

**CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR – TUESDAY
SEPTEMBER 18, 2007 - 2:00 P.M.**

AGENDA

3MIN. 3MIN. 3MIN.

MS. MARY LAWLER – 2505 WASHINGTON AVE – 77009 – 713-864-8099 – Pending Agenda Item ??

NON-AGENDA

1MIN. 1MIN. 1MIN.

MS. PATRICIA HOWARD – 607 Briar Park – 77042 – 713-783-4607 – Rivercrest Street Closure

3MIN. 3MIN. 3MIN.

MR. ALI NAGVI – 9223 Misty Vale – 77075 – 281-704-9073 – Deed Restrictions Neighborhood Protection

MR. JOHN MORRIS – 5703 Caldicote – Humble –TX – 77346 – 281-852-6388 – Council duties to consider Resolutions

MR. MARK HOGUE – 9307 Meadow Glen – 77063 - 832-277-6000 – Elevated Cross Walk

MR. FRANK STURMAN – 2615 Briar Park – 77042 – 713-972-9597 – River Crest Street Closure

MR. DAVID HARLOW – 4114 n. News Meadow Dr. – Sugarland – TX – 77479 – 281-277-2597 – Parking On City Street and getting towed

MR. DAVID ADLER – 6750 West Loop South, Ste. 120 – 77401 – 281-731-7576 – Right-of-Way Maintenance

MR. DOUGLAS NICHOLS – 2418 Broad – Baytown – TX – 77521 – Drug houses and Police

MR. MICHAEL LEVY – 10003 Briar Rase Dr. – 77042 – 713-582-3135 –Rivercrest abandonment

MS. JACKIE POWELL – 5417 N. McCarty - 77013 – 713-501-6985 – Scrap metal Ordinance

MR. RALPH CHAISON – 13815 Quention - 77045 – 281-226-3751 – Ditches

MS. GLORIA HOLMES – 3560 Dixie Dr. – 77021 – 713-741-7331 – False arrest

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

PREVIOUS

1MIN. 1MIN. 1 MIN.

MR. JOSEPH CHASE II – 4640 Main Ste. 265 – 77002 – 713-823-6211 – Impeachment

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - 832-453-6376 - Bin Laden Contacts W/G.W. Bush, Jr. Conspiracy W/in City W/H-County W/to me

1
SEP 19 2007

MOTION NO. 2007 0937

MOTION by Council Member Garcia that the recommendation of the Planning and Development Department, to set a hearing date relating to amendments to Chapter 42, Code of Ordinances, related to the provision of Parks and Open Spaces, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, September 19, 2007, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Lawrence and carried.

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

PASSED AND ADOPTED this 12th day of September, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 18, 2007.

City Secretary



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2
SEP 19 2007

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 8-31-07
DATE

COUNCIL MEMBER: _____

August 30, 2007

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Section 335.035 of the Texas Local Government Code, I am reappointing respectively, the following individual to the Harris County-Houston Sports Authority Board of Directors, subject to City Council confirmation:

Mr. Roland Garcia, reappointment to Position 11, for a term to expire August 31, 2009.

The résumé of the appointee is attached for your review.

Sincerely,

Handwritten signature of Bill White in cursive.

Bill White
Mayor

BW:CC:jsk

Attachments

cc: Judge Ed Emmett, Harris County
Ms. Beverly Kaufman, County Clerk, Harris County
Mr. Lawrence R. Catuzzi, Chair, Finance and Secretary/Treasurer, Harris County-Houston Sports Authority
Ms. Janis Schmees, Executive Director, Harris County-Houston Sports Authority



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Report of 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and Appoint Representatives to Calculate the Effective and Rollback Tax Rates

Category #

Page 1 of 1

Agenda Item#

3

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Origination Date

September 13, 2007

Agenda Date

SEP 19 2007

DIRECTOR'S SIGNATURE:

Judy Gray Johnson

Council Districts affected:

All

For additional information contact:

Michelle Mitchell, Assistant Director Phone: 713-221-0935
Sylvia Shaw, Division Manager Phone: 713-221-0131

Date and identification of prior authorizing Council Action September 27, 2006
Motion NO. 2006 0846

RECOMMENDