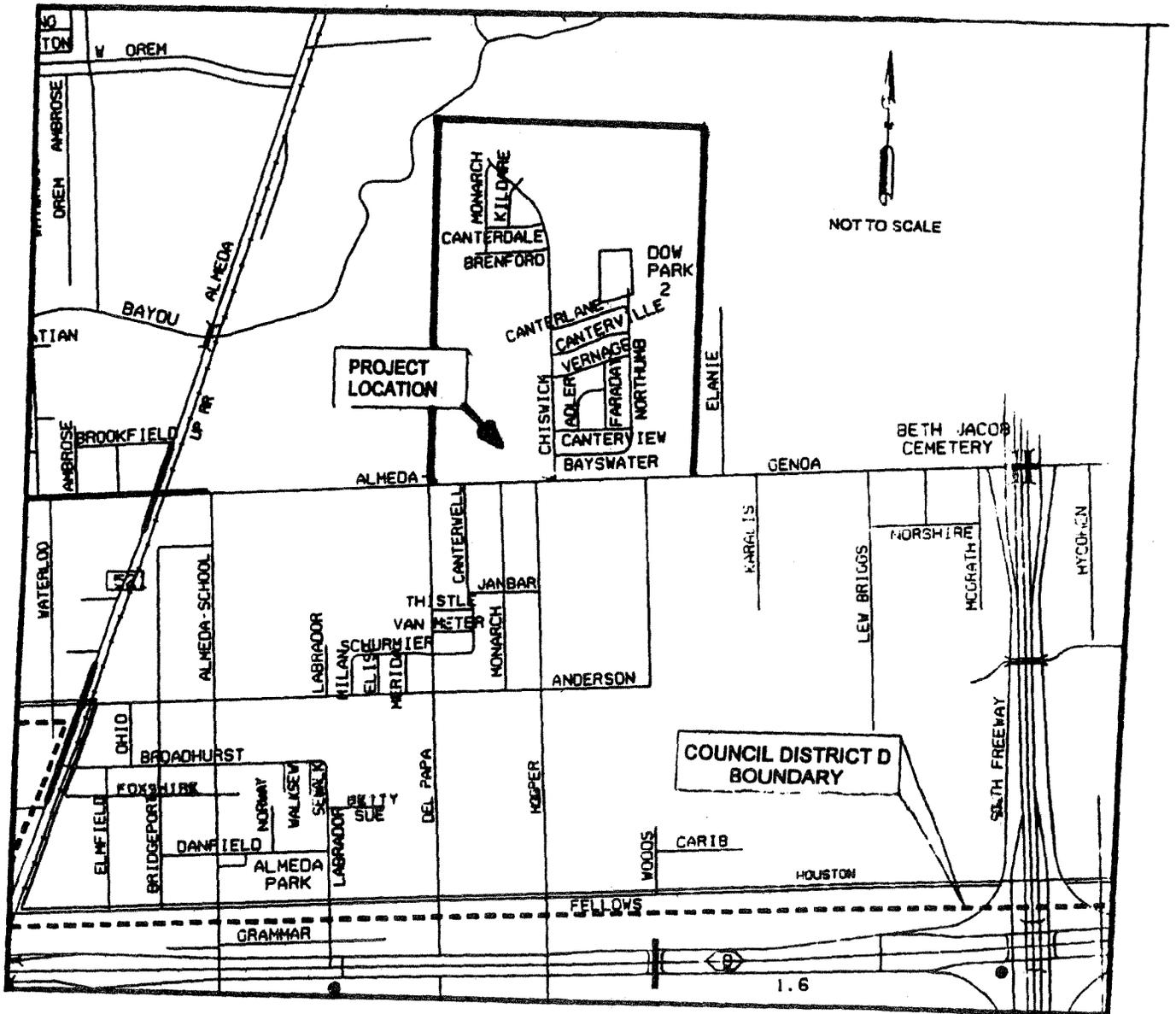
**M/WBE PARTICIPATION:** There was no M/WBE goal for this project.

*JK SK*  
MSM:JTL:JK:SK:mq  
S:\constr\Admin\CONST\Projects\10780 Canterbury CM\CloseOut\RCA\RCA-rev2.doc

c: Michael Ho, P.E.      Craig Foster      Velma Laws      File No. 10780 - Closeout

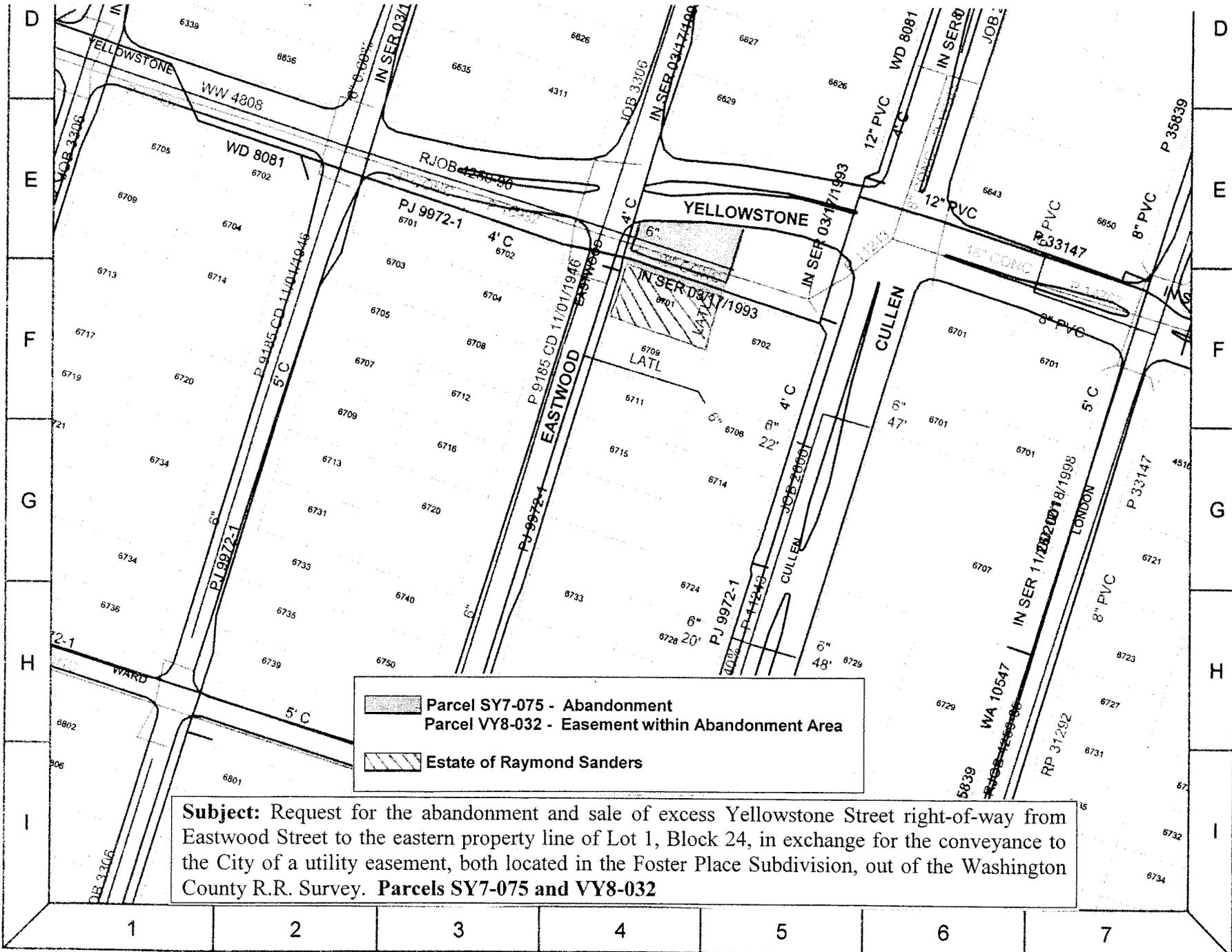
**REQUIRED AUTHORIZATION** CUIC ID # 20SK04

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utility Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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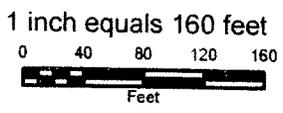
VICINITY MAP (NTS)  
 KEY MAP NO. 572 R & V

Waterline Replacement in Canterbury Village  
 G.F.S. No. S-0035-B7-3, File No. WA10780



**Subject:** Request for the abandonment and sale of excess Yellowstone Street right-of-way from Eastwood Street to the eastern property line of Lot 1, Block 24, in exchange for the conveyance to the City of a utility easement, both located in the Foster Place Subdivision, out of the Washington County R.R. Survey. **Parcels SY7-075 and VY8-032**

- Parcel SY7-075 - Abandonment
- Parcel VY8-032 - Easement within Abandonment Area
- Estate of Raymond Sanders



**CITY OF HOUSTON**  
**Department of Public Works & Engineering**  
 Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY



<b>SUBJECT:</b> Request for the abandonment and sale of excess Yellowstone Street right-of-way from Eastwood Street to the eastern property line of Lot 1, Block 24, in exchange for the conveyance to the City of a utility easement, both located in the Foster Place Subdivision, out of the Washington County R.R. Survey. <b>Parcels SY7-075 and VY8-032</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  7
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  8/9/07	<b>Agenda Date</b>  AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> D  <b>Key Map:</b> 533R 
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (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 a council motion authorizing the abandonment and sale of excess Yellowstone Street right-of-way from Eastwood Street to the eastern property line of Lot 1, Block 24, in exchange for the conveyance to the City of a utility easement, both located in the Foster Place Subdivision, out of the Washington County R.R. Survey. **Parcels SY7-075 and VY8-032**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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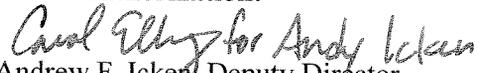
**SPECIFIC EXPLANATION:**  
 Joyce Sanders, 7019 Thrush Drive, Houston, Texas, 77087, on behalf of the Estate of Raymond Sanders, requested the abandonment and sale of excess Yellowstone Street right-of-way from Eastwood Street to Cullen Boulevard. Yellowstone Street was dedicated by the plat of Foster Place as recorded in Volume 50, Page 113 of the Harris County Map Records. The realignment of Yellowstone Street resulted in surplus platted right-of-way. A portion of the surplus Yellowstone right-of-way is the subject of this request. The Estate of Raymond Sanders, the abutting property owner, plans to combine the subject portion of excess right-of-way being abandoned and sold into its abutting property to cure its building encroachment into the subject right-of-way and for vehicle parking.

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 subject to the applicant conveying to the City a utility easement. Therefore, it is recommended:

1. The City abandon and sell excess Yellowstone Street right-of-way from Eastwood Street to the eastern property line of Lot 1, Block 24, in exchange for the conveyance to the City of a utility easement from a point 10 feet south of the existing 18-inch storm sewer line north to Yellowstone Street, between Eastwood Street and the eastern property line of Lot 1, Block 24, both located in the Foster Place Subdivision, out of the Washington County R.R. Survey. The exact width and square footage to be determined by survey;
2. The applicant be required to (a) cut, plug, and abandon the 12-inch water line in the excess Yellowstone Street right-of-way from Eastwood Street to Cullen Boulevard and (b) construct a new 12-inch water line in Yellowstone Street from Eastwood Street to Cullen Boulevard. All of the foregoing items must be completed at no cost to the City and under the proper permits;

dob\sy7-075.rc1.doc	CUIC #20DOB8831
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**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icker, Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of excess Yellowstone Street right-of-way from Eastwood Street to the eastern property line of Lot 1, Block 24, in exchange for the conveyance to the City of a utility easement, both located in the Foster Place Subdivision, out of the Washington County R.R. Survey. <b>Parcels SY7-075 and VY8-032</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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3. The applicant be required to prepare drawings that show all public utilities (water, sanitary sewer, and storm sewer) and streets 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;
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 street 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 not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

MSM:NPC:dob

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

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7526

**Subject:** Formal Bids Received for High-Frequency Radiographic Systems (X-Ray Machines) for the the Health & Human Services Department  
S29-N22497

Category #  
4

Page 1 of 1

Agenda Item

8

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

**Origination Date**  
August 01, 2007

**Agenda Date**  
AUG 15 2007

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**  
Daphine Sands Phone: (713) 794-9197  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**  
Approve an award to Veterinary X-Ray Supply, Inc., d/b/a VXS Imaging on its low bid for high-frequency radiographic systems (X-ray machines) in the amount of \$76,886.40 for the Health & Human Services Department.

Award Amount: \$76,886.40

**F & A Budget**  
*4*

\$76,886.40 - Community Development Block Grant (5000)

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve an award to Veterinary X-Ray Supply, Inc., d/b/a VXS Imaging on its low bid in the amount of \$76,886.40 for high-frequency radiographic systems (X-ray machines) for the Health & Human Services Department and that authorization be given to issue a purchase order. These X-ray machines will be used in the chest clinics to provide X-ray services for confirmed tuberculosis (TB) cases, unconfirmed cases of TB, contacts to TB cases, and persons with latent TB infection.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Six 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. Veterinary X-Ray Supply, Inc., d/b/a VXS Imaging	\$ 76,886.40
2. Cranford X-Ray Company	\$ 83,700.00
3. Digital Computing System	\$104,160.00

This purchase consists of three high-frequency radiographic systems (X-ray machines) that will be installed at the Lyons Avenue Health Center, Sunnyside Health Center and Northside Health Center. Additionally, the contractor will be required to provide all labor, tools, equipment, parts, testing, supervision and transportation necessary to ensure that the units are properly installed and functioning correctly. These X-ray machines will come with a 60-month manufacturer's warranty on parts and a 12-month warranty on installation and labor. The life expectancy of the X-ray machines is 10 years.

Buyer: Douglas Moore

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*NOT*

**REQUEST FOR COUNCIL ACTION**

**RCA# 7538**

**TO:** Mayor via City Secretary

**Subject:** Purchase of an Oracle Software License and Support Service Agreement through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases Under Chapter 2157 of the Government Code (Contract No. C56844)

Category #  
4 & 5

Page 1 of 1

Agenda Item

9

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

August 01, 2007

**Agenda Date**

AUG 15 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Earl M. Lambert Phone: (832) 393-0038  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve the purchase of an Oracle software license and support service agreement in the total amount of \$400,747.85 through the City's Master Agreement with the Texas Department of Information Resources (DIR), for Texas CISV Master Catalog Purchases.

Award Amount - \$400,747.85

**F & A Budget**

\$400,747.85 - Central Service Revolving Fund (1002)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of an Oracle software license and support service agreement in the total amount of \$400,747.85 through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases for the Information Technology Department (IT), and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, Oracle USA, Inc.

Oracle USA, Inc. is the developer, copyright owner and sole source provider of the software support service agreement.

The Oracle software update license and support service agreement will cover a 12-month period beginning upon approval by City Council, and will allow IT personnel to keep up with software updates and upgrades, as well as obtain required software support.

Under the terms of this agreement, the vendor will be required to provide:

- Program updates, fixes, security alerts, and critical patches
- Assistance with service requests 24/7
- Upgrade of scripts, and certification with new third-party products/versions
- General maintenance releases, selected functionality releases, and documentation releases
- Non-technical customer service during normal business hours

Buyer: Murdock Smith

Attachment: M/WBE Zero-Percentage Goal Document Approved by the Affirmative Action Division

**REQUIRED AUTHORIZATION**

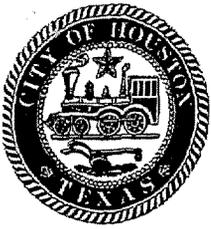
F&A Director:

Other Authorization:

Other Authorization:

MS

MS



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Murdock Smith III

Date: 7/13/2007

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: 0

Solicitation Number: N/A Estimated Dollar Amount: \$400,747.85

Anticipated Advertisement Date: \_\_\_\_\_ 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:

Oracle Software License and Support Services

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

Oracle is the software developer, copyright owner and sole source provider fo the software and support services.

Concurrence:

Murdock Smith III  
SPD Initiator

[Signature]  
Division Manager

Robert Gallegos  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

[Signature]  
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**

RCA# 7453

TO: Mayor via City Secretary

**Subject:** Formal Bids Received for Automotive Glass for Various Departments  
S32-S22283

Category #  
4

Page 1 of 2

Agenda Item

10

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

**Origination Date**  
July 23, 2007

**Agenda Date**  
AUG 15 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 Apple Glass Company on its low bid in an amount not to exceed \$552,246.88 for automotive glass for various departments.

Estimated Spending Authority: \$552,246.88

**F & A Budget**

\$552,246.88 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Apple Glass Company on its low bid in an amount not to exceed \$552,246.88 for automotive glass for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period.

This is a price list solicitation. The best discount, which determines the low bid for a price list is the best bid received for quantities of high-use items selected as sample pricing items based on the current needs of the Departments. The bid total for sample pricing items does not represent the total amount to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the 60-month period based on the low bid submitted for the representative samples.

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

	<u>COMPANY</u>	<u>SAMPLE PRICING</u>
1.	All Pro Windshield Repair	\$6,063.83 (Partial Bid/Higher Unit Cost)
2.	<b>Apple Glass Company</b>	<b>\$6,628.34</b>
3.	Clear Glass Mobile Service	\$7,502.16

This award consists of various price lists for automotive glass; which includes, but is not limited to, foreign flat laminated, domestic curved, flat tempered and curved windshields for use by various departments. This award also includes an \$18,269.62 labor component for equipment that cannot be repaired by Department personnel.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization: *MDT*

6-15-07

10

Date: 7/23/2007	Subject: Formal Bids Received for Automotive Glass for Various Departments S32-S22283	Originator's Initials VD	Page 2 of 2
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**M/WBE Subcontracting:**

This bid was issued with a 2% goal for M/WBE participation. **Apple Glass Company** has designated the below-named companies as its certified M/WBE subcontractors.

<b><u>COMPANY</u></b>	<b><u>TYPE OF WORK</u></b>	<b><u>DOLLAR AMOUNT</u></b>
JLH Coastal Fumigators dba End-O-Pest Termite & Pest Control	Exterminating services	\$5,522.47
Shiloh Printing, LLC. dba Christian Bookstore & Gift Shop	Printing services	\$5,522.47

The Affirmative Action Division will monitor this award.

Buyer: Veronica Douglas, CPPB

**ESTIMATED SPENDING AUTHORITY:**

DEPARTMENT	FY 08	OUT YEARS	TOTAL
Public Works & Engineering	\$ 54,000.00	\$216,000.00	\$270,000.00
Police Department	\$ 30,449.40	\$121,797.48	\$152,246.88
Fire Department	\$ 20,000.00	\$ 80,000.00	\$100,000.00
Solid Waste Management	\$ 6,000.00	\$ 24,000.00	\$ 30,000.00
Grand Total	\$110,449.40	\$441,797.48	\$552,246.88

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7505**

**Subject:** Formal Bids Received for Rags and Cleaning Towels for Various Departments

Category #  
4

Page 1 of 2

Agenda Item

S11-S22287 & S11-S22478

11

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 13, 2007

**Agenda Date**

AUG 15 2007

**DIRECTOR'S SIGNATURE**

**For additional information contact:**

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

**Council District(s) affected**  
All

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

**RECOMMENDATION: (Summary)**

Approve various awards, as shown below, in an amount not to exceed \$447,413.20 for rags and cleaning towels for various departments.

Estimated Spending Authority: \$447,413.20

**F & A Budget**

\$101,207.20 General Fund (1000)  
\$133,338.00 HAS Revenue Fund (8001)  
\$212,868.00 PW&E Water System Operating Fund (8300)  
\$447,413.20

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$447,413.20 for rags and cleaning towels for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. These awards will be used by Houston Airport System personnel to dust and clean electronic equipment such as electronic surveillance cameras and computers, and by the Solid Waste Management and Public Works & Engineering Departments for daily cleaning of spills of oils, solvents and paints.

This project was advertised in accordance with the requirements of the State of Texas bid laws. A total of 147 prospective bidders viewed two solicitation documents on SPD's e-bidding website and four bids were received against each solicitation.

Bid No. S11-S22287: Award low bid meeting specifications to Ray Alloway Sales, Inc. dba U. S. Wholesale Products for Item No. 1 (white rayon poly blend cloth towels) in an amount not to exceed \$41,250.00.

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Matera Paper Co., LTD	\$20,650.00 (Did Not Meet Specifications)
2. Ray Alloway Sales, Inc. dba U.S. Wholesale Products	<b>\$41,250.00</b>

Bid No. S11-S22287: Award low bid to Matera Paper Co., LTD for Item No. 2 (multi-industrial wipes) in an amount not to exceed \$92,088.00.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

(3) NDT

Date: 7/13/2007	Subject: Formal Bids Received for Rags and Cleaning Towels for Various Departments  S11-S22287 & S11-S22478	Originator's Initials GK	Page 2 of 2
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<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Matera Paper Co., LTD	\$ 92,088.00
2. Ray Alloway Sales Inc. dba U.S. Wholesale Products	\$106,200.00

Bid No. S11-S22287: Award low bid meeting specifications to Texas Towel & Supply, Inc. for Item No. 3 for (white dry rags 100% cotton, net 10 lbs/per box) in an amount not to exceed \$101,207.20.

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Matera Paper Co., LTD	\$ 2,162.78 (Did Not Meet Specifications)
2. Texas Towel & Supply, Inc.	\$101,207.20
3. Houston Wiper & Mill Supply	\$109,525.60

**M/WBE Subcontractor:** This bid was issued with a 3% goal for M/WBE participation.

Texas Towel & Supply, Inc. has designated the below-named company as its certified M/WBE.

<u>Company</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Houston Chem Safe, Inc.	Supply rags	\$3,036.22

Bid No. S11-S22478: Award low bid to Texas Towel & Supply, Inc. for Item No. 1 for (white dry rags 100% cotton, net 10 lbs/per box) in an amount not to exceed \$212,868.00.

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Texas Towel & Supply, Inc.	\$212,868.00
2. Johnson International Materials Inc.	\$230,364.00
3. Houston Wiper & Mill Supply	\$230,364.00
4. Brownsville Textiles	\$277,020.00

**M/WBE Subcontractor:** This bid was issued with a 3% goal for M/WBE participation.

Texas Towel & Supply, Inc. has designated the below-named company as its certified M/WBE.

<u>Company</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Houston Chem Safe, Inc.	Supply rags	\$6,386.04

The Affirmative Action Division will monitor this award.

Buyer: Gloria Jordan-King

**Estimated Spending Authority:**

<b>Department</b>	<b>FY 2008</b>	<b>Out Years</b>	<b>Sub-Total</b>
General Services	\$1,284.80	\$5,022.40	\$6,307.20
Houston Airport System	\$26,000.00	\$107,338.00	\$133,338.00
Public Works & Engineering	\$42,573.60	\$170,294.40	\$212,868.00
Solid Waste Management	\$18,980.00	\$75,920.00	\$94,900.00
	<b>\$88,838.40</b>	<b>\$358,574.80</b>	<b>\$447,413.20</b>

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7519

**Subject:** Reverse Auction Bids Received for Sand, Washed Gravel, and Stabilized Cement for Various Departments  
S06-S22350RA

Category #  
4

Page 1 of 2

Agenda Item

12

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 31, 2007

**Agenda Date**

AUG 1 5 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 \$553,245.00, minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services required under contract with the Texas Procurement Center, L.L.C., for a net award amount not to exceed 542,180.10 for sand, washed gravel and stabilized cement sand for various departments.

Estimated Spending Authority: \$542,180.10

**F & A Budget**

\$294,106.34 General Fund (1000)  
\$185,447.36 Water & Sewer System Operating Fund (8300)  
\$ 41,846.40 HAS - Revenue Fund (8001)  
\$ 20,780.00 Park Special Revenue Fund (2100)  
\$542,180.10

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$553,245.00, minus a reverse auction commission fee (the lesser of 2% or \$20,000.00) to the Texas Procurement Center, L.L.C, for a net award amount not to exceed \$542,180.10. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award consists of approximately 2,696 tons of torpedo, sharp, and concrete sand, sand washed gravel and 23,777 tons of stabilized cement sand. These items will be used by the Public Works & Engineering Department for roadwork and repair of water and wastewater lines, the Houston Airport System for various repair jobs, and by the Parks & Recreation Department for maintenance and repair of the golf courses and various other jobs a City parks.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Bids were selected using the "reverse auction" methodology, and nine bids were received as outlined below:

**Gulf Coast Stabilized Materials a Division of Campbell Concrete & Materials L.P.:** Award on its low bid (Bid #5) for Item Nos. 6, 7, and 8 (stabilized cement sand) in the total amount of \$401,803.00 minus \$8,036.06 (2% of award amount) for a net award amount not to exceed \$393,766.94.

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Gulf Coast Stabilized Materials (Bid # 5)	\$401,803.00
2. 216 Resources (Bid #4)	\$441,941.85
3. Gulf Coast Stabilized Materials (Bid # 4)	\$444,777.50
4. Gulf Coast Stabilized Materials (Bid #3)	\$486,225.50
5. 216 Resources (Bid #3)	\$493,746.80
6. 216 Resources (Bid #2)	\$582,860.00

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

MD

Date: 7/31/2007	Subject: Reverse Auction Bids Received for Sand, Washed Gravel, and Stabilized Cement for Various Departments S06-S22350RA	Originator's Initials TR	Page 2 of 2
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7. Gulf Coast Stabilized Materials (Bid #2)	\$597,801.50
8. Gulf Coast Stabilized Materials (Bid #1)	\$609,690.00
9. 216 Resources (Bid # 1)	\$603,745.75

**216 Resources:** Award on its sole bid (Bid Nos. 1 thru 4) for Items Nos. 1 thru 5 (torpedo, sharp, concrete sand, and washed gravel) in the amount of \$151,442.00 minus \$3,028.84 (2% of award amount) for a net award amount not to exceed \$148,413.16.

**M/WBE Subcontracting:**

This bid was issued with an 11% goal for M/WBE participation. **Gulf Coast Stabilized Cement** has designated the below-named company as its certified M/WBE subcontractor.

<u>COMPANY</u>	<u>TYPE OF WORK</u>	<u>DOLLAR AMOUNT</u>
Deanie Hayes Inc.	Supply Sand and Crushed Concrete	\$43,314.36

**216 Resources** has designated the below name companies as its certified M/WBE subcontractor.

<u>COMPANY</u>	<u>TYPE OF WORK</u>	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE</u>
Silver & Associates	Staffing/Accounting	\$12,615.12	8.5%
City Office Supply	Office Supplies	\$ 3,710.00	2.5%
<b>TOTAL</b>		\$16,325.12	11.0%

Buyer: Tywana L. Rhone

Estimated Spending Authority

DEPARTMENT	FY08	OUT YEARS	TOTAL
Public Works & Engineering	\$ 83,061.86	\$332,247.44	\$415,209.30
Parks & Recreation	\$ 17,350.40	\$ 67,674.00	\$ 85,024.40
Houston Airport System	\$ 6,000.00	\$ 35,846.40	\$ 41,846.40
Grand Total	\$106,412.26	\$435,767.84	\$542,180.10

<b>SUBJECT:</b> An Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, providing a process for establishing Municipal Setting Designation ordinances and providing an effective date of November 1, 2007.	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  13
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  8-10-07	<b>Agenda Date</b>  AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE., Director	<b>Council District affected:</b>  All
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<b>For additional information contact:</b> Carol A. Ellinger, P.E.  Senior Assistant Director <b>Phone:</b> (713) 837-7658 Ceil Price, JD Senior Assistant City Attorney <b>Phone:</b> (713) 437-7602 Elena Marks, JD, MPH Director of Health and Environmental Policy, Mayor's Office <b>Phone:</b> (713) 247-3394	<b>Date and identification of prior authorizing Council action:</b>  N/A
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**RECOMMENDATION: (Summary)** Approve Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, providing a process for establishing Municipal Setting Designation Ordinances.

<b>Amount and Source of Funding:</b> N/A	<b>F&amp;A Budget:</b>
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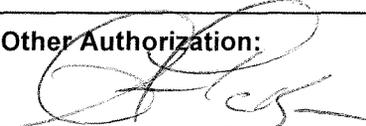
**SPECIFIC EXPLANATION:**

In 2003 the Texas legislature authorized the creation of Municipal Setting Designations (MSDs). An MSD designates an area in which the use of contaminated groundwater is prohibited and records that designation on the property's deed. It is the owner of contaminated real estate who may apply for an MSD. The program is administered by the TCEQ in conjunction with its Voluntary Cleanup Program and other clean up programs run by TCEQ and EPA. It is TCEQ's responsibility to review and approve or disapprove a property owner's application for an MSD. The City's primary role is to provide a forum for public comment and then determine whether to support the MSD application. This Ordinance would formalize a process for the City to support or deny MSD applications.

Aspects related to MSD creation include:

- The sites that could apply for an MSD are already contaminated. There is no increased risk to the public if an MSD is approved. This program will encourage remediation of surface contamination (higher risk) instead of leaving all contamination unaddressed because it is too costly to clean up groundwater.
- The City has no complete database or location of many of these contaminated sites. The MSD process would document the location of this existing contamination.
- The City's proposed process requires that an applicant must participate in one of the cleanup programs administered by TCEQ or EPA.

**REQUIRED AUTHORIZATION** **CUIC ID #20AF110**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>   Andy Icken, Deputy Director Planning & Development Services Division	<b>Other Authorization:</b>
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<b>Date</b>	<b>SUBJECT:</b> An Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, providing a process for establishing Municipal Setting Designation ordinances and providing an effective date of November 1, 2007.	<b>Page</b> <b>2 of 2</b>
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- An MSD only eliminates the requirement that property owners address the risk of *consuming groundwater*. Assessment would still be required for other means of exposure such as: inhalation of vapors; contact with contamination during construction projects; and ecological impacts such as seepage into nearby waterways.
- The ability to establish an MSD does not remove any liability from the property owner, nor does it shift any liability to the City. The City would not incur any liability for providing utility service to currently unserved areas, as the City can choose either to oppose an MSD that would require such expansion, or require the applicant to design and construct the infrastructure necessary to support creation of an MSD.
- The City can choose whether to support an MSD application. TCEQ cannot approve an MSD in Houston without an ordinance or resolution from Houston city council supporting the application.
- MSDs will not be approved within a Well Head Protection area and no MSD may be approved unless the site already is served by City water.
- MSD applications will contain data concerning the nature and extent of the contamination so that city personnel can determine whether contamination is located adjacent to existing city infrastructure. This is important both to maintain the integrity of existing drinking water and sanitary sewer pipes and to protect workers that install and maintain these systems.
- “Potable” water is defined to protect such uses as industrial production of food and drink products.
- Dallas, Fort Worth, Beaumont, Grapevine, Port Arthur, Garland, and Euless have supported MSD applications.
- Properties owned by the City of Houston could apply for an MSD. Up to \$4 million in environmental liabilities could be eliminated if properties qualified for MSDs, according to GSD.

This item was reviewed by the Environmental and Public Health Committee on July 16, 2007 and was unanimously recommended for approval by City Council.

cc: Jeff Taylor  
Marty Stein  
Waynette Chan  
Gary Norman  
File No. 0760700004001 (Legal)

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

**AN ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY ADDING ARTICLE XIII RELATING TO GROUNDWATER; PROVIDING A PROCESS FOR ESTABLISHING MUNICIPAL SETTING DESIGNATION ORDINANCES TO PROHIBIT CERTAIN CONTAMINATED GROUNDWATER FROM POTABLE USE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City of Houston is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

**WHEREAS**, in the exercise of its lawful authority, the City may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

**WHEREAS**, the City uses groundwater from deep aquifers in very distinct, limited areas in the City as a source for public potable water; and

**WHEREAS**, the City Council finds that there are areas within the City and its extraterritorial jurisdiction where the groundwater may not be valuable as a source for potable water due to its limited quantity and low quality; and

**WHEREAS**, properties in the City and its extraterritorial jurisdiction are underlain with unused or unusable groundwater that has become contaminated by historical on-site or off-site sources; and

**WHEREAS**, the Texas legislature has established a process in which a particular type of municipal ordinance will serve in lieu of regulations from the Texas Commission on Environmental Quality (TCEQ) to prohibit contaminated groundwater from potable use; and

**WHEREAS**, the process of having TCEQ approve these municipal ordinances, called municipal setting designations, is authorized by Subchapter W of Chapter 361 of the Texas Health and Safety Code (the Solid Waste Disposal Act), which balances protection of human health and the environment with the economic welfare of the citizens and the City; and

**WHEREAS**, municipal setting designation ordinances enable a state corrective process for groundwater that protects human health and the environment while also promoting the economic welfare of citizens of the city; and

**WHEREAS**, if the use of the groundwater in a particular area presents an actual or potential threat to human health, and another source of potable water is available, the use of designated groundwater beneath a designated property should be prohibited to protect the public health, safety, and welfare; and

**WHEREAS**, municipal setting designation ordinances should be considered only after a process that allows for public notice and input; and

**WHEREAS**, the use of municipal setting designation ordinances within the City and its extraterritorial jurisdiction will encourage the economic development of these properties; and

**WHEREAS**, the City Council finds that it is appropriate to recover the City's costs of administering the municipal setting designation ordinance program established by the

Ordinance through the assessment of fees; and

**WHEREAS**, the City Council finds that the Department of Public Works and Engineering has analyzed the costs of administering the municipal setting designation ordinance program, and related those costs to the individual municipal setting designation ordinances that will be submitted for City Council action; and

**WHEREAS**, the City Council finds that the fees are reasonably related to the cost of administering the program;

**WHEREAS**, the City Council further finds that it is appropriate for the applicant for a municipal setting designation to pay all expenses associated with notices and hearings;

**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 part of this Ordinance.

**Section 2.** That Chapter 47 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article XIII, which shall read as follows:

**"ARTICLE XIII. MUNICIPAL SETTING DESIGNATIONS**

**Sec. 47-761. Definitions.**

As used in this article, the following words and terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

*Application* means the application submitted to the city for a municipal setting designation ordinance.

*Contaminant of concern* means any contaminant that has the potential to adversely affect ecological or human receptors due to its

concentration, distribution or mode of toxicity.

*Critical protective concentration level* means the lowest protective concentration level for a contaminant of concern within a source medium determined from all applicable human exposure pathways.

*Designated groundwater* means groundwater that will be or is prohibited from use as potable water by a municipal setting designation ordinance.

*Designated property* means the property that will be or is subject to a municipal setting designation ordinance. The designated property may cover several platted lots or tracts of land and may include rights-of-way of the city or other governmental entity.

*EPA* means the United States Environmental Protection Agency and any successor agency or department.

*Groundwater* means water below the surface of the earth.

*Ingestion protective concentration level* means the protective concentration level for human ingestion for contaminants of concern in groundwater established by the TCEQ under the Texas Risk Reduction Program, determined as if there were no municipal setting designation ordinance.

*Ingestion protective concentration level exceedence zone* means the area where concentrations of contaminants of concern from sources on or migrating from or through the designated property are greater than the ingestion protective concentration level in groundwater, determined as if there were no municipal setting designation ordinance.

*Municipal setting designation* means a TCEQ designation authorized by Subchapter W of Chapter 361 of the Texas Health and Safety Code, as it may be amended from time to time.

*Municipal setting designation ordinance* means an ordinance adopted pursuant to this article.

*Non-ingestion protective concentration level* means the protective concentration level for dermal contact or inhalation for contaminants of concern in groundwater established by the TCEQ under the Texas Risk Reduction Program.

*Non-ingestion protective concentration level exceedence zone* means the area where concentrations of contaminants of concern from sources on or migrating from or through the designated property are greater than the non-ingestion protective concentration level in groundwater.

*Potable water* means water that is used for irrigation, production of food or drink products intended for human consumption, drinking, showering, bathing or cooking purposes.

*Protective concentration level* means the concentration of a contaminant of concern that the TCEQ has determined can remain within the source medium and not result in a level that exceeds the applicable human health risk-based exposure limit or ecological protective concentration level at the point of exposure for an exposure pathway.

*Response action* means the control, decontamination or removal from the environment of a hazardous substance or contaminant pursuant to Subchapter W of Chapter 361 of the Texas Health and Safety Code, as it may be amended from time to time.

*TCEQ* means the Texas Commission on Environmental Quality and any successor agency.

*TCEQ application* means the application submitted to the TCEQ for certification of a municipal setting designation.

*To the extent known* means information known by an applicant or applicant's agent after review of all public and private records and other information sources available in the exercise of due diligence.

**Sec. 47-762. Application.**

(a) A person seeking a municipal setting designation ordinance shall file an electronic portable digital file and at least one paper copy of an application and any supporting documentation with the director.

(b) The application must be clear, complete, concise, correct, contain only relevant information and be organized to facilitate analysis. Maps must be accurate and drawn to scale. Supporting documentation, if necessary, must be submitted as a separate appendix to the application.

(c) A professional surveyor registered with the Texas Board of Professional Surveying must certify that all property descriptions or maps

with metes and bounds descriptions are accurate.

(d) The application must be on the form required by the director and contain the following information in the order listed:

- (1) An executive summary of the application;
- (2) The name, address, telephone number(s) and email addresses of all applicants, all property owners within the designated property, and any representatives of the applicants or property owners;
- (3) A legal description of the boundaries of the designated property and a copy of the deed for the designated property;
- (4) A site map showing:
  - a. The location of the designated property;
  - b. The topography of the designated property as indicated on publicly available sources, which must note the watershed and whether the designated property is located in a floodplain or floodway, as those terms are defined in chapter 19 of this Code;
  - c. The detected area of groundwater contamination;
  - d. The location of all soil sampling locations and all groundwater monitoring wells;
  - e. Groundwater gradients, to the extent known, and direction of groundwater flow; and
  - f. The ingestion protective concentration level exceedence zone for each contaminant of concern, to the extent known;
- (5) A description of the current use, and, to the extent known, the anticipated uses, of the designated property and properties within 500 feet of the boundary of the designated property;
- (6) For each contaminant of concern within the ingestion protective concentration level exceedence zone, to the extent

known:

- a. A description of the ingestion protective concentration level exceedence zone and the non-ingestion protective concentration level exceedence zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface;
  - b. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units; and
  - c. Its basic geochemical properties (e.g., whether the contaminant of concern migrates with groundwater, floats or is soluble in water);
- (7) For each contaminant of concern within the designated groundwater, to the extent known:
- a. A description of the ingestion protective concentration level exceedence zone and the non-ingestion protective concentration level exceedence zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface;
  - b. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units; and
  - c. Its basic geochemical properties (e.g., whether the contaminant of concern migrates with groundwater, floats or is soluble in water);
- (8) A table displaying the following information for each contaminant of concern, to the extent known:
- a. The concentration level for soil and groundwater, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units; and
  - b. The critical protective concentration level without the municipal setting designation, highlighting any

exceedences;

- (9) A statement as to whether the plume of contamination is stable, expanding, or contracting, with the basis for that statement. If this information is not known, a statement of why the information is not known;
- (10) A statement as to whether contamination on and off the designated property without a municipal setting designation exceeds a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement;
- (11) A statement as to whether contamination on and off the designated property with a municipal setting designation will exceed a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement;
- (12) Identification of the points of origin of the contamination and the persons responsible for the contamination, to the extent known;
- (13) A description of any environmental regulatory actions that have been taken within the past five years in connection with the designated property, to the extent known;
- (14) A listing of all existing state or EPA registrations, permits, and identification numbers that apply to the designated property;
- (15) A statement as to whether the designated property has been admitted to the Texas Voluntary Cleanup Program (section 361.601 of the Texas Health & Safety Code, as may be amended from time to time) or similar state or federal program, and a description of the status of the designated property in the program;
- (16) A summary of any environmental site assessment reports filed with the TCEQ regarding any site investigations or response actions that are planned, ongoing or completed related to the designated property;
- (17) A statement as to whether any public drinking water supply

system exists that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property and the identity of each supply system;

- (18) The name and address of each owner or operator of a water well registered or permitted by the state or the Houston-Galveston Subsidence District that is located within five miles of the boundary of the designated property, along with:
  - a. A map showing the location of each well and, to the extent known, a notation of whether each well is used for potable water; and
  - b. A statement as to whether the applicant has provided notice to each owner in compliance with section 361.805 of the Texas Health and Safety Code;
- (19) The name and address of each retail public utility, as defined in section 13.002 of the Texas Water Code, that owns or operates a groundwater supply well within five miles of the boundary of the designated property, along with a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code;
- (20) A listing of each municipality, other than the city, with a corporate limit within one-half mile of the boundary of the designated property, and a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code;
- (21) A listing of each municipality, other than the city, that owns or operates a groundwater supply well within five miles of the boundary of the designated property, and a statement as to whether the applicant has provided notice as required by section 361.805 of the Texas Health and Safety Code;
- (22) The following statement signed and sealed by a licensed professional engineer or licensed professional geoscientist authorized to practice in the State of Texas with expertise in environmental remediation:

'To the best of my knowledge and belief, based upon a review of all public and private records and other information sources available to me in the exercise of due diligence, the opinions stated and conclusions made in this application are supported by such information, and the technical and scientific information submitted with the application is true, accurate and complete. Based on such review, the contaminants of concern from sources on the designated property or migrating from or through the designated property more likely than not **do exceed** or **do not exceed** a non-ingestion protective concentration level on property beyond the boundaries of the designated property';

- (23) If the licensed professional engineer or licensed professional geoscientist determines that contaminants of concern from sources on the designated property or migrating from or through the designated property more likely than not **do exceed** a non-ingestion protective concentration level on property beyond the boundary of the designated property, then the applicant must:
- a. Specify the name and address of the owner of each property;
  - b. Send a copy of the application to the owner of the property with the notice of the public meeting;
  - c. Provide documentation that the designated property has been included in a state or federal program that requires that the entire non-ingestion protective concentration level exceedance zone be addressed to the satisfaction of the agency administering the program, along with documentation of the estimated time period in which it is to be addressed. An example of such a program is the Texas Voluntary Cleanup Program (section 361.501 of the Texas Health and Safety Code, as may be amended from time to time); and
  - d. Provide documentation upon completion of the state or federal program showing that the non-ingestion protective concentration level exceedances have been addressed to the satisfaction of the agency

administering the program;

- (24) The following statement certified by the applicant and any authorized representatives of the applicant(s) listed in the application:

'I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the persons responsible for gathering and evaluating the information, the information submitted is, the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations';

- (25) The signature of the applicant and proof that the applicant has the legal authority to restrict the use of the groundwater on the designated property; and
- (26) Any other information that the director deems necessary.

(e) The director shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid by an applicant for a municipal setting designation. Payment of any applicable fees when due is a condition of the processing of any application under this article, and no refund of the application fee shall be made. The director shall not mail notices or advertise the public meeting required by this article until the estimated cost of mailing notices and advertising the public meeting is paid by the applicant. The director shall not request that a municipal setting designation ordinance be placed on a city council agenda until the applicant has paid all costs associated with advertising and mailing notices for the public meeting. The director may waive the application fee but not other costs if the director finds that payment of the application fee would result in a substantial financial hardship to the applicant.

(f) Within 30 days after submission of an application, the director shall notify the applicant that the application is complete or notify the applicant in writing of any deficiencies in the application and of any additional documentation required. The applicant shall have 60 days from the date of the deficiency letter to correct the deficiencies or submit additional documentation. The director may, for good cause, extend the deadline to

correct or supplement the application. If the applicant fails to correct or supplement the application within 60 days or the extended period, the application shall be deemed withdrawn and the initial filing fee forfeited. No application shall be deemed complete until all supporting documentation is supplied.

**Sec. 47-763. Staff review.**

(a) The director shall distribute a copy of the complete application to the city attorney, the mayor's office, the department of health and human services and any other city department whose property or operations may be affected by the application for review and comment. The director shall also send a copy of the application to the TCEQ.

(b) The city is not responsible for conducting an environmental risk assessment with respect to the application or the designated property.

**Sec. 47-764. Public meeting.**

(a) The director shall conduct a public meeting within 60 days after the application is deemed complete. The public meeting must be held at a facility open to the public near the designated property.

(b) Upon receipt of the estimated cost of mailing notices and advertising the public meeting, the director shall cause to be provided notification of the public meeting as follows:

- (1) The notice of the public meeting must include:
  - a. The date, time and location of the public meeting;
  - b. The identity of the applicant;
  - c. The location and legal description of the designated property;
  - d. The purpose of a municipal setting designation; and
  - e. The type of contamination identified in the designated groundwater;
- (2) The director shall publish notice of the public meeting in a newspaper of general circulation at least 30 days before the

public meeting;

- (3) The director shall mail notice of the public meeting at least 30 days before the date of the public meeting by depositing the notice properly addressed and postage paid in the United States mail. The notice must be written in at least English and Spanish. The applicant may not alter, change, amend, or enlarge the application after notices for the public meeting have been mailed. The director shall mail notice of the public meeting to:
- a. The applicant;
  - b. Owners of real property within 2,500 feet of the boundary of the designated property as indicated by the most recent appraisal district records;
  - c. Owners and operators of water wells registered or permitted by the state or the Harris-Galveston Subsidence District that are located within five miles of the boundary of the designated property, as indicated on the application, by certified mail;
  - d. Any municipality with a corporate limit within one-half mile of the boundary of the designated property, as indicated on the application, by certified mail;
  - e. Any municipality that owns or operates a groundwater supply well within five miles of the boundary of the designated property, as indicated on the application, by certified mail;
  - f. The Harris-Galveston Subsidence District;
  - g. Any civic organization, property owners' association, or any other interested group with identifiable boundaries, provided that the organization, association or group is registered with the planning and development department in a manner prescribed by the director of that department, the boundary of which organization, association or group is within one-half mile of the boundary of the designated property, as indicated on the application, by certified mail; and

h. The TCEQ; and

- (4) The director shall cause a copy of the application to be placed on display at the public library closest to the designated property at least 30 days prior to the public meeting.

(c) The applicant, the licensed professional engineer or licensed professional geoscientist who signed and sealed the application, or a licensed professional engineer or licensed professional geoscientist who is familiar with the application must be present at the public meeting. If the required person is not present at the public meeting, the director may either deem the application withdrawn and any fees forfeited or reschedule the public meeting at the applicant's expense.

(d) The purpose of the public meeting is to provide information to the community about municipal setting designations in general and the application in specific, allow the applicant to explain the application, allow proponents and opponents to comment, and notify the community of the date of the city council public hearing.

**Sec. 47-765. City council public hearing.**

(a) City council shall conduct a public hearing to consider a municipal setting designation ordinance.

(b) Prior to the city council public hearing, the director shall prepare a recommendation as to whether the municipal setting designation ordinance should be granted or denied, and listing any conditions that should be imposed.

- (1) The director may recommend that the municipal setting designation ordinance prohibit the use of the designated groundwater from beneath public rights-of-way immediately adjacent to the designated property as potable water.
- (2) If, in the sole discretion of the director, the director determines it is more likely than not that a source of a contaminant of concern originated on the designated property, and the ingestion protective concentration level exceedence zone or the non-ingestion protective concentration level exceedence zone for that contaminant of concern extends to public rights-of-way immediately adjacent to the designated property, the director may recommend that the municipal setting

designation ordinance include a condition that the public right-of-way immediately adjacent to the designated property be included, at no additional cost to the city, in the TCEQ application.

(c) Upon payment of the costs associated with providing notice of the public hearing, the director shall provide notification of the public hearing as follows:

- (1) The notice of the public hearing must include:
  - a. The date, time and location of the public hearing;
  - b. The identity of the applicant;
  - c. The location and legal description of the designated property;
  - d. The purpose of a municipal setting designation; and
  - e. The type of contamination identified in the designated groundwater; and
- (2) The director shall publish notice of the public hearing in a newspaper of general circulation at least 30 days before the public hearing.

(d) The applicant, the licensed professional engineer or licensed professional geoscientist who signed and sealed the application or a licensed professional engineer or licensed professional geoscientist who is familiar with the application must be present at the public hearing. If the required person is not present at the public hearing, the city council may either deny the application or continue the public hearing.

- (e) The city council shall deny the application if it finds that:
- (1) It does not meet the eligibility criteria of section 361.803 of the Texas Health and Safety Code;
  - (2) The municipal setting designation will have an adverse effect on the current or future water resource needs or obligations of the city; or

- (3) There is not a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the boundary of the designated property.

(f) If the city council does not deny an application pursuant to subsection (d), it shall adopt a municipal setting designation ordinance that:

- (1) States that the ordinance is necessary because the concentrations of contaminants of concern exceed human ingestion protective concentration levels;
- (2) Provides a legal description of the designated property;
- (3) Describes the designated groundwater, including the maximum depth below ground surface of the designated groundwater; however, the maximum depth shall not exceed 200 feet below ground surface unless the applicant specifically so requests and the ordinance specifically provides a greater depth;
- (4) Prohibits the use as potable water of groundwater from beneath the designated property;
- (5) Appropriately restricts other uses of or contact with the designated groundwater, including, but not limited to, properly plugging any existing water production well on the designated property;
- (6) Lists any reasonable and necessary conditions; and
- (7) Indicates support of the applicant's TCEQ application, with any comments.

(g) The municipal setting designation ordinance may prohibit the use as potable water of the designated groundwater from beneath public rights-of-way immediately adjacent to the designated property as potable water.

(h) The municipal setting designation ordinance may include a condition that the public rights-of-way immediately adjacent to the designated property be included, at no additional cost to the city, in the TCEQ application.

**Sec. 47-766. Limitation on reapplication.**

If the applicant withdraws the application after the public hearing, or if the city council denies the application, no further applications may be accepted for that property for one year after the date of the withdrawal or denial.

**Sec. 47-767. Effect of municipal setting designation ordinance.**

(a) The effect of a municipal setting designation ordinance is to prohibit use of designated groundwater as potable water and thereby enable the TCEQ to certify a municipal setting designation for the designated property. If certified by the TCEQ, the municipal setting designation may limit the scope of or eliminate the need for risk-based site investigations and response actions pursuant to Section 361.808 of the Texas Health and Safety Code based on the non-existence, elimination, or control of pathways for human ingestion of contaminated groundwater.

(b) Any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations and all ordinances, rules, and regulations of the city. The city council's approval of a municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

(c) Approval of a municipal setting designation ordinance shall not be construed to subject the city to any responsibility or liability for any injury to persons or damage to property caused by any contaminant of concern.

**Sec. 47-768. Additional requirements following adoption of an ordinance.**

(a) Within 30 days after adoption of a municipal setting designation ordinance, the applicant shall provide:

- (1) The director with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city's geographic information system and its integrated land management system; and
- (2) The Harris County Appraisal District with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the its

system.

(b) Within 30 days after adoption and upon receipt of the necessary filing fee from the applicant, the director shall file a certified copy of the municipal setting designation ordinance in the deed records of the county where the designated property is located.

(c) Within 30 days after adoption, the director shall send a certified copy of the municipal setting designation ordinance to the applicant and the TCEQ or EPA, as applicable.

(d) The applicant shall provide the director with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

(e) The applicant shall provide the director with a copy of the certificate of completion or other analogous documentation issued by the TCEQ or EPA showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ or EPA within the time period required. The director may, for good cause, extend the time for submitting the documentation.

(f) The director may, for good cause, recommend to the city council that the municipal setting designation ordinance be repealed, after giving 30 days written notice in advance to the applicant and the TCEQ or EPA, as applicable, of such a recommendation.

(g) The applicant shall notify the director in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Section 350.55(b), providing the name of the property owner, the property address, and a copy of the notice sent to the property owner.

**Sec. 47-769. Authority of the director.**

The director is authorized to:

- (1) Enter public or private property to determine whether designated groundwater is being used in violation of this section.

- (2) Administer and enforce the provisions of this section.

**Sec. 47-770. Offenses; penalty.**

- (a) A person commits an offense if the person:

- (1) Uses designated groundwater as a potable water source or for a purpose prohibited in the municipal setting designation ordinance;
- (2) Fails to provide the director with a copy of the municipal setting designation certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate;
- (3) Fails to provide the director with a copy of the certificate of completion or analogous documentation issued by the TCEQ or EPA showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the TCEQ or EPA within the time period required; and
- (4) Fails to notify and provide documentation to the director within the time period, if any, required in the municipal setting designation ordinance that the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from or through the designated property has been addressed to the satisfaction of the state or federal agency administering the program.

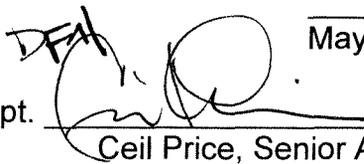
(b) Except as may otherwise be provided, whenever in this article an act is prohibited or is made or declared unlawful or an offense or misdemeanor, or whenever in this article the doing of any thing or act is required or the failure to do any thing or act is prohibited, the violation of the provision shall be and constitute a misdemeanor punishable, upon conviction, by a fine of not less than \$500.00 nor more than \$2,000.00 each day that any violation continues shall constitute and be punishable as a separate offense. Any offense under this article that also constitutes a violation of any state penal law shall be punishable as provided in the applicable state law.”

**SECTION 3.** That the City Council hereby approves the initial schedule of application fees for municipal setting designations that is attached to and made a part of this Ordinance as Exhibit A.

**SECTION 4.** 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 applicability 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 5.** 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 be passed finally on that date and shall take effect at 12:01 a.m. on November 1, 2007.

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



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

Prepared by the Legal Dept.  
CP/ej 07/31/2007

\_\_\_\_\_  
Ceil Price, Senior Assistant City Attorney

Requested by Michael S. Marcotte, P.E., DEE, Director, Public Works and Engineering Department

L.D. File No. 0760700004001

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<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of ±3,494 square feet of excess Westcott Street right of way in exchange for the conveyance to the City of the entire area as a utility easement, located in portions of Lots 14, 15, and 16, Block 2, Camp Logan First Addition, out of the John Reinerman Survey, A-642. <b>Parcels SY7-023A, SY7-023B, VY7-028A and VY7-028B</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  14
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  8/9/07	<b>Agenda Date</b>  AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> H  Key Map 492F <i>PSM</i>
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (713) 837-0881 <i>np</i> Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>  C.M. 2006-1115 (12/06/06)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of ±3,494 square feet of excess Westcott Street right of way in exchange for a consideration of \$34,940.00 plus the conveyance to the City of the entire area as a utility easement, located in portions of Lots 14, 15, and 16, Block 2, Camp Logan First Addition, out of the John Reinerman Survey, A-642. **Parcels SY7-023A, SY7-023B, VY7-028A and VY7-028B**

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

By Council Motion 2006-1115, City Council authorized the subject transaction. Coppage Properties, Inc. (Tom Fore, President), the property owner, plans to use the property being abandoned and sold as additional parking for its abutting business, Bubba's Restaurant.

Coppage Properties, Inc. 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 Coppage Properties, Inc.:

<b>Parcel SY7-023A</b>	
2,152-square-foot portion of Westcott Street	\$43,040.00
<b>Parcel SY7-023B</b>	
1,342-square-foot portion of Westcott Street	\$26,840.00
<b>TOTAL ABANDONMENTS</b>	<b><u>\$69,880.00</u></b>

s:\psm\sy7-023.rc2.doc CUIC #20PSM197

**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>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of ±3,494 square feet of excess Westcott Street right of way in exchange for the conveyance to the City of the entire area as a utility easement, located in portions of Lots 14, 15, and 16, Block 2, Camp Logan First Addition, out of the John Reinerman Survey, A-642. <b>Parcels SY7-023A, SY7-023B, VY7-028A and VY7-028B</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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In exchange, Coppage Properties, Inc. will pay

Cash	\$34,940.00
Plus convey to the City:	

**Parcel VY7-028A**

2,152-square-foot utility easement	\$21,520.00
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**Parcel VY7-028B**

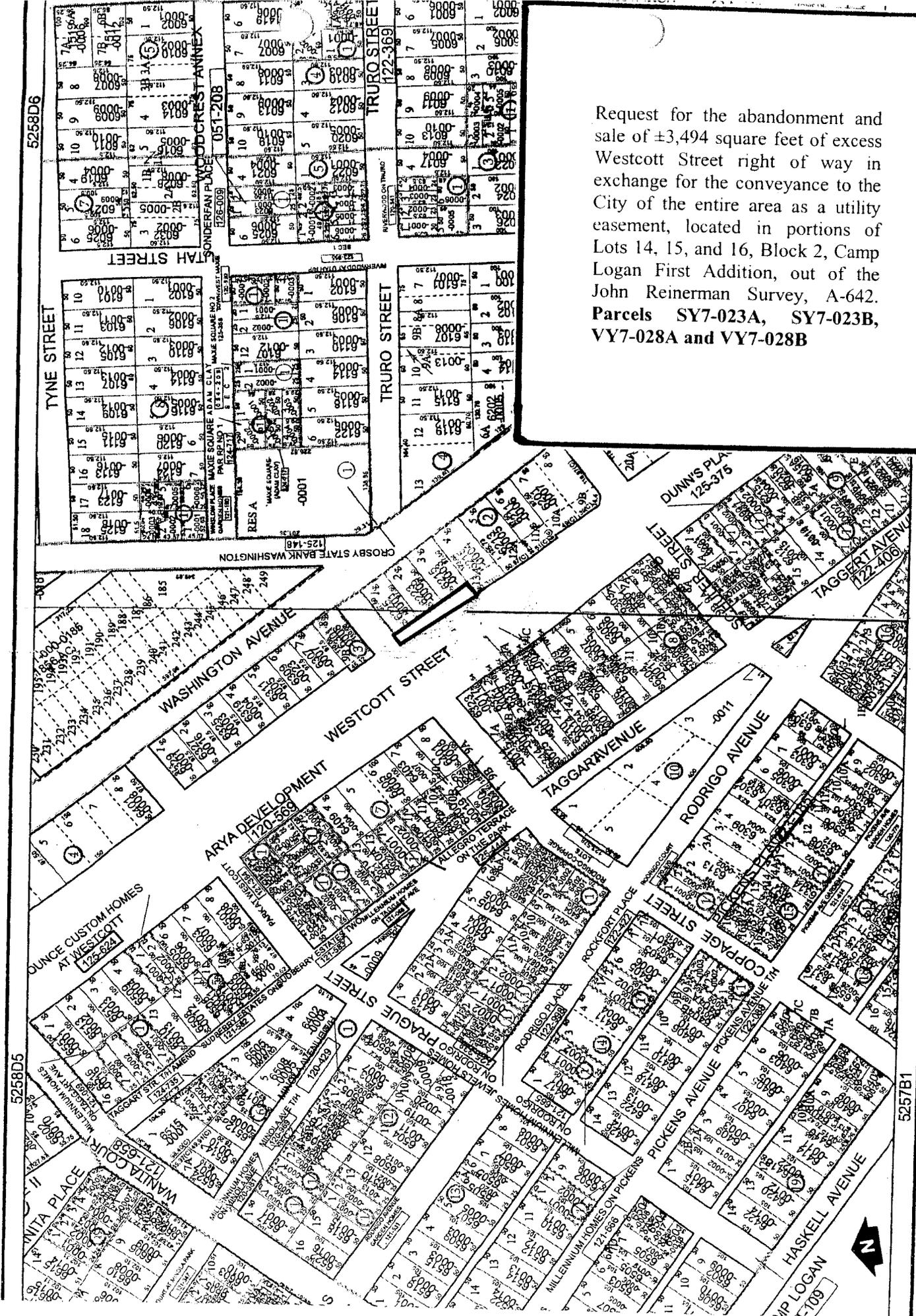
1,342-square-foot utility easement	\$13,420.00
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<b>TOTAL CASH AND CONVEYANCES</b>	<b><u>\$34,940.00</u></b>
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Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of ±3,494 square feet of excess Westcott Street right of way in exchange for the conveyance to the City of the entire area as a utility easement, located in portions of Lots 14, 15, and 16, Block 2, Camp Logan First Addition, out of the John Reinerman Survey, A-642.

MSM:NPC:psm

- c: Daniel W. Krueger, P.E.  
 Reid K. Mrsny, P.E.  
 Marty Stein  
 Jeff Taylor



Request for the abandonment and sale of ±3,494 square feet of excess Westcott Street right of way in exchange for the conveyance to the City of the entire area as a utility easement, located in portions of Lots 14, 15, and 16, Block 2, Camp Logan First Addition, out of the John Reinerman Survey, A-642. **Parcels SY7-023A, SY7-023B, VY7-028A and VY7-028B**



5258D6

5258D5

5257B1

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 Tom Fore, President, Coppage, Inc., 6225 Washington Avenue, Houston, Texas, 77007, for the abandonment and sale of ±3,494 square feet of excess Westcott Street right of way, consisting of the remaining portions of Lots 14, 15, and 16, Block 2, Camp Logan First Addition, out of the John Reinerman Survey, A-642, Parcel Nos. SY7-023A, SY7-023B, VY7-028A and VY7-028B, be adopted as follows:

1. The City abandon and sell ±3,494 square feet of excess fee-owned Westcott Street right of way in exchange for the conveyance to the City of the entire area as a utility easement, located in the remainder of Lots 14, 15, and 16, Block 2, Camp Logan First Addition, out of the John Reinerman Survey, A-642;
2. The Legal Department be authorized to prepare the necessary transaction documents; and
3. John Fox and Patrick O'Connor, independent real estate appraisers, are hereby appointed to establish the value, inasmuch as the value of the property interests is expected to exceed \$25,000.00.

Seconded by Council Member Alvarado and carried.

Acting Mayor Pro Tem Berry, Council Members Lawrence,  
Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown,  
Lovell and Green voting aye  
Nays none  
Mayor White, Council Members Edwards and Wiseman absent  
Acting Mayor Pro Tem Berry presiding

PASSED AND ADOPTED this 6th day of December, 2006.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is December 12, 2006.

  
City Secretary

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 33.477 acres of land to Dowdell Public Utility District (Key Map No. 290-F)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  15
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 7-19-07	<b>Agenda Date</b> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Jun Chang, P.E. <i>gc</i> 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 addition of 33.477 acres of land to Dowdell Public Utility District 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:**

Dowdell Public Utility District has petitioned the City of Houston for consent to add 33.477 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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.

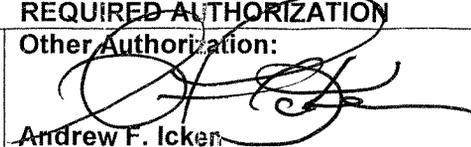
The district is located in the vicinity of Spring Stuebner, Root Road, Kuykendahl Road and Hildebrandt Road. The district desires to add 33.477 acres, thus yielding a total of 723.031 acres. The district is served by the Dowdell Public Utility District Wastewater Treatment Plant. The nearest major drainage facility for Dowdell Public Utility District is Willow Creek which flows to Cypress Creek then to Spring Creek then into the San Jacinto River and finally into Lake Houston.

Potable water is provided by the district. 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.

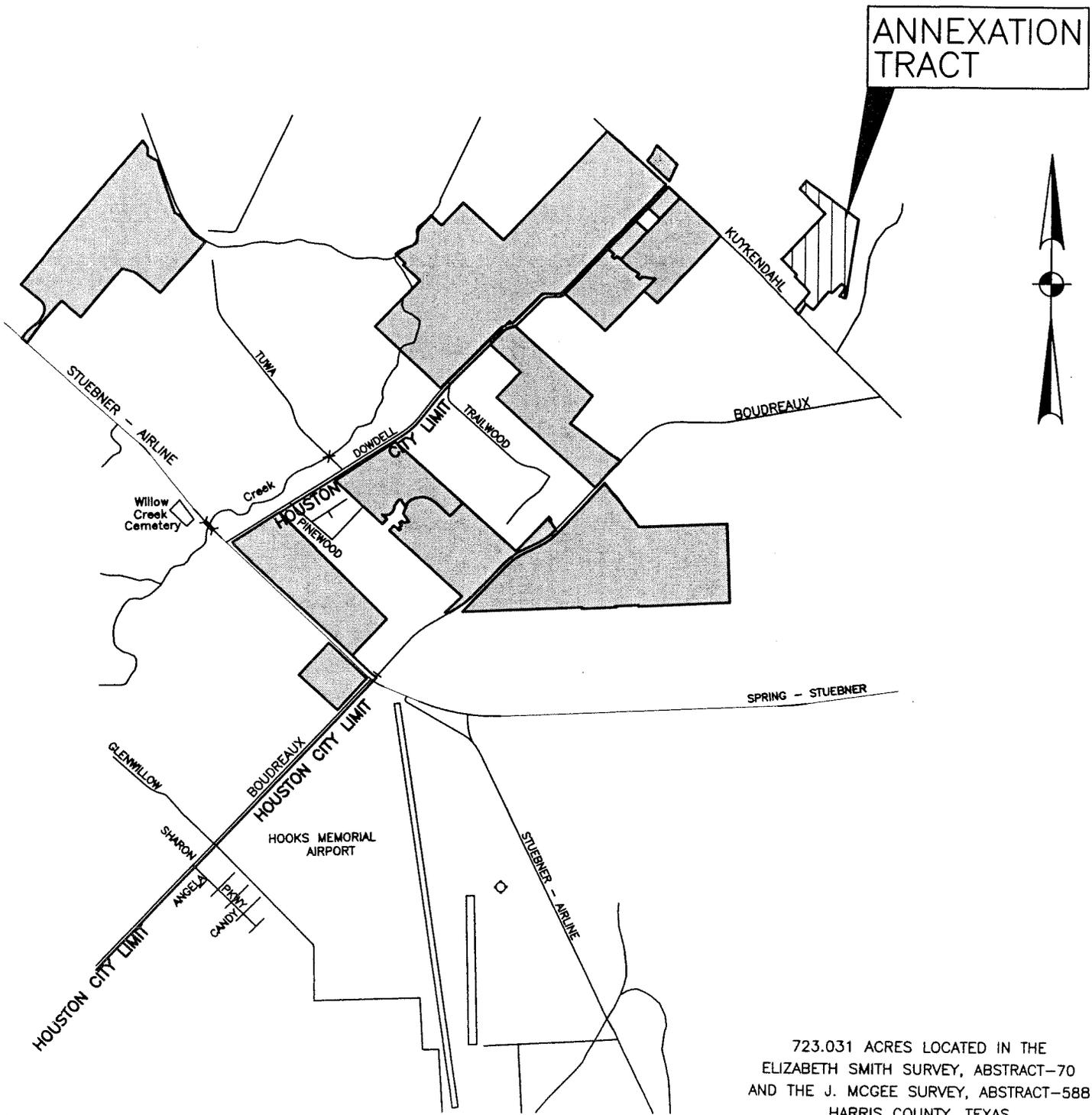
The Utility District Review Committee recommends that the subject petition be approved.

**Attachments**

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

<b>REQUIRED AUTHORIZATION</b>		20JZC311
<b>F &amp; A Director</b>	<b>Other Authorization:</b>  Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>

DOWDELL PUBLIC UTILITY DISTRICT  
PROPOSED ADDITION OF 33.477 ACRES OF LAND  
(KEY MAP PAGE 290F)



723.031 ACRES LOCATED IN THE  
ELIZABETH SMITH SURVEY, ABSTRACT-70  
AND THE J. MCGEE SURVEY, ABSTRACT-588  
HARRIS COUNTY, TEXAS



12121 Wickchester Lane - Suite 200  
Houston, Texas 77079

DATE: MAY 2007 SCALE: N.T.S.

311



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**Application Accepted as Complete** (to be completed by PW&E)

06-29-07A10:33 100% V.O.

Application is hereby made for consent of the City of Houston to the  creation/  addition of 33.477 acres to Dowdell PUD under the provisions of Chapters 49 & 54 Texas Water Code.

*Sara J. Anderson*  
Attorney for the District

**Attorney:** Sara J. Anderson, Smith, Murdaugh, Little & B

Address: 1100 Louisiana, Suite 400, Houston, Texas Zip: 77002 Phone: 713/652-6500

**Engineer:** Jack Miller, P.E., R.G. Miller Engineers, Inc.

Address: 12121 Wickchester Lane, Suite 200, Houston, Texas Zip: 77079 Phone: 713/461-4633

**Owners:** See attached

Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

(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 Elizabeth Smith; James McGee Abstract 70; 554 and 588

Geographic Location: List only major streets, bayous or creeks:

North of: Spring Stuebner East of: Kuykendahl Rd.  
South of: Root Road West of: Hildebrant Road

### WATER DISTRICT DATA

Total Acreage of District: 689.554 Existing Plus Proposed Land 723.031 ✓

### **Development Breakdown (Percentage) for tract being considered for annexation:**

Single Family Residential 100% Multi-Family Residential \_\_\_\_\_  
Commercial 0% Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

Sewage generated by the District will be served by a : District Plant  Regional Plant

Sewage Treatment Plant Name: Dowdell PUD WWTP

NPDES/TPDES Permit No: 11404-001 TCEQ Permit No: \_\_\_\_\_



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.50

Ultimate Capacity (MGD): 0.95

Size of treatment plant site: 10.6 ac ~~square feet~~/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.95 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: Dowdell Water Plant Nos. 1,2 & Rem Well

Water Treatment Plant Address: 8402 Creek Willow, 8424 Creek Willow, 8202 Hayden

Well Permit No: 119333; 119334; 119335

### Existing Capacity:

Well(s): 2,250 GPM

Booster Pump(s): 4,500 GPM

Tank(s): 0.632 MG

### Ultimate Capacity:

Well(s): 2,250 GPM

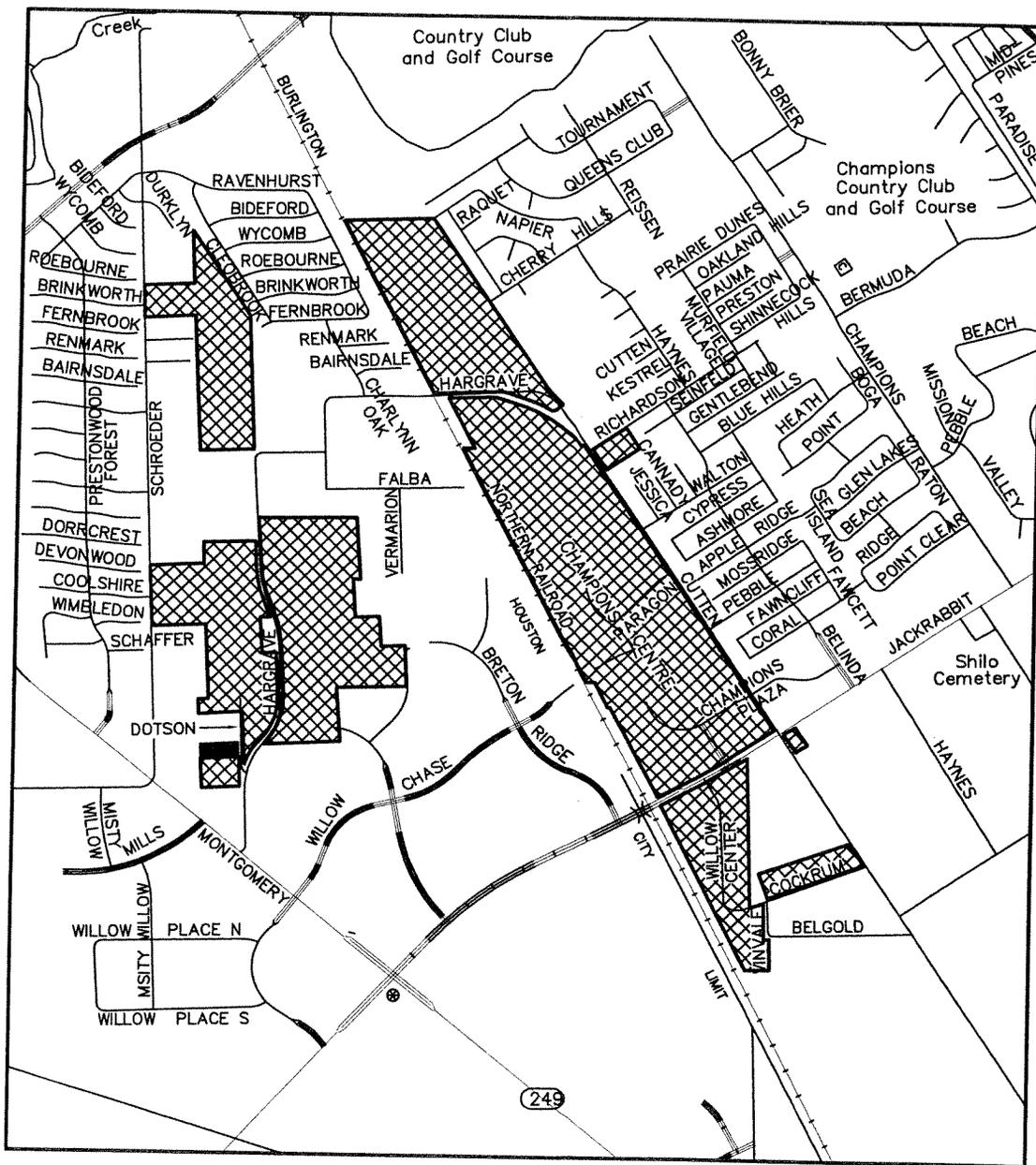
Booster Pump(s): 4,500 GPM

Tank(s): 0.844 MG

Size of Treatment Plant Site: 1- 0.6 ac.; 2-.52 ac.; Rem <sup>0.500</sup> ~~square feet~~/acres.

Comments or Additional Information: \_\_\_\_\_





LEGEND



PROPOSED TRACT



EXISTING DISTRICT

VICINITY MAP  
 OF  
**1,770 ACRE PROPOSED  
 ANNEXATION TRACT**  
 HARRIS COUNTY, TEXAS  
 MARCH 2007

**JC JONES & CARTER, INC.**  
 ENGINEERS • PLANNERS • SURVEYORS

6335 Gullfnton Dr., Suite 100 Houston, Texas 77081 (713) 777-5337



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**Application Accepted as Complete** (to be completed by PW&E)

07-05-07A11:35 CFHD V.O.

Application is hereby made for consent of the City of Houston to the  creation/  addition of 1.770 acres to Harris County MUD #191 under the provisions of Chapter 49, Texas Water Code. (Tract #34)

Attorney for the District

**Attorney:** Michael A. Cole, Michael A. Cole, P.C.

Address: 5120 Bayard Lane, Houston, TX Zip: 77006 Phone: 713-880-3800

**Engineer:** Richard S. Golden, P.E. - Jones & Carter, Inc.

Address: 6335 Gulfton, Suite 100, Houston Zip: 77081-1169 Phone: 713-777-5337

**Owners:** B & W Holdings, Ltd.

Address: 18220 State Highway 249 Suite 200, Houston TX Zip: 77070 Phone: 832-607-3551

(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 A. Herrington

Abstract 380

Geographic Location: List only major streets, bayous or creeks:

North of: FM 249

East of: Schroeder Road

South of: Cypresswood Blvd.

West of: Dotson Road

### WATER DISTRICT DATA

Total Acreage of District: 404.0436

Existing Plus Proposed Land 424.3290  
(+3.954, 6.4284, 1.771, 1.769, 1.770, 4.5930)

**Development Breakdown (Percentage) for tract being considered for annexation:**

Single Family Residential 0%

Multi-Family Residential 0%

Commercial 100%

Industrial 0%

Institutional 0%

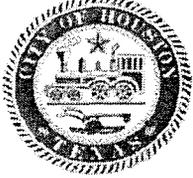
Sewage generated by the District will be served by a : District Plant

Regional Plant

Sewage Treatment Plant Name: Harris County MUD #191

NPDES/TPDES Permit No: TX0090476

TCEQ Permit No: 12556-01



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.476 MGD

Ultimate Capacity (MGD): 0.6 MGD

Size of treatment plant site: 2.163 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.6 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: Harris County MUD #191

Water Treatment Plant Address: 7150 Paragon Court

Well Permit No: 45240

### Existing Capacity:

Well(s): 1,300 GPM

Booster Pump(s): 4,000 GPM

Tank(s): 429,200 MG

### Ultimate Capacity:

Well(s): 1,300 GPM

Booster Pump(s): 4,000 GPM

Tank(s): 429,200 MG

Size of Treatment Plant Site: 0.6039 Acre

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 45.97 acres to Harris County Municipal Utility District No. 382 (Key Map No. 575-U)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  17
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8-2-07	<b>Agenda Date</b> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<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 addition of 45.97 acres of land to Harris County Municipal Utility District No. 382 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. 382 has petitioned the City of Houston for consent to add 45.97 acres of land, located within the Corporate limits of the City of Houston.

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 Beltway 8, Almeda Genoa, Monroe, and Blackhawk. The district desires to add 45.97 acres, thus yielding a total of 170.9085 acres. The district is served by the City of Houston's Easthaven Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 382 is Clear Creek which flows to Clear Lake and then into Galveston Bay.

Potable water is 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.

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

<b>REQUIRED AUTHORIZATION</b>		20JZC306
<b>F &amp; A Director</b>	<b>Other Authorization:</b> <i>for</i> <i>Carol Ellinger</i> Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**Application Accepted as Complete** (to be completed by PW&E)

06-19-07 11:23 AM POC: [signature]

Application is hereby made for consent of the City of Houston to the addition of 19.72 and 26.25 acre tract (45.97 acre total) acres to **Harris County Municipal Utility District No. 382** under the provisions of Chapters 49 and 54, Texas Water Code and Article XVI, Section 59, of the Texas Constitution.

Attorney for the District

**Attorney:** Greer Pagan, Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600, Houston, Texas Zip: 77027 Phone: 713-860-6417

**Engineer:** Brian Ross, LJA Engineering & Surveying, Inc.

Address: 2929 Briarpark Drive, Suite 600 Houston, TX Zip: 77042 Phone: (713) 953-5159

**Owners:** Middlebury Properties, L.P.

Address: 909 Texas Avenue, Apt. 1519 Houston, TX Zip: 77002 Phone: (713) 223-2071

(If more than one owner, attach additional page. List all owners of property within the District)

### LOCATION

INSIDE CITY  Yes OUTSIDE CITY  NAME OF COUNTY (S) Harris

Survey: Adolph Goldman Survey,  
J. B. Hagerlund Survey  
H.T.&B.R.R.Co. Survey, Section 2 Abstract: A-1564, A-354, A-1382

Geographic Location: List only major streets, bayous or creeks:

North of: Beltway 8 East of: Monroe  
South of: Almeda Genoa West of: Blackhawk

### WATER DISTRICT DATA

Total Acreage of District: 124.9385 currently Existing Plus Proposed Land: 170.9085 ✓

### **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: Easthaven Wastewater Treatment Plant (City of Houston Plant)

NPDES/TPDES Permit No: TX0034886 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: District obtains water from the City of Houston water system

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: \_\_\_\_\_

<b>SUBJECT: An ordinance approving the budget submission and contract with the Department of State Health Services, (DSHS) for various health services in the City of Houston</b>		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> <span style="font-size: 2em; float: right;">18</span>
<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services		<b>Origination Date</b> 07/13/07	<b>Agenda Date</b> AUG 15 2007	
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> ALL			
<b>For additional information contact: Kathy Barton</b> Telephone: 713-794-9998 or 713-826-5801		<b>Date and identification of prior authorizing Council action:</b> 8-22-01; 01-0790 9-4-02; 02-0833 8-13-03; 03-0747; 8-31-04; 04-0907; 09-14-05; 05-1063; 09-06-06; 06-925.		
<b>RECOMMENDATION: (Summary)</b>  <p style="text-align: center;"><b>Approval of an ordinance for the budget submission and contract with the Department of State Health Services (DSHS) for a variety of Health Services in the City of Houston.</b></p>				
<b>Amount of Funding: Total Project Cost: \$13,629,310.00</b> \$12,216,310.00- Department of Health State Services Fund 5030 Federal State Local – Pass Through Fund \$1,413,000.00 – General Fund-Revenue Code 422080			<b>F&amp;A Budget:</b>	
<b>SOURCE OF FUNDING:</b> [ ] General Fund [ X ] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)				
<b>SPECIFIC EXPLANATION:</b>  The Houston Department of Health and Human Services (HDHHS) requests City Council approval of the FY08 budget submissions and contracts with the Department of State Health Services (DSHS), for the City's Bureau of Nutrition Services, Women Infants and Children (WIC); Tuberculosis Control; Title V- Part A, Associateship for Family Health Services; Titles V, XX and X for Family Planning Services and Immunization program.  HDHHS requests the transfer of money from the General Fund, not to exceed 15% of the requested level of funding for the WIC program to manage the City's cash position as required by City Charter.  HDHHS requests City Council authorize the Director of HDHHS to: 1) accept the initial funding of the applicable Contract Change Notice(s) and expend approved funding as soon as awarded; and 2) accept supplemental awards offered by DSHS during this budget year.				
<u><b>Tuberculosis Control</b></u>			<b>\$1,350,173.00</b>	
Funding from DSHS will continue to provide Directly Observed Therapy (DOT) services for tuberculosis treatment and prevention and expanded outreach services throughout the City of Houston. The period of performance of this program is September 1, 2007 through August 31, 2008.				
<u><b>Title V Part A- Associateship for Family Health Services</b></u>			<b>\$440,000.00</b>	
Funding from DSHS will provide preventive clinic services to women of reproductive age and to children and adolescents aged 0-21. These services support pre-natal, well child, dental and case management at seven community-based health centers. The period of performance for this program is September 1, 2007 through August 31, 2008.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director</b>  Director		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>Date</b> 07/13/07	<b>Subject:</b> An ordinance approving the budget submission and contract with the Department of State Health Services for a variety of health services in the City of Houston	<b>Originator's Initials</b>	Page <u>2</u> of <u>2</u>
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**Titles V – XX & X for Family Planning Services**

**\$1,746,008.00**

Funding from DSHS will provide preventive clinic services. These services support family planning at seven community-based health centers. The period of performance for this program is September 1, 2007 through August 31, 2008.

**Immunizations**

**\$673,129.00**

Funding from DSHS will support the administration of the HDHHS' Inner City Project. The Inner City Project provides immunizations and education about vaccine preventable diseases to visitors at various city WIC facilities and other non-traditional sites. The goal of the Inner City Project is to improve immunizations coverage levels for children 24 months of age and younger. Reminder-recall services are also conducted to ensure parents/guardians are notified of the child's next vaccination due date. The period of performance is September 1, 2007 through August 31, 2008.

**Bureau of Nutritional Services (WIC)**

**\$9,420,000.00**

Funding from DSHS will serve an average of 80,000 WIC participants per month. Immunization screenings are provided to all WIC clients in 18 WIC sites. The period of performance is October 1, 2007 through September 30, 2008.

cc: Finance & Administration  
Legal Department  
Agenda Director

<b>SUBJECT: An ordinance approving and accepting the Texas Department on Aging and Disability Services Area Plan for the Harris County Area Agency on Aging</b>	<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 19
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<b>FROM (Department or other point of origin):</b> Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	<b>Origination Date</b> 07/20/07	<b>Agenda Date</b> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Stephen L. Williams</i>	<b>Council District affected:</b> ALL
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<b>For additional information contact: Kathy Barton</b> Telephone: 713-794-9998 or 713-826-5801	<b>Date and identification of prior authorizing Council action:</b> 06-10-03 ; 03-0554
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance authorizing the acceptance of the Texas Department on Aging and Disability Services ~~FY08-10~~ Area Plan for the Harris County Area Agency on Aging.

<b>Amount of Funding: Total Project Cost: \$10,376,717.00</b> \$9,526,168.00 Texas Department on Aging and Disability Services Federal State Local -Pass Through Fund (Fund 5030) \$581,000.00 Federal Government Grant Funds (Fund 5000) \$269,549.00 - General Fund - (Fund 1000)	<b>F&amp;A Budget:</b>
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**SOURCE OF FUNDING:** [ X ] General Fund [ X ] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify )

**SPECIFIC EXPLANATION:**  
The Houston Department of Health and Human Services (HDHHS) requests City Council approval and acceptance of the FY2008-2010 Texas Department on Aging and Disability Services (DADS) Area Plan to be administered by the Harris County Area Agency on Aging (HCAAA). The Area Plan includes funding for Supportive Services, Nutrition Services, Caregiver Programs, Administration, Health Maintenance, State General Revenue and other activities, including assisted living, ombudsman activity grant and elder abuse prevention. The FY2008-2010 project period is from October 1, 2007 through September 30, 2010. The grant requires a 25% match on administration and a minimum of 10% match on program activities. General Funds and Community Development Block Grant Funds are identified in the application for this purpose.

The annual estimated budgets for the following services are:

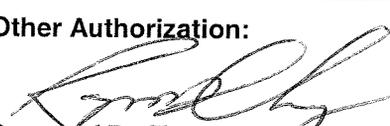
- 1) Supportive Services - \$1,779,119.00
- 2) Nutrition Services - \$3,685,335.00
- 3) Caregiver Programs- \$1,078,459.00
- 4) Administration - \$793,673.00
- 5) Health Maintenance -\$193,258.00
- 6) Nutrition Services Incentive Program(NSIP) -\$874,085.00
- 7) Elder Abuse Prevention (EAP) \$40,774.00
- 8) Ombudsman Activity Grant (OAG) - \$93,181.00
- 9) Alzheimer Care Coordination Education Services System (ACCESS) Grant - \$437,570
- 10) Assisted living and elder abuse prevention - \$45,211.00.

HDHHS is requesting City Council to authorize the Director to expend approved funding and accept subsequent awards offered by DADS during the project period.

cc: Financial & Administration  
Legal Department  
Agenda Director

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>SUBJECT:</b> Approval and adoption of Ordinance altering maximum prima facie speed limits in certain school zones		<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>20</b>
<b>FROM (Traffic &amp; Transportation):</b>  Department of Public Works and Engineering		<b>Origination Date</b>  8-2-07	<b>Agenda Date</b>  AUG 15 2007	
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b>  All Districts		
<b>For additional information contact:</b>  Sam Acheson <sup>SA</sup> Phone: (713) 837-0545 Traffic and Transportation Division		<b>Date and identification of prior authorizing Council action:</b>  Ordinance #2007-290 Adopted March 7, 2007		
<b>RECOMMENDATION: (Summary)</b> Approve and adopt Ordinance altering maximum prima facie speed limits in certain school zones.				
<b>Amount and Source of Funding:</b> NA			<b>F&amp;A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  Several changes are recommended for school speed zones which are on various City streets. Traffic studies were conducted for the school zoned street segments to establish the recommended speed limit. This amendment is included in Tables 1, 2 and 3. A full listing of all school speed zones, including all changes, is contained in Table 3 and is recommended for adoption.  Table 1 lists new School Speed Zones which have been installed and/or changed following the completion of traffic studies.  Table 2 lists all new School Speed Zones that are recommended for removal due to school closing or school boundary adjustments.  Table 3 lists all School speed zones and includes the above installations and removals.  It is recommended that City Council approve the School Speed Zones – 20 MPH dated July 2007.  Attachment(s) / Tables 1 & 2 only  xc: Marty Stein, Agenda Director Waynette Chan Gary Norman Raymond D. Chong, P.E., PTOE David C. Worley, P.E.				
REQUIRED AUTHORIZATION <span style="margin-left: 200px;">CUIC ID #20RXC15</span>				
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Raymond D. Chong, P.E., PTOE Deputy Director Traffic and Transportation Division		

**Table 1**  
**City of Houston**

**Department of Public Works and Engineering**  
**Traffic and Transportation Division**

**School Speed Zones - Recommended for Installation**

23-Jul-07

Page 1 of 2

<i>School Name</i>	<i>Prefix</i>	<i>Street</i>	<i>Suffix</i>	<i>Zone Limit</i>	<i>Direction</i>	<i>Action</i>	<i>Council District</i>
BRIARGROVE		Briar Ridge		FROM A POINT 107 FT NORTH OF WILLERS WAY TO A POINT 235 FT NORTH OF SAN FELIPE	N&S	INSTALL	G
BRIARGROVE		Briarmead		FROM A POINT 30 FT SOUTH OF SAN FELIPE TO A POINT 147 FT NORTH OF WILLERS WAY	S.	INSTALL	G
BRIARGROVE		Briarmead		FROM A POINT 200 FT NORTH OF WILLERS WAY TO THE INTERSECTION OF SAN FELIPE	N.	INSTALL	G
BRIARGROVE		San Felipe		FROM A POINT 114 FT EAST OF BRIARMEAD TO A POINT 235 FT WEST OF BRIAR RIDGE	W.	INSTALL	G
BRIARGROVE		San Felipe		FROM A POINT 235 FT WEST OF BRIAR RIDGE TO A POINT 143 FT EAST OF BRIARMEAD	E.	INSTALL	G
BRUCE		Jensen		FROM A POINT 100 FT SOUTH OF EAST FREEWAY SOUTH SERVICE ROAD TO A POINT 50 FT NORTH OF BARON	S.	INSTALL	B/H/I
BRUCE		Jensen		FROM A POINT 50 FT NORTH OF BARON TO A POINT 50 FT NORTH OF EAST FREEWAY SOUTH SERVICE ROAD	N.	INSTALL	B/H/I
BRUCE		Meadow		FROM A POINT 200 FT NORTH OF HARE TO A POINT 150 FT SOUTH OF NANCE	S.	INSTALL	B/H/I
BRUCE		Meadow		FROM A POINT 150 FT SOUTH OF NANCE TO A POINT 200 FT NORTH OF HARE	N.	INSTALL	B/H/I
BRUCE		East Fwy	S.Service	FROM A POINT 200 FT EAST OF JENSEN TO A POINT 50 FT EAST OF MEADOW	E.	INSTALL	B/H/I
MARCELLA		Cotillion		FROM A POINT 425 FT NORTH OF ALDINE BENDER TO A POINT 990 FT NORTH OF ALDINE BENDER	N&S	INSTALL	E
MILSTEAD		Gilpin		FROM A POINT 105 FT WEST OF ROBERTS TO A POINT 400 FT EAST OF ROBERTS	E&W	INSTALL	E

**Table 1**

**City of Houston**

**Department of Public Works and Engineering**

**Traffic and Transportation Division**

**School Speed Zones - Recommended for Installation**

23-Jul-07

Page 2 of 2

<i>School Name</i>	<i>Prefix</i>	<i>Street</i>	<i>Suffix</i>	<i>Zone Limit</i>	<i>Direction</i>	<i>Action</i>	<i>Council District</i>
THOMPSON, RUBY		Griggs	Rd.	FROM A POINT 223 FT WEST OF TIERWESTER TO A POINT 70 FT EAST OF LA SALETTE	E&W	INSTALL	E

**Table 2**  
**City of Houston**  
**Department of Public Works and Engineering**  
**Traffic and Transportation Division**  
**School Speed Zones - Recommended for Removal**

23-Jul-07

Page 1 of 2

<i>School Name</i>	<i>Prefix</i>	<i>Street</i>	<i>Suffix</i>	<i>Zone Limits</i>	<i>Direction</i>	<i>Action</i>	<i>Council District</i>
<i>BASTIAN</i>		Pershing		FROM THE INTERSECTION OF CALAIS TO THE INTERSECTION OF BASTIAN	E&W	REMOVE ZONE SCHOOL CLOSED(BASTIAN)	<i>E</i>
<i>BASTIAN</i>		South Loop Ea	S.Service	FROM A POINT 60 FT WEST OF BASTIAN TO A POINT 75 FT EAST OF CALHOUN	E.	REMOVE ZONE SCHOOL CLOSED(BASTIAN)	<i>E</i>
<i>BASTIAN</i>		Calhoun		FROM A POINT 80 FT NORTH OF ARDENNES TO A POINT 105 FT NORTH OF SOUTHWIND	N&S	REMOVE ZONE SCHOOL CLOSED(BASTIAN)	<i>E</i>
<i>BASTIAN</i>		Bastian		FROM THE INTERSECTION OF PERSHING TO THE INTERSECTION OF THE SOUTH LOOP EAST SOUTH SERVICE RD	N&S	REMOVE ZONE SCHOOL CLOSED(BASTIAN)	<i>E</i>
<i>BASTIAN</i>		Ardennes		FROM THE INTERSECTION OF THE SOUTH LOOP EAST SOUTH SERVICE RD TO THE INTERSECTION OF CALHOUN	E&W	REMOVE ZONE SCHOOL CLOSED(BASTIAN)	<i>E</i>
<i>BRUCE</i>		Cage		FROM THE INTERSECTION OF I-10 SOUTH SERVICE RD TO A POINT 100 FT SOUTH OF BAER	N&S	REMOVE ZONE SCHOOL CLOSED(BRUCE ELEMENTARY)	<i>B/H/I</i>
<i>BRUCE</i>		Gregg		FROM THE INTERSECTION OF I-10 SOUTH SERVICE RD TO A POINT 97 FT NORTH OF GILLESPIE	N&S	REMOVE ZONE SCHOOL CLOSED(BRUCE ELEMENTARY)	<i>B/H/I</i>
<i>BRUCE</i>		East Fwy	S.Service	FROM A POINT 80 FT EAST OF GREGG TO A POINT 76 FT EAST OF BRINGHURST	E.	REMOVE ZONE SCHOOL CLOSED(BRUCE ELEMENTARY)	<i>B/H/I</i>
<i>BRUCE</i>		Baer		FROM THE INTERSECTION OF GREGG TO THE INTERSECTION OF BRINGHURST	E&W	REMOVE ZONE SCHOOL CLOSED(BRUCE EL;EMENTARY)	<i>B/H/I</i>
<i>BRUCE</i>		Bringhurst		FROM THE INTERSECTION OF I-10 SOUTH SERVICE RD TO A POINT 100 FT SOUTH OF BAER	N&S	REMOVE ZONE SCHOOL CLOSED(BRUCE ELEMENTARY)	<i>B/H/I</i>
<i>FAIRCHILD</i>		Cullen		FROM A POINT 300 FT SOUTH OF GALESBURG TO A POINT 300 FT NORTH OF GALESBURG	N&S	REMOVE ZONE SCHOOL CLOSED(FAIRCHILD)	<i>D</i>
<i>FAIRCHILD</i>		Delilah		FROM A POINT 250 FT NORTH OF BRINKLEY TO A POINT 200 FT WEST OF CULLEN	N&S	REMOVE ZONE SCHOOL CLOSED(FAIRCHILD)	<i>D</i>

**Table 2**  
**City of Houston**  
**Department of Public Works and Engineering**  
**Traffic and Transportation Division**  
**School Speed Zones - Recommended for Removal**

23-Jul-07

Page 2 of 2

<i>School Name</i>	<i>Prefix</i>	<i>Street</i>	<i>Suffix</i>	<i>Zone Limits</i>	<i>Direction</i>	<i>Action</i>	<i>Council District</i>
<i>JONES, ANSON</i>		Mc Alpine		FROM THE INTERSECTION OF CANAL TO THE INTERSECTION OF NAVIGATION	N&S	REMOVE ZONE SCHOOL CLOSED(ANSON JONES)	<i>H</i>
<i>JONES, ANSON</i>		Navigation		FROM A POINT 110 FT SOUTH OF CANAL TO A POINT 30 FT EAST OF N. NAGLE	E&W	REMOVE ZONE SCHOOL CLOSED(ANSON JONES)	<i>H</i>
<i>JONES, ANSON</i>		Runnels		FROM A POINT 528 FT WEST OF JENSEN TO A POINT 346 FT EAST OF CHARTRES	E&W	REMOVE ZONE SCHOOL CLOSED(ANSON JONES)	<i>H</i>
<i>JONES, ANSON</i>		Canal		FROM A POINT 170 FT WEST OF NAVIGATION TO POINT 25 FT WEST OF ST. CHARLES	E&W	REMOVE ZONE SCHOOL CLOSED(ANSON JONES)	<i>H</i>
<i>KALEIDOSCOPE</i>		Glenmont		FROM A POINT 400 FT WEST OF RENWICK TO A POINT 271 FT EAST OF RAMPART	E&W	REMOVE ZONE SCHOOL CLOSED(KALEIDO SCOPE)	<i>F</i>
<i>MELROSE BAPTIST</i>		Irvington	Blvd	FROM A POINT 300 FT NORTH OF KNIGHT TO A POINT 300 FT SOUTH OF KNIGHT	N&S	REMOVE ZONE SCHOOL CLOSED(MELROSE BAPTIST)	<i>H</i>
<i>THOMPSON, RUBY</i>		Tampa		FROM THE INTERSECTION OF DEL RIO TO THE INTERSECTION OF TIERWESTER	E&W	REMOVE ZONE SCHOOL RELOCATED(RUBY THOMPSON)	<i>E</i>
<i>THOMPSON, RUBY</i>		Dixie	Dr.	FROM A POINT 165 FT WEST OF CULBERSON TO THE INTERSECTION OF TIERWESTER	E&W	REMOVE ZONE SCHOOL RELOCATED(RUBY THOMPSON)	<i>E</i>
<i>THOMPSON, RUBY</i>		Culberson		FROM THE INTERSECTION OF DIXIE TO THE INTERSECTION OF TAMPA	N&S	REMOVE ZONE SCHOOL RELOCATED(RUBY THOMPSON)	<i>E</i>

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

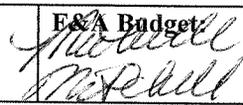
<b>Subject:</b> Ordinance appropriating and transferring funds from the Disaster Recovery Fund to the Water & Sewer Operating for expenses related to Tropical Storm Allison	<b>Category #</b>	<b>Page 1 of</b> 2	<b>Agenda Item</b> <span style="font-size: 2em; font-weight: bold;">21</span>
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<b>FROM (Department or other point of origin):</b> Judy Gray Johnson, Director of Finance & Administration	<b>Origination Date:</b> 8/9/07	<b>Agenda Date</b> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE</b> 	<b>Council District(s) affected:</b>  All
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<b>For additional information contact:</b> Michelle Mitchell Phone: 713-221-0935	<b>Date and Identification of prior authorizing Council Action:</b> Ord. No. 2001-534; June 13, 2001
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**RECOMMENDATION: (Summary)**  
Adopt ordinance to appropriate and transfer funds from the Disaster Recovery Fund to the Water & Sewer Operating for expenses related to Tropical Storm Allison

<b>Amount of Funding:</b>  \$1,019,853	<b>E&amp;A Budget</b> 
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**SOURCE OF FUNDING:**                     General Fund                     Grant Fund                     Enterprise Fund

**Other (Specify)**                    Disaster Recovery Fund (Fund 2419; formerly Fund 98D)

**SPECIFIC EXPLANATION:**

The Disaster Recovery Fund was created on June 13, 2001 to house funds for the repair of damage to City facilities caused by Tropical Storm Allison. The storm inflicted \$2,853,732 worth of property damage on Water & Sewer System facilities, including the Southeast Water Purification Plant. Disaster Recovery Funds in the amount of \$1,714,872 were expended for Water and Sewer System repairs, with the remainder paid directly from the Water and Sewer System Operating Fund. All insurance and FEMA proceeds for storm damages were deposited in the Disaster Recovery Fund. The proposed ordinance would appropriate insurance and FEMA proceeds in the amount of \$1,019,853 from the Disaster Recovery Fund and transfer them to the Water and Sewer System Operating Fund to offset those expenditures.

Disaster Recovery Fund Expenses	(\$1,714,872)
Insurance Proceeds (after deductible)	2,620,768
FEMA Proceeds	<u>113,957</u>
<b>TOTAL DUE to W&amp;SS Operating Fund</b>	<b>\$1,019,853</b>

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

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7149**

**Subject:** Formal Bids Received for Maintenance and Repair of Air Compressors for Various Departments  
S28-L22109

Category #  
4

Page 1 of 2

Agenda Item

*22*

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 10, 2007

**Agenda Date**

AUG 15 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 awarding a contract to Precision Pneumatics, Inc. on its low bid meeting specifications in an amount not to exceed \$2,606,831.00 for maintenance and repair of air compressors for various departments.

Estimated Spending Authority: \$2,606,831.00

**F & A Budget**

\$1,862,022.14 - Water & Sewer System Operating Fund (8300)  
\$ 744,808.86 - General Fund (1000)  
\$2,606,831.00 - Total

**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 Precision Pneumatics, Inc. on its low bid meeting specifications for maintenance and repair of air compressors in an amount not to exceed \$2,606,831.00 for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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 three bids were received as outlined below:

<u>Company</u>	<u>Total Amount</u>
1. CPC Maintenance	\$2,422,964.90 (Did Not Meet Specifications)
<b>2. Precision Pneumatics, Inc.</b>	<b>\$2,606,831.00</b>
3. Quesco Turbomachinery Services	\$4,958,125.00

The scope of work requires the contractor to provide all labor, supervision, materials, tools, replacement parts, supplies, equipment and transportation necessary to provide preventive maintenance inspections and remedial repair services on air compressors. The air compressors are used to operate pneumatic valves that control air flow to aeration basins at the wastewater treatment plants and to run power tools in maintenance shops throughout the City.

**M/WBE Subcontracting**

This bid was advertised as a goal-oriented contract with a 12% M/WBE participation level. Precision Pneumatics, Inc. has designated the below-named company as its certified M/WBE subcontractor.

**REQUIRED AUTHORIZATION**

*MDT*

F&A Director:

Other Authorization:

Other Authorization:

*4-9-07*

Date: 7/10/2007	Subject: Formal Bids Received for Maintenance and Repair of Air Compressors for Various Departments S28-L22109	Originator's Initials DP	Page 2 of 2
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<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Mckenzie Equipment	Provide air compressors and parts	\$312,819.72

The Affirmative Action Division will monitor this contract.

Buyer: David Petersen

Estimated Spending Authority			
DEPARTMENT	FY 2008	OUT YEARS	TOTAL
Public Works & Engineering	\$25,000.00	\$1,837,022.14	\$1,862,022.14
Parks & Recreation	\$ 2,000.00	\$ 632,808.86	\$ 634,808.86
Solid Waste Management	\$10,000.00	\$ 40,000.00	\$ 50,000.00
Police	\$10,000.00	\$ 50,000.00	\$ 60,000.00
<b>Grand Total</b>	<b>\$47,000.00</b>	<b>\$2,559,831.00</b>	<b>\$2,606,831.00</b>

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7421

**Subject:** Formal Bids Received for Security System Installation and Repair Services for the General Services Department  
S28-L22376

Category #  
4

Page 1 of 2

Agenda Item

**23**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 15, 2007

**Agenda Date**

**AUG 15 2007**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Jacquelyn L. Nisby      Phone: (713) 247-1814  
Ray DuRousseau      Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to BL Technology, Inc. on its low bid in an amount not to exceed \$16,259,339.00 for security system installation and repair services for the General Services Department.

Maximum Contract Amount - 5 years - \$16,259,339

**F & A Budget**

(Funding sources to be determined by projects)

**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 BL Technology, Inc. on its low bid for security system installation and repair services in an amount not to exceed \$16,259,339.00 for the General Services Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

This is a work-order contract to perform labor on a wide variety of security system installations and repairs citywide. GSD oversees the installation and maintenance of security systems in over 300 City facilities, which entails projects ranging from simple repairs to major upgrades that are part of the Capital Improvement Plan. GSD will achieve time and dollar savings by utilizing a competitively bid contract when specialized labor is required for these projects. The contract's spending authority is based on estimates for the five-year term, although expenditures will be made only as needed for specific tasks, using a funding source appropriate for each project. Any appropriations of bond funds will require further Council approval. The attachment gives an estimated expenditure breakdown by project and funding source.

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

<u>Company</u>	<u>Total Amount</u>
1. Preferred Technology, Inc.	\$ 7,581,841.80 (Incomplete Bid)
<b>2. BL Technology, Inc.</b>	<b>\$16,259,339.00</b>
3. Digital Detection Corporation	\$20,858,267.46
4. Security Integrators & Consulting	\$22,526,598.99

**REQUIRED AUTHORIZATION**

**NDI**

F&A Director:

Other Authorization:

Other Authorization:

Date: 7/15/2007	Subject: Formal Bids Received for Security System Installation and Repair Services for the General Services Department S28-L22376	Originator's Initials DP	Page 2 of 2
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- In view of the price disparity between the low bidder and the next low bidder, the Strategic Purchasing Division (SPD) contacted the owner of BL Technology, Inc. to discuss the scope of work for this project. BL Technology, Inc.'s owner stated and confirmed in writing that its bid prices includes all costs associated with performing the work called for in the published specifications. Based on the aforementioned, the Department and SPD are confident that the recommended contractor can perform the specified work for the bid price.

The scope of work requires the contractor to provide all necessary supervision, labor, transportation, tools, equipment and supplies required to perform security system installations and repairs. The contractor shall furnish all miscellaneous supplies necessary to complete each installation or repair.

**M/WBE Subcontracting:**

This bid was advertised as a goal-oriented contract with an 11% M/WBE participation level. BL Technology, Inc. has designated the below-named company as its certified M/WBE Subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>	<u>Percentage</u>
Energy Electric Supply	Purchase Supplies	\$1,760,000.00	11%

This contract will be monitored by the Affirmative Action Division.

Buyer: Douglas Moore

## Estimated Expenditures for Labor Contract

**(\$16,259,339)**

<b>General Fund (1000) \$610,000</b>	1. Health - 2700 Evella (BARC) - CCTV System	\$60,000
	2. Health - 3315 Delano (Riverside Health Center) - Security System	\$20,000
	4. HPD - 1200 Travis - Card Access for Gang and HR Divisions	\$6,000
	6. HEC - 5320 N. Shepherd - Card Access for Records Section	\$5,000
	7. Maintenance of Security Systems over the life of the contract	\$519,000
		<b>\$610,000</b>
<b>Fed/State/Local Pass Through Fund Homeland Security Grant (5030) \$846,668</b>	1. PWE - 611 Walker - Install card readers on new turnstiles and tower freight elevator	\$67,000
	2. PWE - Renwick, Teague, Dalton & Buress - Install gate entry keypads	\$20,000
	3. HPD - S. Central Cmd Station - Install security gate card readers	\$28,217
	4. HPD - 1200 Travis - Upgrade CCTV, Card Access & Intercom Systems.	\$38,451
	5. HPD - Possible future grant projects - Security upgrades at all Command Stations (CCTV, Card Access, Gate Operators, Vehicle Barriers, etc.)	\$693,000
		<b>\$846,668</b>
<b>Water &amp; Sewer Fund System Operating Fund (8300) \$3,665,000</b>	1. PWE - 7000 Ardmore (SCADA) - CCTV, Card Access & Security Gate	\$55,000
	2. PWE - Sawyer Command Center - CCTV, Access Control, Intrusion Alarm	\$500,000
	3. PWE - 611 Walker - CCTV, Card Access, and Bomb Blast Laminare	\$1,831,000
	4. PWE - 1700 E. Crosstimbers - CCTV, Card Access, & Intrusion Alarms	\$123,000
	5. PWE - 100 Japhet - CCTV, Card Access, & Intrusion Alarms	\$123,000
	6. PWE - 811 Gillette - CCTV, Card Access, & Intrusion Alarms	\$123,000
	7. PWE - 13211 Old Westheimer - CCTV, Card Access, & Intrusion Alarms	\$135,000
	8. PWE - 5500 McCarty - CCTV, Card Access, & Intrusion Alarms	\$135,000
	9. PWE - 700 Evergreen - CCTV, Card Access, & Intrusion Alarms	\$150,000
	10. PWE - 2200 Patterson - CCTV, Card Access, & Intrusion Alarms	\$150,000
	11. PWE - 8002 Airline - CCTV, Card Access, & Intrusion Alarms	\$165,000
	12. PWE - Maintenance of security systems over the life of the contract	\$175,000
		<b>\$3,665,000</b>

## Estimated Expenditures for Labor Contract

**(\$16,259,339)**

<p style="text-align: center;"><b>Water &amp; Sewer Cons. Const. Fund (8500) \$6,884,671</b></p>	<ol style="list-style-type: none"> <li>1. PWE - NE Water Production Plant - CCTV &amp; Card Access</li> <li>2. PWE - SE Water Production Plant - CCTV &amp; Card Access</li> <li>3. PWE - 3 to 5 Wastewater sites per year - CCTV &amp; Card Access</li> <li>4. PWE - 12 Water Towers with Microwave Links - CCTV &amp; Card Access</li> </ol>	<p>\$1,000,000</p> <p>\$1,084,671</p> <p>\$3,000,000</p> <p>\$1,800,000</p> <hr style="border: 0.5px solid black;"/> <p><b>\$6,884,671</b></p>
<p style="text-align: center;"><b>HCD Community Development Block Grant Fund (5000) \$100,000</b></p>	<ol style="list-style-type: none"> <li>1. Security improvements at qualifying Health and Library Facilities as Grant Funds become available</li> </ol>	<p>\$100,000</p> <hr style="border: 0.5px solid black;"/> <p><b>\$100,000</b></p>
<p style="text-align: center;"><b>Convention &amp; Entertainment Civic Center Facility Revenue Fund (8601) \$250,000</b></p>	<ol style="list-style-type: none"> <li>1. GRB - Security improvements to Card Access and CCTV Systems</li> </ol>	<p>\$250,000</p> <hr style="border: 0.5px solid black;"/> <p><b>\$250,000</b></p>
<p style="text-align: center;"><b>Public Library Cons. Const. Fund (4507) \$1,500,000</b></p>	<ol style="list-style-type: none"> <li>1. FY09 - Library - Branch Library Security Improvements</li> <li>2. FY10 - Library - Branch Library Security Improvements</li> <li>3. FY11 - Library - Branch Library Security Improvements</li> <li>4. FY12 - Library - Branch Library Security Improvements</li> <li>5. FY13 - Library - Branch Library Security Improvements</li> </ol>	<p>\$300,000</p> <p>\$300,000</p> <p>\$300,000</p> <p>\$300,000</p> <p>\$300,000</p> <hr style="border: 0.5px solid black;"/> <p><b>\$1,500,000</b></p>
<p style="text-align: center;"><b>Police Cons. Const. Fund (4504) \$2,163,000</b></p>	<ol style="list-style-type: none"> <li>1. FY08 - HPD - SE Cmd Station - CCTV, Access Control, Entry/Exit Gates</li> <li>2. FY09 - HPD - N. Cmd Station - CCTV, Access Control, Entry/Exit Gates</li> <li>3. FY10 - HPD - NE Cmd Station - CCTV, Access Control, Entry/Exit Gates</li> <li>4. HPD - New Property Room - CCTV, Card Access &amp; Intrusion Alarm, Turnstile</li> <li>5. FY11 - HPD - Westside Cmd Station - CCTV, Access Control, Entry/Exit Gates</li> </ol>	<p>\$621,000</p> <p>\$338,000</p> <p>\$324,000</p> <p>\$300,000</p> <p>\$580,000</p> <hr style="border: 0.5px solid black;"/> <p><b>\$2,163,000</b></p>

## Estimated Expenditures for Labor Contract

**(\$16,259,339)**

<b>Municipal Courts Technology Fee Fund (2207) \$150,000</b>	<ul style="list-style-type: none"><li>1. Muni Cts - 1400 Lubbock - Install CCTV &amp; Card Access Systems</li><li>2. Muni Cts - N. Cmd Station - Install CCTV &amp; Card Access Systems</li></ul>	<p>\$75,000</p> <p>\$75,000</p> <hr/> <p><b>\$150,000</b></p>
<b>Public Health Dept. Cons. Constr. Fund (4508) \$90,000</b>	<ul style="list-style-type: none"><li>1. Health - S. Post Oak MSC &amp; Vinson Library - CCTV, Access Control &amp; Intrusion Alarm</li></ul>	<p>\$90,000</p> <hr/> <p><b>\$90,000</b></p>
<b>TOTAL:</b>		<b>\$16,259,339.00</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Amendment to a Southeast Water Purification Plant (SEWPP) Cost Sharing Agreement between the City of Houston and the SEWPP co-participants.

Page  
1 of 1

Agenda Item  
# 24

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

**Origination Date**

**Agenda Date**

Department of Public Works and Engineering

8/9/07

AUG 15 2007

**DIRECTOR'S SIGNATURE**

*Michael S. Marcotte*  
Michael S. Marcotte, P.E., DEE, Director

**Council District affected:** ALL

**For additional information contact:**

Jun Chang, P.E., Senior Assistant Director

**Phone:** (713) 837-0433 *gc*

**Date and identification of prior authorizing Council action** May 16, 2001 2001-0417

**RECOMMENDATION: (Summary)**

Approval of an amendment to the cost-sharing agreement for the SEWPP between the City of Houston and the co-participants.

**Amount and Source of Funding:** N/A

**SPECIFIC EXPLANATION:**

On May 16, 2001, the City of Houston entered into an agreement with the below listed entities to share production capacity and the costs of water production from the SEWPP. Due to increased development and the requirements for conversion to surface water promulgated by the Harris-Galveston Subsidence District it is necessary to expand the production capacity of the SEWPP from 120 million gallons per day (MGD) to 200 MGD and perform general improvements to the plant for reliability, regulatory compliance and security.

The increased production capacity will be shared by the City of Houston, the City of Pasadena, the City of Friendswood, Gulf Coast Water Authority and Clear Brook Municipal Utility District, but all participants will share in the costs of the upgrades. This amendment defines the share of the construction costs and future production capacity for each co-participant. Operation and Maintenance costs will continue to be shared among the participants based on their actual taking from the plant and distribution system. The estimated cost of construction is \$135,816,822. The City of Houston's share is expected to be \$51,719,021. The award of the construction contract will go to Council for approval in early calendar year 2008.

The ownership of the increased production capacity and the percentage of the expected construction costs will be shared as follows:

CUIC# 20JZC325

F & A Director

**Other Authorization:**

*Andrew F. Icken*  
Andrew F. Icken, Deputy Director  
Planning & Development Services Div.

**Other Authorization:**



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

<b>SUBJECT:</b> Amendment to Water Supply Contract Between the City of Houston and the City of Pasadena for water from the East Water Purification Plant.		<b>Page</b> 1 of 1	<b>Agenda Item</b> # <u>25</u>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> <u>8/9/07</u>	<b>Agenda Date</b> AUG 15 2007
<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> ALL	
<b>For additional information contact:</b>  Jun Chang, P.E., Senior Assistant Director <b>Phone:</b> (713) 837-0433 <i>jc</i>		<b>Date and identification of prior authorizing Council action</b> May 16, 2001 2001-0417 (?)	
<b>RECOMMENDATION: (Summary)</b> Approval of an amendment to the Water Supply Contract between the City of Houston and the City of Pasadena for water from the East Water Purification Plant.			
<b>Amount and Source of Funding:</b> N/A			
<b>SPECIFIC EXPLANATION:</b>  On May 16, 2001, City Council approved a Water Supply Contract with the City of Pasadena to provide potable water to the City of Pasadena from the East Water Purification Plant ("East Plant"). This contract augments water received by the City of Pasadena under a separate agreement with the City of Houston for water supplied from the Southeast Water Purification Plant ("Southeast Plant").  Due to the City of Pasadena making internal improvements to its own system and being a major participant to the expansion of the Southeast Plant, it is no longer necessary for the City of Pasadena to augment their water supply from the East Plant to the same extent. Upon completion of the expansion of the Southeast Plant, this amendment will allow the city of Pasadena to continue to take as much as 6 Million Gallons per Day (MGD) from the East Plant, but removes the minimum monthly contract amount and the surcharge for exceeding the monthly maximum quantity. The East Plant will continue provide as much as 6 MGD for the purposes of maintenance or repair and line flushing at the ordinance rate for contract water, currently at \$1.436/1000 gallons.  We recommend that the City Council approve this amendment to the Water Supply Contract with the City of Pasadena.			
cc: Marty Stein Jun Chang, P.E.		Michael S. Marcotte, P.E., DEE Jeff Taylor	Andy Icken Gary Norman
<b>CUIC# 20JZC326</b>			
<b>F &amp; A Director</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning & Development Services Div.		<b>Other Authorization:</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Indemnity and Maintenance Agreement between the City of Houston (City) and Harris County Improvement District #3 (HCID #3) for Public Right-of-way Improvements.	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  26
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date:</b>  8/6/07	<b>Agenda Date:</b>  AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b>  <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b>  C & G
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<b>For additional information contact:</b>  Carol A. Ellinger, P.E. <b>Phone:</b> (713) 837-7658 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

It is recommended that City Council pass an ordinance authorizing an Indemnity and Maintenance Agreement between the City of Houston and the Harris County Improvement District #3.

**Amount and Source of Funding:**

Not Applicable

**PROJECT NOTICE/JUSTIFICATION:** The Upper Kirby District (UKD) was created in January 1988 to focus on enhancing the quality of life for the neighborhoods and businesses in its service area. The UKD has branched into several organizations, including HCID #3, to achieve certain goals for the area. HCID#3, also called the Upper Kirby Management District, was created in June 1997 for comprehensive planning, implementation, maintenance, and operations of public improvements in the UKD.

**DESCRIPTION/SCOPE:** The improvements installed by HCID #3 include street furniture, landscaping, irrigation systems, lighting, art poles, pavers, wayfaring signs, fountains, painted sign poles, gateway structures, bridges, banner poles and banners, trees, planters, shrubbery.

**LOCATION:** The improvement area is located in the UKD which is bounded by Westheimer to the north, Bissonnet to the south, Shepherd to the east, and Buffalo Speedway to the west and includes the extended area along Kirby Drive from Holcombe Boulevard to SH-59. The improvement area is located in Key Map 492 and 532.

**SCOPE OF THIS AGREEMENT:** HCID #3 has agreed to maintain certain improvements and embellishments within the boundary of its improvement area that are beyond those already covered by existing maintenance provisions of the City Code of Ordinances. The City has agreed to allow certain improvements with the understanding that HCID #3 will assume the responsibility of maintaining the improvements. The City and HCID #3 have agreed to their respective duties and obligations concerning the ownership, operation, maintenance, repair, replacement, and cost sharing of the improvements.

*msj*

<b>REQUIRED AUTHORIZATION</b> <b>CUIC ID #20CAE05</b>		
<b>F&amp;A Budget:</b>	<b>Other Authorization:</b>  <i>Eric Dargan</i> Eric Dargan, Deputy Director Right-Of-Way and Fleet Maintenance Division	<b>Other Authorization:</b>  <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division

<b>Date</b>	<b>Subject:</b> Indemnity and Maintenance Agreement between the City of Houston (City) and Harris County Improvement District #3 (HCID #3) for Public Right-of-way Improvements.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**SCOPE OF THIS AGREEMENT: (CON'T)**

The HCID #3 will pay to the City \$22,000.00 for placement of temporary asphalt at the intersection of Kirby Drive at Holcombe Boulevard related to the installation of brick pavers. Should it become necessary for the City to place temporary asphalt, related to the installation of brick pavers, at other designated intersections along Kirby, then HCID #3 will pay to the City the current contract cost of such work.

**RECOMMENDATION:**

It is recommended that City Council pass an ordinance authorizing an Indemnity and Maintenance Agreement between the City of Houston and the Harris County Improvement District #3.

MSM:AFI:CAE:pl

S:\pweshare\Planning Branch\TIRZ Info\HCID3\RCA City & HCID#3 06-06-07.doc

**c:** Susan Bandy  
File: 2007-T17-04,  
WBS No. M-000771-0003-4

# Vicinity Map

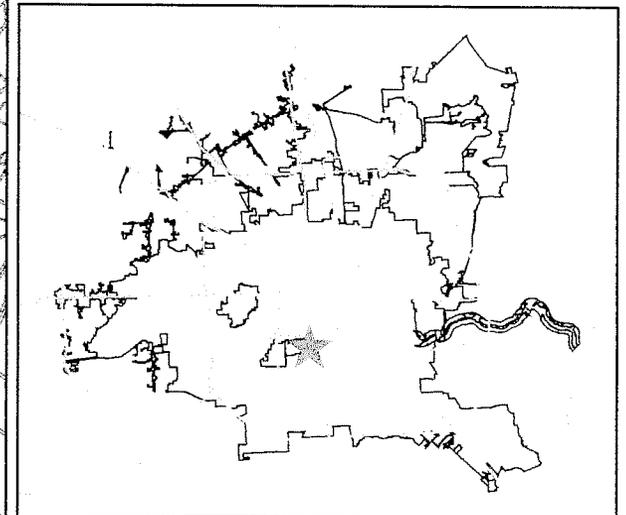
## Harris County Improvement District #3

### Legend

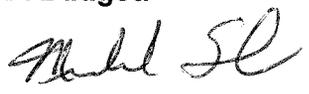
-  City Limits
-  Upper Kirby District
-  Waterways



### Locational Map



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verifications should be performed as necessary.

<b>SUBJECT:</b> Interlocal Cost Sharing Contract between City of Houston and Harris County Municipal Utility District No. 410 for the construction of water, sanitary sewer and storm sewer lines. S-000800-0103-4/ R-000800-0103-4/ M-000800-0103-4		Page 1 of 2	Agenda Item # 27
<b>FROM: (Department or other point of origin)</b> Department of Public Works & Engineering	<b>Origination Date:</b> 8-6-07	<b>Agenda Date:</b> AUG 15 2007	
<b>Director's Signature:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> E		
<b>For additional information contact:</b> Jun Chang, P.E. (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b> Ordinance #: 05-0198 Dated: 03/09/05		
<b>Recommendation: (Summary)</b> Approve an Interlocal Cost Sharing Contract between the City and Harris County Municipal Utility District No. 410 and appropriate funds.			
<b>Amount &amp; Source of Funding:</b> \$208,068.00 Water & Sewer System Consolidated Construction Fund No. 8500 \$168,481.00 Drainage Improvement CPaper Series F Fund No. 4030 \$376,549.00 Total Appropriation			
<b>Specific Explanation:</b> The City and Harris County Municipal Utility District No. 410 (MUD 410), an in-City municipal utility district, entered into the Utility Functions and Services Allocation Agreement on March 18, 2005. Under the Utility Functions and Services Allocation Agreement, MUD 410 will construct water, sewer and storm water facilities and dedicate these facilities to the City. The population of MUD 410 will be retail water and sewer customers of the City. MUD 410 will be reimbursed for part of its costs for construction through an interlocal agreement that is substantially the same as the City's developer participation contract. Under the Interlocal Agreement with the City, the District will design and construct the mains necessary to serve the development (water and wastewater) and dedicate them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Interlocal Agreement also provides for the City to reimburse the District 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Interlocal Agreement further allows the City to pay interest costs incurred by the District. The District will be reimbursed after 25% of the residences have been built. The district has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement.  Harris County Municipal Utility District No. 410 proposes to construct approximately 1,974 linear feet of water line, 3,445 linear feet of sanitary sewer line and 777 linear feet of storm sewer line to serve the 76-lot subdivision, Clearview Village Section 3. The maximum amounts to be reimbursed are as follows:			
<b>REQUIRED AUTHORIZATION:</b> 20JZC265			
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning & Development Services	

**SUBJECT:** Interlocal Cost Sharing Contract between City of Houston and Harris County Municipal Utility District No. 410 for the construction of water, sanitary sewer and storm sewer lines.

**Originator's  
Initials**

**Page  
2 of 2**

Water

70% of construction cost (including interest & 5% contingency):	\$84,328.00
design cost:	<u>\$10,485.00</u>
total:	\$94,813.00

Wastewater

70% of construction cost (including interest & 5% contingency):	\$100,730.00
design cost:	<u>\$12,525.00</u>
total:	\$113,255.00

Storm Sewer (Including appropriate detention)

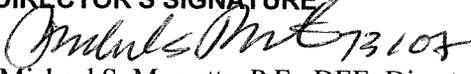
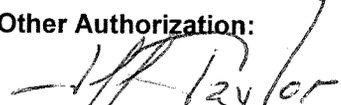
100% of construction cost (including interest & 5% contingency):	\$154,996.00
design cost:	<u>\$13,485.00</u>
total:	\$168,481.00

Upon approval of this agreement, MUD 410 will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by MUD 410 in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
Craig Foster  
John Sakolosky



<b>SUBJECT:</b> Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods WBS# R-000266-0103-4		<b>Page</b> 1 of <u>2</u>	<b>Agenda Item #</b>  <b>28</b>										
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 8/9/07	<b>Agenda Date</b> AUG 15 2007										
<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> All											
<b>For additional information contact:</b> Roger B. Whitney, P.E. Senior Assistant Director <b>Phone:</b> (713) 641-9198		<b>Date and identification of prior authorizing Council action:</b>  N/A											
<b>RECOMMENDATION: (Summary)</b>  Accept low bid, award construction contract and appropriate funds.													
<b>Amount and Source of Funding:</b> \$3,767,767.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III. <i>Value - 07/17/07</i>			<b>F&amp;A Budget:</b> 										
<b>SPECIFIC EXPLANATION:</b> This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.													
<b>DESCRIPTION/SCOPE:</b> This project consists of Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods. The Contract duration for this project is 540 calendar days.													
<b>LOCATION:</b> The project area is generally bounded by the City Limits.													
<b>BIDS:</b> Bids were received on April 05, 2007. The four (4) bids are as follows:													
<table border="1"> <thead> <tr> <th><u>Bidder</u></th> <th><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. North Houston Pole Line, L.P.</td> <td>\$3,486,165.74</td> </tr> <tr> <td>2. PM Construction &amp; Rehab, L.P.</td> <td>\$3,515,111.80</td> </tr> <tr> <td>3. Reliance Construction Services, L.P.</td> <td>\$3,990,887.20</td> </tr> <tr> <td>4. Underground Technologies, Inc.</td> <td>\$3,991,702.58</td> </tr> </tbody> </table>		<u>Bidder</u>	<u>Bid Amount</u>	1. North Houston Pole Line, L.P.	\$3,486,165.74	2. PM Construction & Rehab, L.P.	\$3,515,111.80	3. Reliance Construction Services, L.P.	\$3,990,887.20	4. Underground Technologies, Inc.	\$3,991,702.58		
<u>Bidder</u>	<u>Bid Amount</u>												
1. North Houston Pole Line, L.P.	\$3,486,165.74												
2. PM Construction & Rehab, L.P.	\$3,515,111.80												
3. Reliance Construction Services, L.P.	\$3,990,887.20												
4. Underground Technologies, Inc.	\$3,991,702.58												
<b>File/Project No. WW 4257-82</b>		<b>REQUIRED AUTHORIZATION</b>											
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>											
		<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division											

<b>Date</b>	<b>Subject:</b> Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipebursting Methods WBS# R-000266-0103-4	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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**AWARD:** It is recommended that this construction contract be awarded to North Houston Pole Line, L.P., with a low bid of \$3,486,165.74 and Addendum No. 1, dated 03/19/07, Addendum No. 2, dated 03/30/07 and Addendum No. 3, dated 04/02/07 be made part of this contract.

**PROJECT COST:** The total cost of this project is \$3,767,767.00 to be appropriated as follows:

- Bid Amount \$3,486,165.74
- Contingencies \$174,308.29
- Project Management \$52,292.97
- Engineering Testing Services \$55,000.00

Engineering Testing Services will be provided by Tolunay-Wong Engineers, Inc., under a previously approved contract.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed M/WBE participation of 15% and SBE participation of 5% to satisfy the goal for this project.

<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Advantage Manhole & Concrete Service, Inc.	Manhole Rehab.	\$248,412.00	7.13%
Deanie Hayes, Inc.	Sanitary Sewer Rehab.	\$309,945.00	8.89%
	<b>TOTAL</b>	<b>\$558,357.00</b>	<b>16.02%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Houston Barricade and Supply, LLC	Traffic Control/Safety Equip.	\$25,100.00	.72%
All Points Inspection Services, Inc.	Clean/Video Sewer Mains	\$115,100.00	3.30%
Anderson Dump Trucking, Inc.	Trucking Services	\$68,400.00	1.96%
	<b>TOTAL</b>	<b>\$208,600.00</b>	<b>5.98%</b>

All known rights-of-way and easements required for this project have been acquired.

*MSM JT RBW JGM FOS*

MSM:JT:RBW:JGM:FOS:jsc

cc: Marty Stein  
 Jeff Taylor  
 Susan Bandy, CPA  
 Velma Laws  
 Michael Ho, P.E.  
 File No. WW 4257-82

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**SUBJECT:**  
Ordinances granting Commercial Solid Waste Operator Franchises

Category #	Page 1 of 1	RCA #
<i>3rd Reading</i>	<i>28-1</i>	Agenda Item# <i>67-50</i>

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

Judy Gray Johnson, Director  
Finance and Administration

Origination Date  
7/19/07

Agenda Date  
~~AUG 01 2007~~

**DIRECTOR'S SIGNATURE:**

*Judy Gray Johnson*

Council Districts affected:  
  
ALL

~~AUG 03 2007~~  
AUG 15 2007

**For additional information contact:**

Wendy E. Thomas      Phone: (713) 837- 9623  
Tina Paez              Phone: (713) 837- 9630

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002;  
Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
NA

**F & A Budget:**

**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 pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. Designing Techniques, L.L.C. d/b/a Duran's Your Dumpster.Com

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 the company's 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 terms expire on December 31, 2013.

**REQUIRED AUTHORIZATION**

F&A Director:

*WJ*

29-32

AUG 15 2007

MOTION NO. 2007 0816

MOTION by Council Member Johnson that the following items be postponed  
for two weeks:

29

Item 60 - Ordinance appropriating \$422,583.49 out of the Water and Sewer System Consolidated Construction Fund and \$426,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and Obra Homes, Inc., for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Lake Way Village Subdivision, WBS S-000800-00M4-4/R-000800-00M4-4/M-000800-00M4-4;

30

Item 61 - Ordinance appropriating \$275,828.34 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and Obra Homes, Inc., for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Riverbend Village Subdivision, WBS S-000800-00M2-4/R-000800-00M2-4/M-000800-00M2-4;

31

Item 62 - Ordinance appropriating \$420,496.01 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and Obra Homes, Inc., for Construction of Water and Sanitary Sewer Lines for Section One of South Meadow Place Subdivision, WBS S-000800-00M5-4/R-000800-00M5-4; and

32

Item 63 - Ordinance appropriating \$101,975.60 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and Fafb, LLC for Construction of Water and Sewer Lines to serve the Red Robin Square Subdivision, WBS S-000800-0104-4 and R-000800-0104-4.

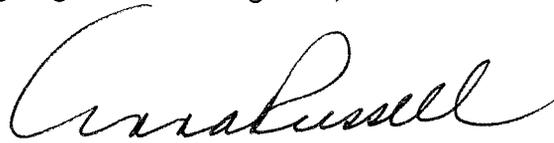
Seconded by Council Member Wiseman and carried.

Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Garcia, Brown, Lovell and Green voting aye  
Nays none  
Council Members Khan, Holm, Alvarado and Berry absent

Council Members Clutterbuck and Noriega out of the City

PASSED AND ADOPTED this 1st day of August, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 7, 2007.



City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Developer Participation Contract between City of Houston and Obra Homes, Inc., for the construction of water, sanitary sewer and storm sewer lines.

Page 1 of 2 <b>29</b>	Agenda Item # <del>60</del> <b>30</b>
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S-000800-00M4-4/ R-000800-00M4-4/ M-000800-00M4-4

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

**Origination Date**

**Agenda Date**

Department of Public Works and Engineering

6/28/07

~~AUG 01 2007~~  
~~JUL 18 2007~~

**DIRECTOR'S SIGNATURE**

**Council District affected:**

AUG 15 2007

*MS*  
Michael S. Marcotte, P.E., DEE, Director

E

**For additional information contact:**

**Date and identification of prior authorizing Council action:**

Jun Chang, P.E. *gc* Phone: (713) 837-0433

**Recommendation: (Summary)**

Approve a Developer Participation Contract between the City and Obra Homes, Inc., for the City to pay 70% of the cost to construct approximately 4,801 linear feet of water line, 3,981 linear feet of sanitary sewer line and 100% of the cost to construct 2,050 linear feet of storm sewer line to serve the 142-lot subdivision, Lake Way Village Section 1, and appropriate funds.

**Amount & Source of Funding:** \$422,583.49 Water & Sewer System Consolidated Construction Fund No. 8500  
\$426,000.00 Homeless & Housing Consolidated Fund 4501  
\$848,583.49 Total Appropriation *RY*

**Specific Explanation:**

Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.

Obra Homes, Inc. proposes to construct approximately 4,801 linear feet of water line, 3,981 linear feet of sanitary sewer line and 2,050 linear feet of storm sewer line to serve the 142-lot subdivision, Lake Way Village Section 1. The maximum amounts to be reimbursed are as follows:

**Required Authorization:**

CUIC# 20JZC155

*NDT*

**F & A Budget:**

**Other Authorization:**

**Other Authorization:**

*MS*  
*sl*

*AFI*  
Andrew F. Icken, Deputy Director  
Planning & Development Services

<b>Date:</b>	<b>Subject:</b> Developer Participation Contract between City of Houston and Obra Homes, Inc., for the construction of water, sanitary sewer and storm sewer lines.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Water

70% of construction cost (including interest & 5% contingency):	\$134,647.43
design cost:	<u>\$24,185.25</u>
total:	\$158,832.68

Wastewater

70% of construction cost (including interest & 5% contingency):	\$223,589.81
design cost:	<u>\$40,161.00</u>
total:	\$263,750.81

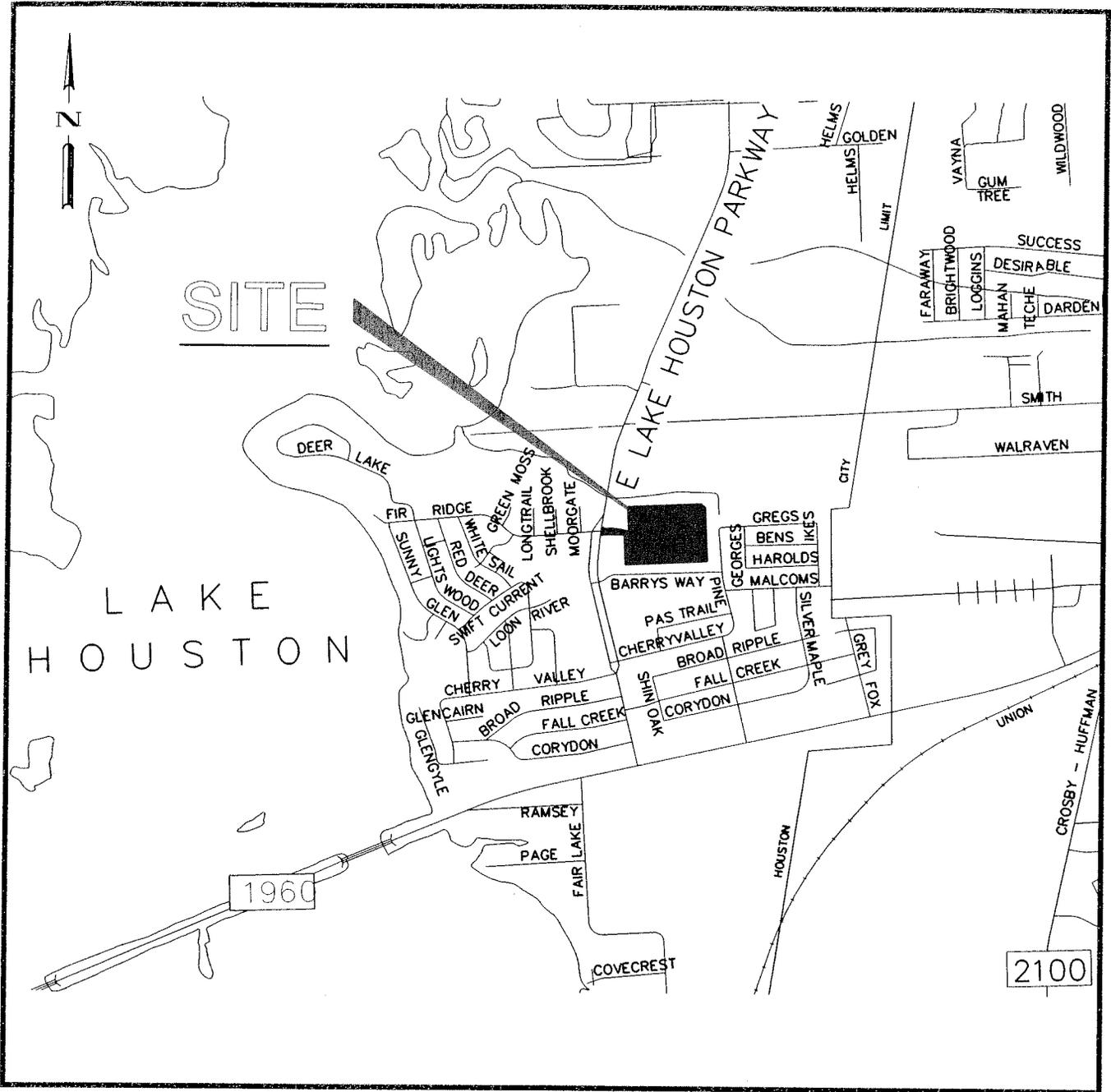
Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	\$362,100.00
design cost:	<u>\$63,900.00</u>
total:	\$426,000.00

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
 Craig Foster  
 John Sakolosky



LAKE WAY VILLAGE, SECTION 1

VICINITY MAP

HARRIS COUNTY KEY MAP # 338 M

GIMS MAP # 5969 D & 6069 C

ZIP CODE 77336

**SUBJECT:** Developer Participation Contract between City of Houston and Obra Homes, Inc. for the construction of water, sanitary sewer and storm sewer lines.

S-000800-00M2-4/ R-000800-00M2-4/ M-000800-00M2-4

Page 1 of 2 <b>30</b>	Agenda Item # <del>61</del> <b>31</b>
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**FROM: (Department or other point of origin)**  
Department of Public Works & Engineering

**Origination Date:**  
4/28/07

**Agenda Date:**  
~~JUL 18 2007~~  
~~AUG 01 2007~~  
AUG 15 2007

**Director's Signature:**  
*Michael S. Marcotte*  
Michael S. Marcotte, P.E. DEE

**Council District affected:**  
B

**For additional information contact:**  
Jun Chang, P.E.  
(713) 837-0433

**Date and identification of prior authorizing Council action:**

**Recommendation: (Summary)**  
Approve a Developer Participation Contract between the City and Obra Homes, Inc. and appropriate funds.

**Amount & Source of Funding:**

\$275,828.34	Water & Sewer Consolidated Construction Fund No. 8500
<u>\$225,000.00</u>	Drainage Improvement CPaper Series F Fund No. 4030
\$500,828.34	Total Appropriation

**Specific Explanation:**

Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.

Obra Homes, Inc. proposes to construct approximately 2,267 linear feet of water line, 1,771 linear feet of sanitary sewer line and 2,084 linear feet of storm sewer line to serve the 75-lot subdivision, Riverbend Village Section 1. The maximum amounts to be reimbursed are as follows:

**REQUIRED AUTHORIZATION:** 20JZC146 NDT

**F&A Budget:**  
*Michael S. Marcotte*

**Other Authorization:**

**Other Authorization:**  
*Andrew F. Icken*  
Andrew F. Icken, Deputy Director  
Planning & Development Services

Water

70% of construction cost (including interest & 5% contingency):	\$87,412.09
design cost:	<u>\$16,056.90</u>
total:	\$103,468.99

Wastewater

70% of construction cost(including interest & 5% contingency):	\$145,611.66
design cost:	<u>\$26,747.69</u>
total:	\$172,359.35

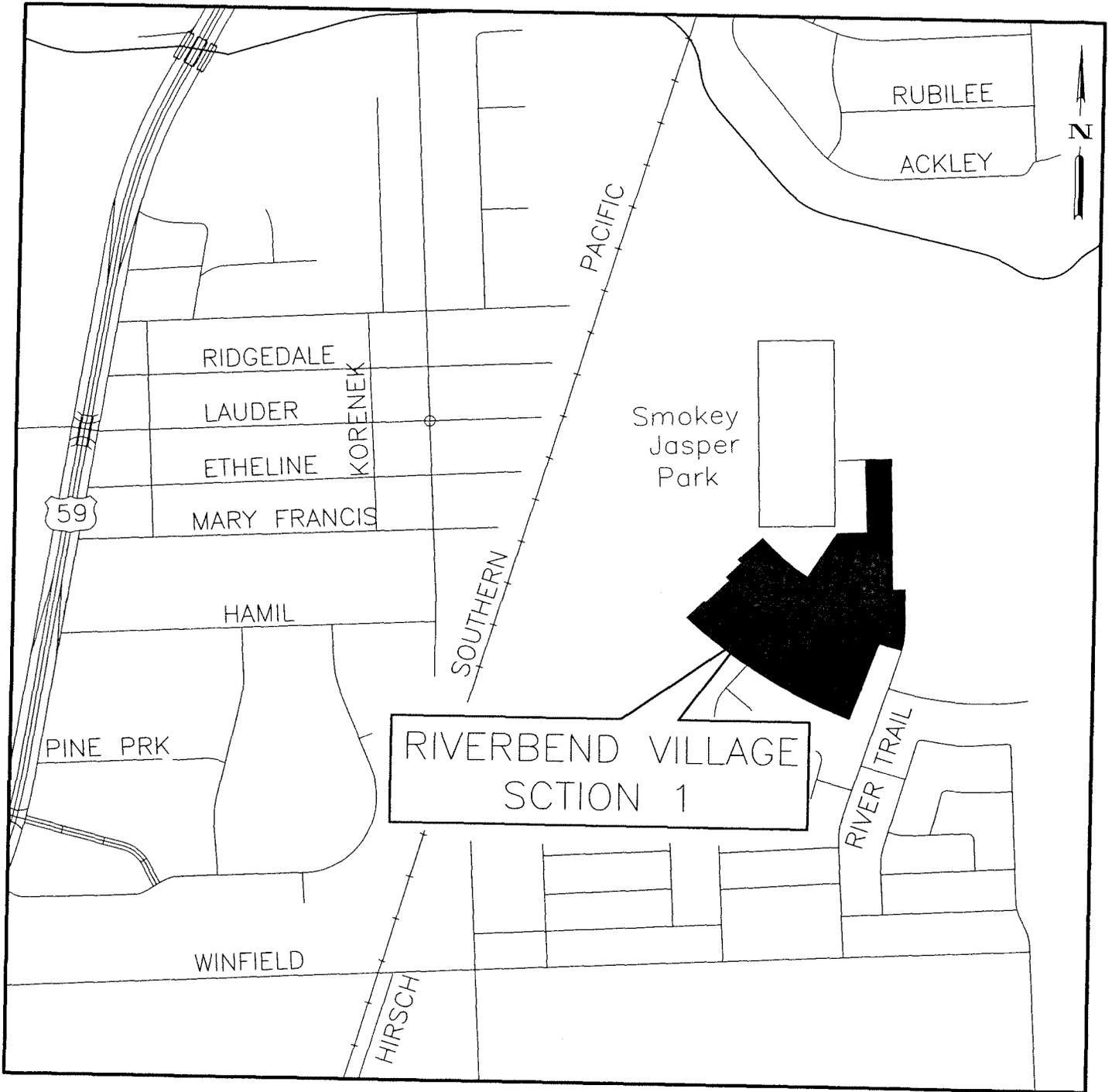
Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	\$192,250.00
design cost:	<u>\$32,750.00</u>
total:	\$225,000.00

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

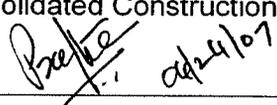
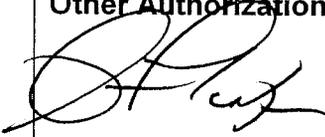
AFI:JC:MAS:tp

c: Marty Stein  
Craig Foster  
John Sakolosky



# VICINITY MAP

HARRIS COUNTY KEY MAP # 415 E  
GIMS MAP 5563 B  
ZIP CODE 77050

<b>SUBJECT:</b> Developer Participation Contract between City of Houston and Obra Homes, Inc. for the construction of water and sanitary sewer. S-000800-00M5-4/ R-000800-00M5-4		Page 1 of 2 <b>31</b>	Agenda Item # <del>60</del> <del>32</del>
<b>FROM: (Department or other point of origin)</b> Department of Public Works & Engineering	<b>Origination Date:</b> 6/28/07	<b>Agenda Date:</b> <del>JUN 10 2007</del> <del>AUG 01 2007</del> AUG 15 2007	
<b>Director's Signature:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> E		
<b>For additional information contact:</b> Jun Chang, P.E. (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>		
<b>Recommendation: (Summary)</b> Approve a Developer Participation Contract between the City and Obra Homes, Inc. for the City to pay 70% of the cost to construct approximately 2,720 linear feet of water line and 2,137 linear feet of sanitary sewer line in South Meadow Place Section One, and appropriate funds.			
<b>Amount &amp; Source of Funding:</b> \$420,496.01 Water & Sewer System Consolidated Construction Fund No. 8500 			
<b>Specific Explanation:</b> Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.  Obra Homes, Inc. proposes to construct approximately 2,720 linear feet of water line and 2,137 linear feet of sanitary sewer line to serve the 102-lot subdivision, South Meadow Place Section One. The maximum amounts to be reimbursed are as follows:			
<b>REQUIRED AUTHORIZATION:</b> 20JZC156 <span style="float: right;">NDT</span>			
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning & Development Services	

Water

70% of construction cost (including interest & 5% contingency):	\$79,588.06
design cost:	<u>\$14,797.86</u>
total:	\$94,385.92

Wastewater

70% of construction cost(including interest & 5% contingency):	\$274,982.42
design cost:	<u>\$51,127.67</u>
total:	\$326,110.09

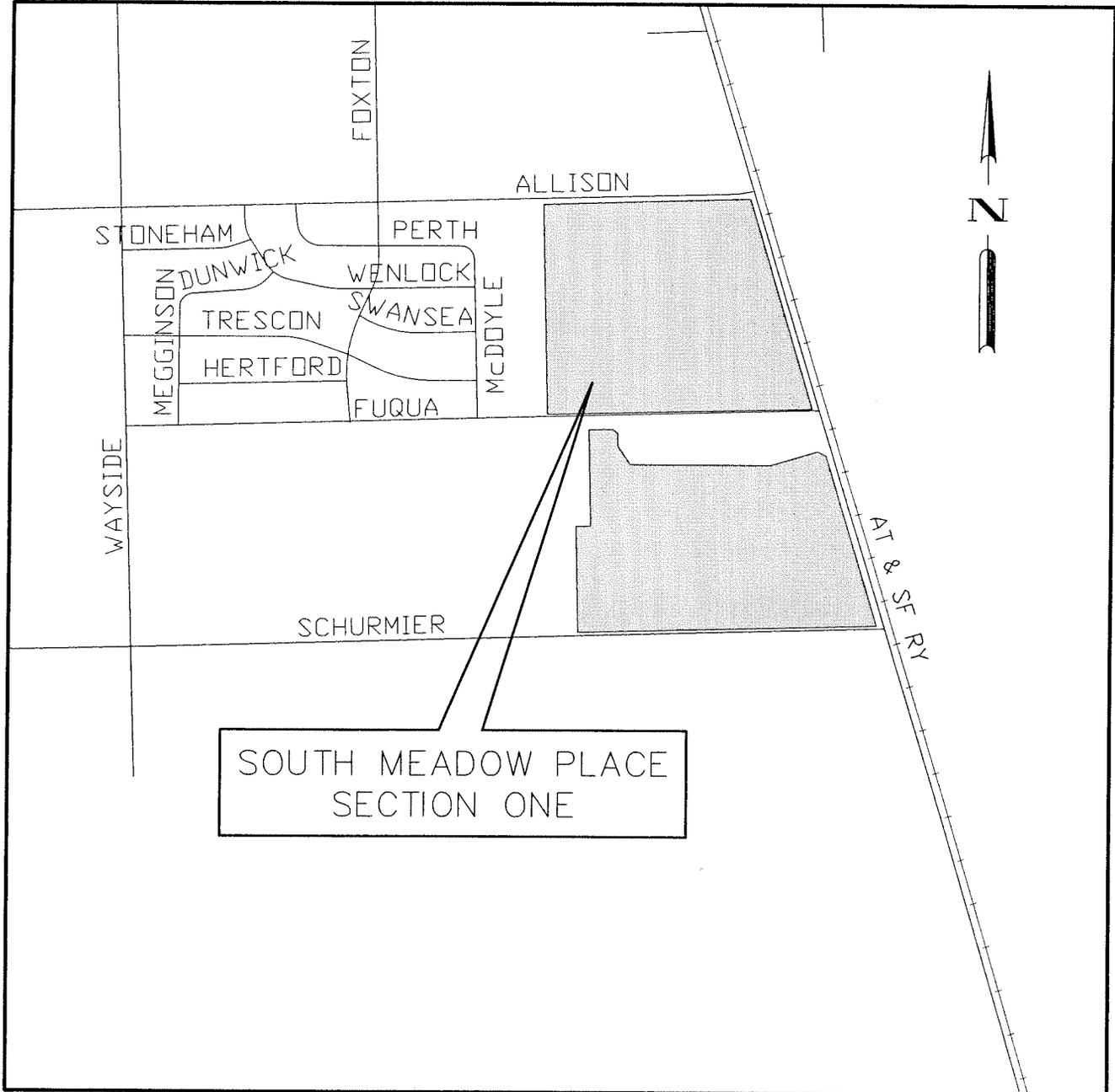
Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	N/A
design cost	N/A
total:	N/A

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
Craig Foster  
John Sakolosky



# VICINITY MAP

KEY MAP 574-V

N.T.S.

**SUBJECT:** Developer Participation Contract between City of Houston and FAFB LLC. for the construction of water and sanitary sewer.

Page  
1 of 2

Agenda Item #

32

~~63~~ ~~33~~

S-000800-0104-4/ R-000800-0104-4

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

**Origination Date:**

**Agenda Date:**

Department of Public Works & Engineering

5-30-07

~~JUL 18 2007~~

**Director's Signature:**

**Council District affected:**

~~AUG 01 2007~~

*MSD Michael S. Marcotte*  
Michael S. Marcotte, P.E. DEE

E

AUG 15 2007

**For additional information contact:**

**Date and identification of prior authorizing Council action:**

Jun Chang, P.E.  
(713) 837-0433 *gc*

**Recommendation: (Summary)**

Approve a Developer Participation Contract between the City and FAFB LLC. for the City to pay 70% of the cost to construct approximately 640 linear feet of water line and 905 linear feet of sanitary sewer line in Red Robin Square subdivision, and appropriate funds.

**Amount & Source of Funding:** \$101,975.60 Water & Sewer System Consolidated Construction Fund No. 8500

*Proke 04/24/07*

**Specific Explanation:**

Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.

FAFB LLC. proposes to construct approximately 640 linear feet of water line and 905 linear feet of sanitary sewer line to serve the 20-lot subdivision, Red Robin Square. The maximum amounts to be reimbursed are as follows:

**REQUIRED AUTHORIZATION:**

20JZC266

*MDT*

**F&A Budget:**

**Other Authorization:**

**Other Authorization:**

*And SL*

*Andrew F. Icken*

Andrew F. Icken, Deputy Director  
Planning & Development Services

Water

70% of construction cost (including interest & 5% contingency):	\$22,258.95
design cost:	<u>\$3,045.30</u>
total:	\$25,304.25

Wastewater

70% of construction cost (including interest & 5% contingency):	\$67,414.10
design cost:	<u>\$9,257.25</u>
total:	\$76,671.35

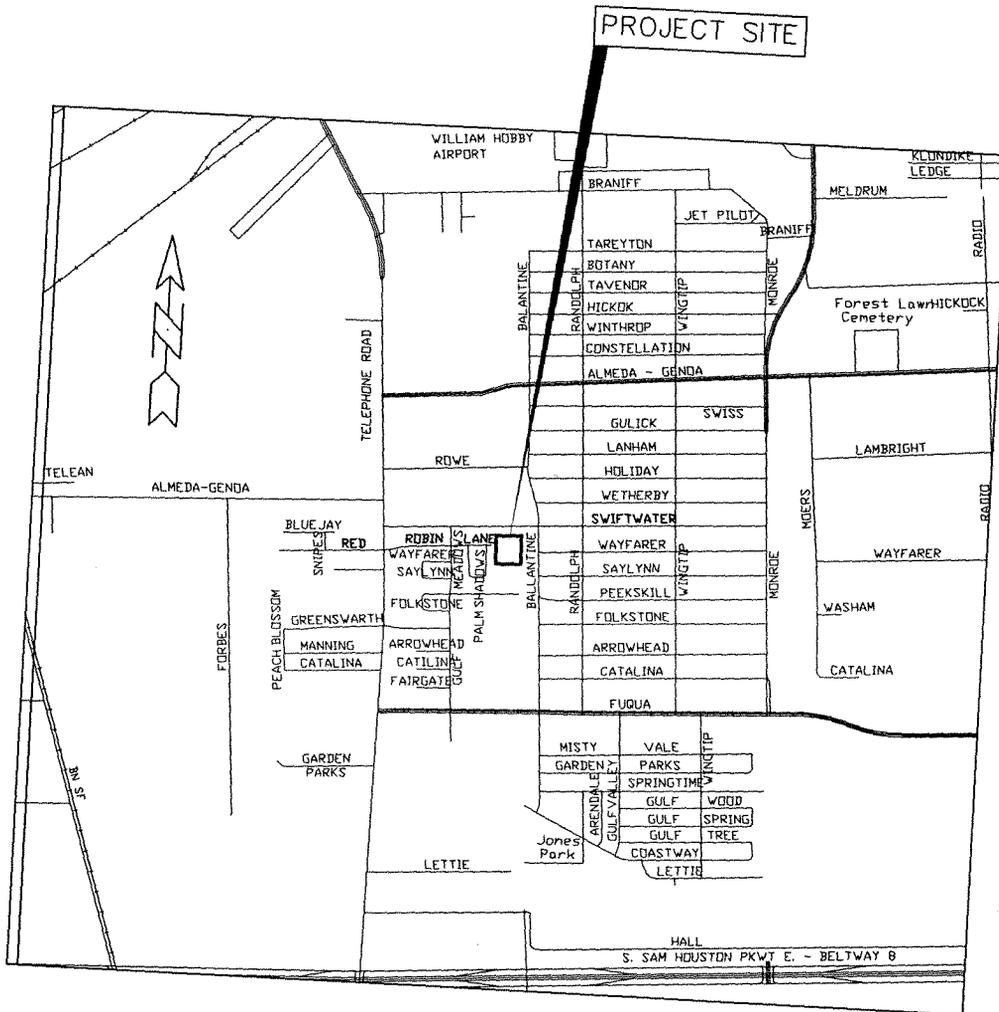
Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	N/A
design cost	N/A
total:	N/A

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
Craig Foster  
John Sakolosky



## VICINITY MAP

HARRIS COUNTY KEY MAP # 575P  
 GIMS MAP # 5651a

33

AUG 15 2007

MOTION NO. 2007

MOTION by Council Member Khan that the recommendation of the Finance and Administration Department, for sole source purchase of Software Maintenance and Support Services Agreement for the Information Technology Department, be adopted, and authority is hereby given to issue purchase order to Maximus, Inc., in the amount of \$80,000.00 for annual license, maintenance, and software support for the City's Fleet Management System (GEMS 2000).

Seconded by Council Member Alvarado

On 08/08/2007 the above motion was tagged by Council Member Khan.

mla

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA# 7542

**Subject:** Sole Source Purchase of a Software Maintenance and Support Services Agreement for the Information Technology Department

Category #  
5

Page 1 of 1

Agenda Item

33 #14

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

Richard Lewis  
Chief Information Officer  
Information Technology

**Origination Date**

July 17, 2007

**Agenda Date**

AUG 15 2007  
~~AUG 08 2007~~

**DIRECTOR'S SIGNATURE**

*Earl Lambert*

**Council District(s) affected**  
All

**For additional information contact:**

Richard Lewis                      Phone: (832) 393-0065  
Earl M. Lambert                      Phone: (832) 393-0038

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

**RECOMMENDATION: (Summary)**

Approve the Sole Source Purchase from Maximus, Inc. in the amount of \$80,000.00 for the City's Fleet Maintenance System (GEMS2000) annual license and software support.

Award Amount- \$80,000.00

**F & A Budget**

\$80,000.00 Central Service Revolving Fund (1002)

**SPECIFIC EXPLANATION:**

The Information Technology Department recommends that City Council approve the sole source purchase from Maximus, Inc. in the amount of \$80,000.00 for annual license, maintenance, and software support for the City's Fleet Management System (GEMS 2000) and that authorization be given to issue a purchase order.

Maximus, Inc. is the software developer and the sole source provider for these software maintenance and support services. They have no dealer networks, distributorships, or third-party providers for software maintenance and support services.

GEMS 2000 is used to manage the City's fleet and related equipment. GEMS tracks these items from original purchase to salvage and over this life will track all vehicle work orders, maintenance and repair costs, mileage, fuel usage, location and parts inventory.

The current system is beyond end of life and requires almost daily maintenance to ensure its integrity. The IT Department is currently developing a Request for Proposal to procure a new Fleet System. The Maximus software license and support service will cover a 12-month period and will provide software updates and required software support while the City proceeds with the acquisition of a new system.

Under the terms of this agreement, the contractor will be required to provide:

- Program updates, fixes, security alerts, and critical patches
- Unlimited phone support for 12 months
- Unlimited access to support desk via e-mail for 12 months

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) (A) of the Texas Local Government Code for exempted procurements.

**REQUIRED AUTHORIZATION**

F&A Director:

*William Swice*

Other Authorization:

Other Authorization:

NDT

~~Back-up~~  
~~#14~~



# CITY OF HOUSTON

Information Technology  
Department

## Interoffice

Correspondence

To: Council Members

VIA: Marty Stein

From: Richard F. Lewis  
Chief Information Officer

Date: August 7, 2007

Subject: **Response to Agenda Briefing Question  
Agenda Item #14**

This is in follow up to yesterday's Agenda Briefing concerning Agenda Item #14 Support and Maintenance of the City's Fleet Management System, i.e. GEMS 2000.

This system has been used for many years to manage the City's fleet operation involving over 12,000 vehicles/rolling stock. As with any system, upgrades and replacements are needed over time. During the course of FY07, at the Mayor's direction an analysis of the City's fleet was performed and a new method of funding vehicle replacements was initiated with Council's approval of the Equipment Acquisition Fund Budget for FY08.

As part of this process, the IT Department working with the Building Services Department began to review alternatives for system upgrades and/or replacements during FY07. We have decided that a request for proposal (RFP) process to be the most prudent course, as opposed to an upgrade of the current system. We anticipate that this process will require several months to receive and evaluate proposals, negotiate a contract and prepare for Council action.

During this process, it will be very important to maintain the existing system. Council approval of this item will ensure the reliability of this system as we transition to the next generation fleet management system. If you have any questions, please do not hesitate to contact me.

Sincerely,

Richard F. Lewis  
Chief Information Officer

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA# 7447

**Subject:** Reverse Auction Bids Received for Safety Footwear for Various Departments  
S07-S22322RA

Category #  
4

Page 1 of 2 | Agenda Item

34 ~~23~~

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 20, 2007

**Agenda Date**

AUG 15 2007  
~~AUG 08 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 Safety Shoe Distributors, L.L.P. on its low bid in an amount not to exceed \$3,902,931.46, minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services required under contract with the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$3,882,931.46 for safety footwear for various departments.

Estimated Spending Authority: \$3,882,931.46

F & A Budget

\$2,811,826.00 General Fund (1000)  
\$ 86,632.80 Fleet Management Fund (1005)  
\$ 43,180.00 Park Special Revenue Fund (2100)  
\$ 103,958.40 Storm Water Utility Fund (2302)  
\$ 335,705.46 HAS - Revenue Fund (8001)  
\$ 501,628.80 Water & Sewer System Operating Fund (8300)  
\$3,882,931.46

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Safety Shoe Distributors, L.L.P. on its low bid in an amount not to exceed \$3,902,931.46, minus a reverse auction commission fee (the lesser of 2% or \$20,000.00) to the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$3,882,931.46. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award, consisting of two price lists for safety footwear; which includes, but is not limited to, various protective and occupational shoes used by the Houston Airport System and by the Public Works & Engineering, Police, Fire, Parks & Recreation, Health & Human Services, Solid Waste Management, and Convention & Entertainment Departments.

*Facilities*

This is a price list solicitation. The best discount, which determines the low bid for a price list, is the best bid received for quantities of high-use items selected as sample pricing items based on the current needs of the Departments. The bid total for sample pricing items does not represent the total amount to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the 60 month term based on the low bid submitted for the representative samples.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Bids were selected using the "reverse auction" methodology, and 36 bids were received as detailed in the attached support document.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*AD*

*ms*

Date: 7/20/2007	Subject: Reverse Auction Bids Received for Safety Footwear for Various Departments S07-S22322RA	Originator's Initials CC	Page 2 of 2
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**M/WBE Subcontracting:**

This bid was issued with a 3% goal for M/WBE participation. Safety Shoe Distributors, L.L.P. has designated the below-named company as its certified M/WBE subcontractor.

<u>COMPANY</u>	<u>TYPE OF WORK</u>	<u>DOLLAR AMOUNT</u>
General Truck Body Mfg., Inc.	General Automotive Repair	\$116,487.94

The Affirmative Action Division will monitor this award.

Item No. 2 is not being awarded.

Buyer: Casey Crossnoe

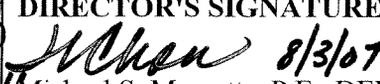
**Estimated Spending Authority:**

<b>DEPARTMENT</b>	<b>FY 08</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
POLICE	\$1,000.00	\$4,000.00	\$5,000.00
FIRE	\$475,650.00	\$1,902,600.00	\$2,378,250.00
PUBLIC WORKS & ENGINEERING	\$170,264.00	\$650,156.00	\$820,420.00
SOLID WASTE MANAGEMENT	\$33,800.00	\$133,600.00	\$167,400.00
HEALTH & HUMAN SERVICES	\$2,891.20	\$9,564.80	\$12,456.00
HOUSTON AIRPORT SYSTEM	\$67,481.09	\$268,224.37	\$335,705.46
CONVENTION & ENTERTAINMENT	\$3,000.00	\$10,000.00	\$13,000.00
PARKS & RECREATION	\$25,400.00	\$125,300.00	\$150,700.00
<b>GRAND TOTAL</b>	<b>\$779,486.29</b>	<b>\$3,103,445.17</b>	<b>\$3,882,931.46</b>

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

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; and authorize a Development Agreement addressing these requirements; all located within West Houston Addition; A.C. Reynolds Survey. <b>Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A, and AY7-023B</b>	<b>Category # 7</b>	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>35</b> </div>
		<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>25</b> </div>	

<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8-3-07	<b>Agenda Date</b> <del>AUG 08 2007</del> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i>  8/3/07 Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: C</b>  Key Map 532C <i>P5M</i>
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<b>For additional information contact:</b> <i>DA</i> Nancy P. Collins <b>Phone:</b> (713) 837-0881 Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b> C.M. 2006-0956 (10/18/06)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for a consideration of \$1,529,146.00 plus the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; and authorize a Development Agreement addressing these requirements; all located within West Houston Addition; A.C. Reynolds Survey. **Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A, and AY7-023B**

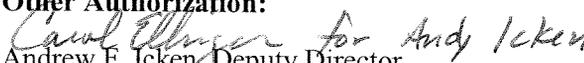
<b>Amount and Source of Funding:</b> N/A	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 By Council Motion 2006-0956, City Council authorized the subject transaction. Thereafter, Item #7 regarding the reconstruction study was deleted from the transaction. Lamesa Village, Limited, a Texas limited partnership [Lamesa Village Holdings, LLC (Julie S. Tysor, Manager), General Partner], the property owner, plans to combine the property being abandoned and sold with its abutting property for future commercial and mid-rise residential development. As the construction requirements in items 1, 2, 3, 4, and 5 of the council motion will be completed after City Council passes the ordinance, Lamesa Village, Limited has submitted to the City two letters of credit (LOC) to cover the estimated construction costs. Construction items associated with the LOC in the amount of \$55,315.00 for items 2 and 3 must be completed within twelve months of the effective date of the ordinance. Construction items associated with the LOC in the amount of \$86,052.00 for items 1, 4, and 5 must be completed within five years of the effective date of the ordinance.

In addition to the foregoing the council motion requires the fulfillment of a number of requirements including (1) the reversion or rededication of Bolsover Street to the City in the event the developer's project is not completed within a prescribed period of time as substantially presented to the community and (2) the developer's agreement to pay a proportionate share of the cost to install a traffic signal at the intersection of Rice Boulevard and Morningside Street, should traffic conditions in the area change and such change warrants installation of a traffic signal during the five years following the closing of this transaction. The council motion also provides that council will, on the final approval of the contract, specify the approved use of the abandoned parcel. The developer's project consists of, among other things, a multi-level residential development not to exceed seven levels with a public pedestrian plaza on all or a part of the portion of Bolsover Street being abandoned and sold, 19 on-street angled surface parking spaces on Morningside Drive and 21 additional on-street angled parking spaces on Kelvin Drive, or in such numbers as are permitted under applicable City codes and regulations at the time the parking spaces are constructed. The attached Development Agreement addresses all of the foregoing requirements. It is therefore recommended City Council authorize the Mayor to execute and the City Secretary to attest the Development Agreement.

s:\psm\sy6-099.rc2.doc CUIC #20PSM198B

**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>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; and authorize a Development Agreement addressing these requirements; all located within West Houston Addition; A.C. Reynolds Survey. <b>Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A, and AY7-023B</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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Lamesa Village, Limited has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full. The City's offer was based upon the highest value established by independent appraisals received by the City.

The City will abandon and sell to Lamesa Village, Limited:

**Parcel SY6-099A**

25,000-square-foot portion of Bolsover Street \$1,550,806.00

**Parcel SY6-099B**

3,000-square-foot street and sidewalk easement \$180,000.00

**Parcel SY6-99C**

300-square-foot water line easement \$9,000.00

**TOTAL ABANDONMENTS**

**\$1,739,806.00**

In exchange, Lamesa Village, Limited will pay

Cash \$1,529,146.00

Plus convey to the City:

**Parcel AY7-023A**

2,200-square-foot right of way \$132,000.00

**Parcel AY7-023B**

1,311-square-foot right of way \$78,660.00

**TOTAL CASH AND CONVEYANCE**

**\$1,739,806.00**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for a consideration of \$1,529,146.00 plus the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; all located within West Houston Addition; A.C. Reynolds Survey. It is also recommended City Council authorize the Mayor to execute and the City Secretary to attest the Development Agreement. The proceeds associated with the street parcels (\$1,520,146.00) will be deposited in the Limited Use Roadway & Mobility Capital Fund (Fund 4034) and will be used for project(s) specifically targeting the area surrounding the abandoned portion of Bolsover Street, i.e. Morningside Street improvements. The proceeds associated with the water line parcel (\$9,000.00) will be deposited into the W & S System Operating Fund (Fund 8300).

MSM: NPC: psm

- c: Raymond D. Chong, P.E., PTOE
- Daniel W. Krueger, P.E.
- Reid K. Mrsny, P.E.
- Marty Stein
- Jeff Taylor

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 D. Reed Phillips of R. G. Miller Engineers, Inc., 12121 Wickchester Lane, Suite 200, Houston, Texas 77079, on behalf of Lamesa Village, Ltd., for the abandonment and sale of: (1) Bolsover Street and a 6-foot-wide sidewalk and street easement, from  $\pm 180.1$  feet east of Kelvin Street to a point  $\pm 179.3$  feet west of Morningside Street; and (2) a 3-foot by 100-foot water line easement; all located within West Houston Addition, A.C. Reynolds Survey, Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A and AY7-023B, be adopted as follows:

1. The City abandon and sell: (1) Bolsover Street, from Kelvin Street to Morningside Street, (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street, and (3) a 3-foot by 100-foot water line easement, in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street, and construction of angled on-street parking, all located within West Houston Addition, A.C. Reynolds Survey. The City will require a reversion of Bolsover Street, or other legally binding assurance, to ensure that the project is developed within a prescribed period as substantially presented to the community;
2. The applicant be required to: (a) cut, plug, and abandon the 8-inch water line within Bolsover Street and (b) relocate the existing storm sewer inlets in Bolsover Street into Morningside Street, all at no cost to the City and under the proper permits, and pay the depreciated value of the water line being abandoned;
3. The applicant be required to eliminate the appearance of the public street at the intersections of Bolsover Street and Kelvin Street and Bolsover Street and Morningside Street;

4. The applicant be required to install left turn bays in the existing City right of way at the north/south approaches along Kelvin Street and Morningside Street at their intersection with Rice Boulevard and implement all other mitigation measures contained in the August 18, 2006 traffic study performed by Traffic Engineers, Inc. The applicant must perform all work under the proper permits and at no cost to the City;
5. The applicant be required to construct a minimum 4-foot-wide sidewalk along Kelvin Street and Morningside Street, from Bolsover Street and Dunstan Street in compliance with the Americans with Disabilities Act requirements;
6. The applicant be required to provide a Letter of Credit or other legally binding assurance to the City, for a five-year period effective upon the physical closure of Bolsover Street, that the applicant will pay the proportionate share of the cost to install a traffic signal in the event traffic conditions in the area change and such change warrants installation of a traffic signal at Rice Boulevard and Morningside Street as determined by the City Traffic Engineer;
7. The applicant, in conjunction with the City of Houston, be required to hire a consultant to conduct a reconstruction study recommending several reconstruction alternatives along Morningside Street, from Rice Boulevard to Sunset Street, and for which the applicant will receive a partial offset against the street abandonment cost in consideration for conducting the study for recommendations associated with various public improvements the study may suggest;
8. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street and the street and sidewalk easement being abandoned and sold;
9. 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;
10. The Legal Department be authorized to prepare the necessary transaction documents; and
11. Mr. Travis Cooper and Ms. Vannessa Hendrickson, independent real estate appraisers, are hereby appointed to establish the value, inasmuch as the value of the property interests is expected to exceed \$25,000.00.

Seconded by Council Member Alvarado

Council Member Clutterbuck moved to amend the above motion to provide that Council will, on the final approval of the contract, specify the approved use of the abandoned parcel.

Seconded by Council Member Lawrence

VOTE ON MOTION TO AMEND:

Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Brown, Lovell, Green and Berry voting aye

Nays none

Council Members Johnson, Alvarado and Sekula-Gibbs absent

MOTION TO AMEND CARRIED

VOTE ON MAIN MOTION AS AMENDED:

Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Brown, Lovell, Green and Berry voting aye

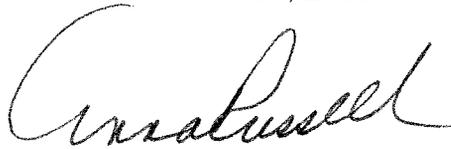
Nays none

Council Members Johnson, Alvarado and Sekula-Gibbs absent

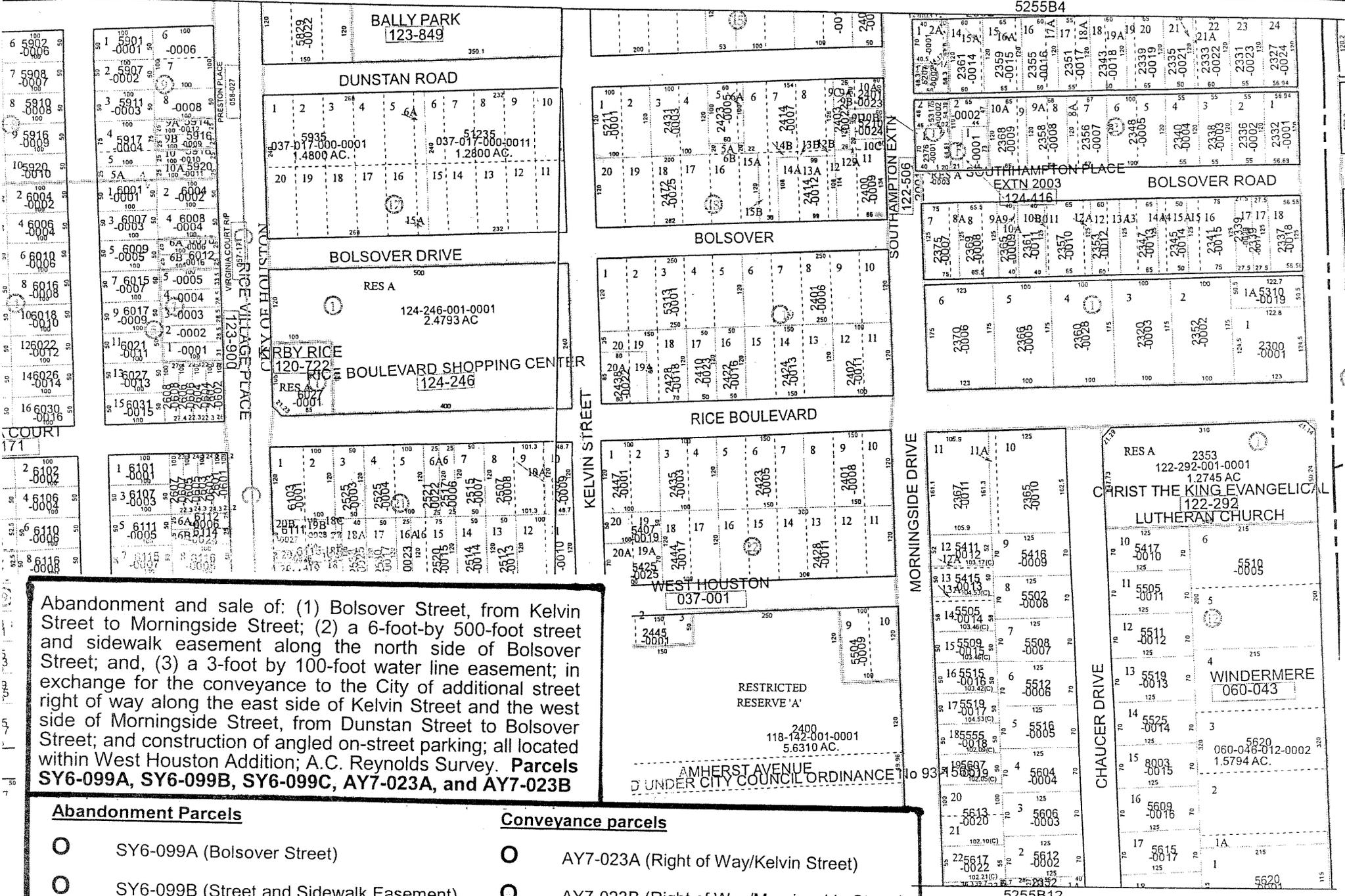
MAIN MOTION AS AMENDED CARRIED

PASSED AND ADOPTED this 18th day of October, 2006.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is October 24, 2006.



Ann Russell  
City Secretary



Abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; all located within West Houston Addition; A.C. Reynolds Survey. **Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A, and AY7-023B**

**Abandonment Parcels**

- SY6-099A (Bolsover Street)
- SY6-099B (Street and Sidewalk Easement)
- SY6-099C (Water Line Easement)

**Conveyance parcels**

- AY7-023A (Right of Way/Kelvin Street)
- AY7-023B (Right of Way/Morningside Street)

<b>SUBJECT:</b> Purchase Agreement between the Foundation for the Retarded (Buyer) and the City of Houston (Seller) for the property at 3550 West Dallas Street, being an aggregate of 6.7212 acres of land, more or less, and a 30-foot wide easement for ingress and egress.	Page 1 of 1	Agenda Item <div style="border: 1px solid black; padding: 5px; display: inline-block;">                     36 27                 </div>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8-2-07	<b>Agenda Date</b> <del>AUG 08 2007</del> AUG 15 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 8/2/07</i>	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Jacquelyn L. Nisby 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ord. #63-1688, 11/5/63; Ord. #64-0101, 1/21/64; Ord. #64-1029, 6/10/64; Ord. #72-1527, 8/24/72; Ord. #96-0414, 5/1/96
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**RECOMMENDATION:** Approve and authorize a Purchase Agreement between the Foundation for the Retarded (Buyer) and the City of Houston (Seller) for 6.7212 acres of land, more or less, and a 30-foot wide easement for ingress and egress located at 3550 West Dallas Street for a purchase price of \$6,000,000.00.

<b>Amount and Source Of Funding:</b> Revenue: \$6,000,000.00	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:** The City proposes to sell the property at 3550 West Dallas Street currently occupied by the Center Serving Persons with Mental Retardation (the "Center") to the Center's supporting organization, the Foundation for the Retarded, a Texas non-profit corporation (the "Foundation") for a purchase price of \$6,000,000.00.

This tract is the subject of a number of leases and amendments between the City and the Center: one, covering .72 acres, is an expired \$1 per year lease under which the Center has a "first and preferential right" upon expiration; a second, covering 1 acre, is a 30-year \$1 per year lease which expires in 2026; a third, covering 5 acres, is a 99-year \$1 per year lease which expires in 2062. This sale will settle certain disputes between the City and the Center regarding the validity and enforceability of these leases and the Center's right to occupy the property.

This sale is in consideration of the execution of a promissory note in the amount of \$6,000,000.00 to the City by the Foundation, as well as for the Foundation's promise to formulate a capital improvements program for the development and possible expansion of the property. The Center agrees to provide services to the mentally retarded and to manage and operate facilities on the property in connection therewith. Payments on the note are not due for three years. After three years, interest only at 5% is due, and at the end of 15 years all principal and interest will be due. The property will be deed restricted to providing services to the mentally retarded for three years after closing. In the event the Foundation sells the property, the Foundation must use the net proceeds to provide services to the mentally retarded for ten years after closing. The Foundation waives all claims against the City, including environmental claims, and agrees to indemnify the City from losses resulting from the Foundation's or the Center's negligence in operating the property after closing.

This sale is in accordance with Section 272.001(b)(4) of the Texas Local Government Code, which authorizes a municipality to sell land to an independent foundation for development, and with Article 9, Section 13 of the Texas Constitution, which specifically authorizes cities to support mental retardation services and to expend public monies for such purposes.

Therefore, the General Services Department recommends that City Council approve and authorize a Purchase Agreement with the Foundation for 6.7212 acres of land, more or less, and a 30-foot wide easement for ingress and egress located at 3550 West Dallas Street for a purchase price of \$6,000,000.00.

The proceeds of this sale will be deposited in the General Fund.

IZD:BC:JLN:ddc  
 xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell

**REQUIRED AUTHORIZATION** CUIC ID# 25 BC 03

<b>General Services Department:</b> <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr. Director, Real Estate Division	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance approving and authorizing the creation of the Contractor Responsibility Fund, pursuant to Ordinance 2007-534 and Executive Order 1-7, regarding health benefits for employees of City contractors and bidders on certain City contracts		<b>Category</b>	<b>Page</b> 1	<b>Agenda Item</b> 3728
<b>FROM (Department or other point of origin):</b> Mayor's Office of Health and Environmental Policy		<b>Origination Date:</b> July 31, 2007	<b>Agenda Date:</b> <del>AUG 0 8 2007</del> AUG 15 2007	
<b>DIRECTOR'S SIGNATURE:</b> Elena Marks <i>Elena Marks/168</i>		<b>Council District affected:</b>		
<b>For additional information contact:</b> <b>Phone:</b> Phyllis Epps – 713.247.2852 Velma Laws – 713.837.9015		<b>Date and Identification of prior authorizing Council action:</b> Ordinance 2007-534		
<b>RECOMMENDATION: (Summary)</b>		Adopt ordinance to create the Contractor Responsibility Fund, an account for the collection and disbursement of funds collected through the Pay or Play program.		
<b>Amount of Funding:</b>	N/A	<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> N/A				
<b>SPECIFIC EXPLANATION:</b> Pursuant to Ordinance 2007-534 and Executive Order 1-7, the City requires certain contractors to offer certain employees a minimal level of health benefits or to contribute a designated amount to be used to offset the costs of providing health care to uninsured people in the Houston/Harris County area, via the Pay or Play program. Contractors that elect to comply by paying will contribute \$1 for each regular hour of work performed by covered employees. All payments to the City under this program shall be deposited in the Contractor Responsibility Fund, which shall not be used for any other purpose except to defray the costs of providing health care services to uninsured persons in the Houston area. The funds may be used for the following purposes: <ol style="list-style-type: none"><li>1. To support the subsidy fund of a community-based multi-share insurance program developed to decrease the number of uninsured persons in the Houston area.</li><li>2. To provide support to safety net providers who are members of the Harris County Healthcare Alliance and demonstrate that the funds will be used to support the costs of providing services to uninsured persons.</li><li>3. To support direct services provided to the uninsured by the Harris County Hospital District.</li></ol> Funds will be distributed at least annually and may be distributed more frequently if the amount collected exceeds \$50,000.				
(continued)				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>		

Back-up  
~~#28~~

**Jefferson, Pat - CSC**

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**From:** Stein, Marty - MYR  
**Sent:** Wednesday, August 08, 2007 8:29 AM  
**To:** Bell, Mallory G - CNL; Brown, Chris - CNL; Cardenas, Max- CNL; Dorfman, Katie - CNL; Douglass, Tim - CNL; Garces, Graciana - CNL; Garibay, Giovanni - CNL; Greenspan, Jerome - CNL; Hernandez, Benjamin - CNL; Hunt, Amanda - CNL; Jefferson, Pat - CSC; Layton, Linda - CNL; Mattox, Damon - CNL; Moses, Sharon - CNL; Newport, Jonathan - CNL; Nobles, Shannan - CNL; Stewart, Estelle N. - CNL; Weesner, Sherry - CNL; Yancy, Amy - CNL  
**Cc:** Crinejo, Marta - MYR; Kelly, Karen - MYR; Ortega, Stella - MYR  
**Subject:** AGENDA BACK-UP #28

The effective date for "Pay or Play" ordinance is July 1 for eligible contracts that havenot already gone out for bid.

R

<b>SUBJECT:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Dominion 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>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <div style="border: 2px solid black; padding: 5px; display: inline-block; font-size: 2em;">3848</div>

<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date:</b> 08/03/07	<b>Agenda Date:</b> AUG 15 2007 <del>AUG 08 2007</del>
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<b>DIRECTOR'S SIGNATURE:</b> Richard S. Celli, Director <i>Richard S. Celli</i>	<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 Dominion 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:**

Dominion Community Development Corporation (Dominion 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 Dominion 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: LTS 14, 15, 16 BLK 13; LT 17 BLK 13; LT33 BLK 13; LT 34 BLK 13; LTS 35, 36, 37 BLK 13; TR A BLK 13.

All homes will be located in Council District "B".

The development will be known as "Dominion Affordable Housing I." 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 (Dominion CDC) to retain the proceeds generated from this CHDO development activity provided that Dominion CDC performs as required under the contract and provided that Dominion 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>

<b>Date</b> 08/03/07	<b>Subject:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Dominion 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>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 Dominion 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 Dominion 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 Dominion 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

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7528**

**Subject:** Appropriate funds and authorize issuance of purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC for Phase Three of the Network Implementation Project

Category #  
4 & 5

Page 1 of 3

Agenda Item

**3949**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 23, 2007

**Agenda Date**

~~AUG 08 2007~~

AUG 15 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Richard Lewis                      Phone: (832) 393-0065  
Janis Jefferson                      Phone: (832) 393-0004

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

Ordinance 2003-1252 Ordinance 2005-1064

**RECOMMENDATION: (Summary)**

Appropriate funds and authorize issuance of purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC in an amount not to exceed \$7,053,840.00 for phase three of the network implementation project.

Spending Authority: \$7,053,840.00

**F & A Budget**

*[Signature]*

\$3,823,840.00 Equipment Acquisition Fund (1800)  
\$2,900,000.00 Combined Utility System Gen Pur Fund (8305)  
\$ 300,000.00 Convention & Entertainment Facility Revenue Fund (8601)  
\$ 30,000.00 Houston Airport System Revenue Fund (8001)  
\$7,053,840.00 Total

WBS X-680011

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council appropriate funds and approve purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC in an aggregate amount not to exceed \$7,053,840.00 for Phase 3 of a three-phase project to upgrade the City data network to provide greater capacity for new, more robust technology, to improve security and to avoid system outages that will increase without this IT investment.

**Background**

In May of 2003, the City Council authorized an initial network assessment by Getronics of 141 City locations to determine the stability and security of the City's underlying data network. The assessment was completed in August 2003, revealing that 90% of the City's network infrastructure and associated components (routers and switches) were past the product end of life and no longer supportable. The assessment also revealed that the City lacked standardized network equipment, with 18 different vendor products serving various departments. The combination of these factors resulted in slow network performance, productivity loss from downtime, costly support, security breaches and potentially catastrophic system failures. These network deficiencies also threatened the successful implementation of important strategic initiatives, such as Integrated Case Management System (ICMS), Enterprise Resource Planning (ERP/SAP) and HPD's Network Security Pre-Convergence Implementation (NSPCI).

In response to the assessment findings Council authorized Getronics to proceed with development of a network master plan. In December 2003, City Council approved an amendment (Ordinance 2003-1185) and appropriated \$355,000 for a network master plan and design phase. Following the completion of this Master

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

Date: 7/23/2007	Subject: Appropriate funds and authorize issuance of purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC for Phase Three of the Network Implementation Project	Originator's Initials FR	Page 2 of 2
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Plan in July 2004, ITD moved forward with a competitive proposal process for the implementation of a phased network upgrade.

**Competitive Procurement, Evaluation, & Selection**

ITD issued the Network Implementation (NIP) RFP in August 2004 through the City's catalog vendor purchasing program. The Texas Procurement Center (TPC) performed the procurement at a negotiated rate of 3% for all phases of the work. TPC's 3% service fee is included in the total allocation for this purchase. Ten proposals were received and a rigorous vendor selection process began in September 2004. First round evaluations included eight proposals, as two proposals were determined to be non-responsive. Second round evaluations included four semi-finalist vendors who were invited to present to the evaluators and included lengthy question and answer sessions. The third round included price negotiations with the finalist, DYONYX LP, who was selected as the "Best Value" Contractor.

**Phase 1 Implementation**

The entire scope of work for the Network Implementation Project is a three-phase approach to upgrade 1500 existing network devices at 450 sites. Phase 1 funding was provided from 2004 Equipment Acquisition Funds approved by City Council Ordinance 2003-1252. In November 2004, DYONYX was issued a Purchase Order for Phase 1 in the amount of \$2,553,523.59 including hardware, services and procurement fees to upgrade 2 core facilities and 47 HPD sites. As of this date, DYONYX has performed in an exemplary manner and has completed all tasks in Phase 1 to the City's satisfaction.

**Phase 2 Implementation**

It was important for this project continue without pause for project continuity and reasons articulated in the Background Section above. Phase 2 was approved by Council Ordinance 2005-1064 on September 14, 2005 in the amount of \$4,559,810.00 The Scope of Work for Phase 2 included 202 sites within the following departments: remaining HPD sites, Fire, Health, Parks and administrative departments (Mayor's Office, City Council, Affirmative Action, Legal, Controller, ITD, City Secretary, HR, Housing, PDD, F&A, Courts, and BSD). Phase 2 was completed in the scheduled fourteen months by DYONYX under budget.

The remaining \$338,175 has been applied to planning, site remediation and design for Phase 3.

**Phase 3 Implementation**

Phase 3 started in March at the completion of Phase 2 by means of a Change Order with remaining Phase 2 funds. Phase 3 includes the network upgrade and implementation of all remaining City departments, including Public Works and Engineering, the Library, Convention and Entertainment, Airport System, and Solid Waste departments. It also includes any site exceptions from the previous two phases such as new facilities under construction. Phase 3 is the largest network implementation to date due in part to PWE which is the largest department in City of Houston. Careful planning has provided an estimate of \$7,053,840.00 for Phase 3 including services, equipment purchase and build-out, selected site remediation and fees.

It is important that the project continues and phase 3 begins without delay. This will ensure avoidance of system outages, improve needed security and provide the technology required for important City strategic initiatives including wireless connectivity and self-service requirements within water customer service.

The use of DYONYX for this phase in the network upgrade implementation is consistent with the selection made under the RFP process described above. While the purchase is being made directly from DYONYX

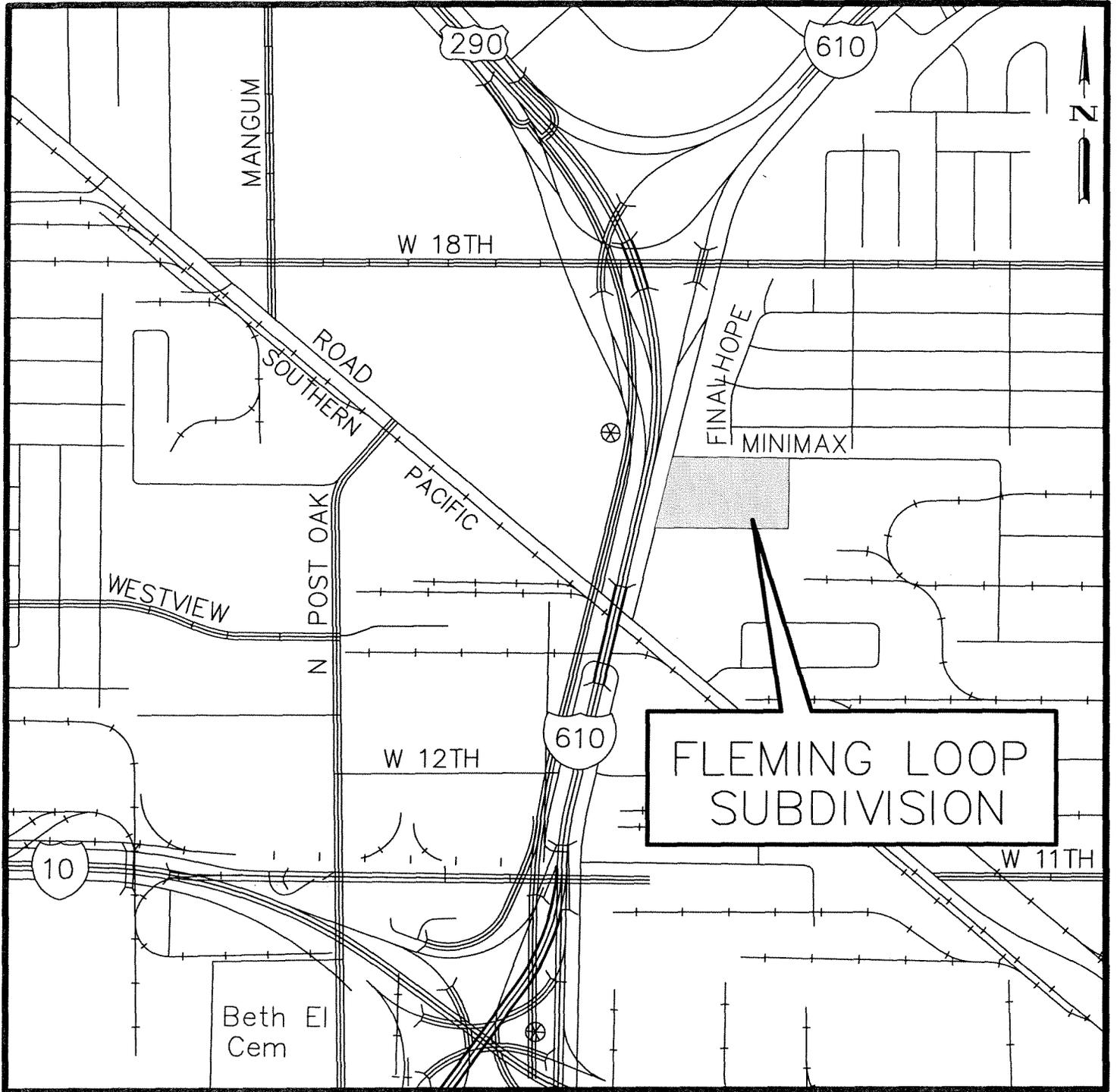
Date: 7/23/2007	Subject: Appropriate funds and authorize issuance of purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC for Phase Three of the Network Implementation Project	Originator's Initials FR	Page 3 of 3
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under the state catalogue purchasing law instead of through a third-party contractor, this phase is part of the implementation contemplated when the original RFPs were issued and evaluated.

**M/WBE Participation**

The original RFP and subsequent contract award included a 35% M/WBE participation goal. DYONYX's minority partner selected for the NIP project was Datasors Consulting and others for Phase 2. DYONYX has achieved an 89% participation level in Phase 1 and an approximate 41% level in Phase 2. The M/WBE participation level is well in excess of the 35% goal and will continue.

<b>SUBJECT:</b> Developer Participation Contract between City of Houston and Fleming Loop Partners, Ltd. for the construction of water and sewer lines. S-000802-0051-4/ R-000802-0051-4		Page 1 of 1	Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;">                     40 <i>57</i> </div>
<b>FROM: (Department or other point of origin)</b> Department of Public Works & Engineering	<b>Origination Date:</b> 5/31/07	<b>Agenda Date:</b> <del>AUG 08 2007</del> AUG 15 2007	
<b>Director's Signature:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> A		
<b>For additional information contact:</b> Jun Chang, P.E. (713) 837-0433 <i>JC</i>	<b>Date and identification of prior authorizing Council action:</b>		
<b>Recommendation: (Summary)</b> Approve a Developer Participation Contract between the City and Fleming Loop Partners, Ltd. to construct approximately 150 linear feet of water lines and 288 linear feet of sanitary sewer lines to serve their development, Fleming Loop Subdivision, and appropriate funds.			
<b>Amount &amp; Source of Funding:</b> \$430,448.45     Water & Sewer System Consolidated Construction Fund No. 8500 <div style="text-align: right;"><i>Paula 8/10/07</i></div>			
<b>Specific Explanation:</b> Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) includes provisions for City participation in the cost of construction of water and sewer mains by a developer. Under Section 47-164 of the Houston Code, the City and the Developer may enter into a cost-sharing agreement under which the Developer designs and constructs the mains and dedicates them to the City for 30% reimbursement of the construction cost.  Fleming Loop Partners, Ltd. proposes to construct approximately 150 linear feet of water lines and 288 linear feet of sanitary sewer lines to serve their development, Fleming Loop Subdivision. The estimated construction cost is \$1,434,828.15 (including a 5% contingency), thereby making \$430,448.45 the City of Houston's maximum contribution. Plans for the extension have been approved by the Department of Public Works and Engineering. Before payment is made to the Developer, the Department of Public Works and Engineering will inspect the lines and review the final construction cost to determine the actual amount of the City's share, which cannot exceed \$430,448.45.  The proposed construction consists of water and sanitary sewer trunk lines that will run along Hempstead Highway and the Northbound Frontage Road of the 610 West Loop and will bring utility services only to the property line.			
cc: Marty Stein     Craig Foster     John Sakolosky JC:AMS:tp			
<b>REQUIRED AUTHORIZATION:</b>		20JZC260 <span style="float: right;"><i>NOT</i></span>	
<b>F&amp;A Budget:</b> <i>Michael S. Marcotte</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning & Development Services	



# VICINITY MAP

KEY MAP # 452W  
HOUSTON, TX 77008

<b>SUBJECT:</b> Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-0108-4		<b>Page</b> 1 of <u>2</u>	<b>Agenda Item #</b> <div style="border: 1px solid black; padding: 5px; display: inline-block;">                 41 <del>58</del> </div>										
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 8-2-07	<b>Agenda Date</b> <del>AUG 08 2007</del> AUG 15 2007										
<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> All											
<b>For additional information contact:</b> Roger B. Whitney, P.E. Senior Assistant Director <b>Phone:</b> (713) 641-9198		<b>Date and identification of prior authorizing Council action:</b>											
<b>RECOMMENDATION: (Summary)</b> Accept low bid, award construction contract, and appropriate funds.													
<b>Amount and Source of Funding:</b> \$1,069,642.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III.			<b>F&amp;A Budget:</b> 										
<p><i>Pratt 07/17/07</i></p> <b>SPECIFIC EXPLANATION:</b> This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City. <p><b>DESCRIPTION/SCOPE:</b> This project consists of Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation. The contract duration for this project is 540 calendar days.</p> <p><b>LOCATION:</b> The project area is generally bounded by the City Limits.</p> <p><b>BIDS:</b> Four (4) bids were received on April 12, 2007 for this project as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><u>Bidder</u></th> <th style="text-align: center;"><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. CleanServe, Inc.</td> <td style="text-align: right;">\$999,663.96</td> </tr> <tr> <td>2. Specialized Maintenance Services, Inc.</td> <td style="text-align: right;">\$1,044,307.97</td> </tr> <tr> <td>3. Chief Solutions, Inc.</td> <td style="text-align: right;">\$1,128,045.67</td> </tr> <tr> <td>4. Shumaker-Harvey Equipment Co., Inc., dba She-Co, Inc.</td> <td style="text-align: right;">\$1,188,496.08</td> </tr> </tbody> </table>				<u>Bidder</u>	<u>Bid Amount</u>	1. CleanServe, Inc.	\$999,663.96	2. Specialized Maintenance Services, Inc.	\$1,044,307.97	3. Chief Solutions, Inc.	\$1,128,045.67	4. Shumaker-Harvey Equipment Co., Inc., dba She-Co, Inc.	\$1,188,496.08
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<b>File/Project No. WW 4277-34</b>		<b>REQUIRED AUTHORIZATION</b>											
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>											
		<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division											
		CUIC# 20RBW168 NDT											

<b>Date</b>	<b>Subject:</b> Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-0108-4	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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**AWARD:** It is recommended that this construction contract be awarded to CleanServe, Inc. with a low bid of \$999,663.96 and Addendum No. 1, dated 03/20/07 and Addendum No. 2, dated 04/02/07 be made part of this contract.

**PROJECT COST:** The total cost of this project is \$1,069,642.00 to be appropriated as follows:

- Bid Amount \$999,663.96
- Contingencies \$49,983.20
- Project Management \$14,994.84
- Engineering Testing Services \$5,000.00

Engineering Testing Services will be provided by QC Laboratories, Inc., under a previously approved contract.

**M/WBE PARTICIPATION:** No M/WBE participation goal has been established for this project.

All known rights-of-way and easements required for this project have been acquired.

*MSM JT RBW JGM FOS*

MSM:JT: RBW:JGM:FOS:jsc

cc: Marty Stein  
 Jeff Taylor  
 Susan Bandy, CPA  
 Velma Laws  
 Michael Ho, P.E.  
 File No. WW 4277-34

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA #

**SUBJECT:**  
Ordinances granting Commercial Solid Waste Operator Franchises

Category #      Page 1 of 1      Agenda Item#

42+43      ~~60-61~~

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

Judy Gray Johnson, Director  
Finance and Administration

**Origination Date**  
July 30, 2007

**Agenda Date**  
~~AUG 08 2007~~  
AUG 15 2007

**DIRECTOR'S SIGNATURE:**

*Judy Gray Johnson*

**Council Districts affected:**

ALL

**For additional information contact:**

Wendy E. Thomas      Phone: (713) 837- 9623  
Tina Paez      Phone: (713) 837- 9630

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve ordinances granting Commercial Solid Waste Operator Franchises

**Amount of Funding:**  
NA

**F & A Budget:**

**SOURCE OF FUNDING:**       General Fund       Grant Fund       Enterprise Fund       Other (Specify)

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve two ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. Aggregate Haulers I, L.P.
2. Veolia ES Technical Solutions, L.L.C.

The proposed ordinances grant the Franchisees 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, each 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 terms expire on December 31, 2013.

**REQUIRED AUTHORIZATION**

F&A Director: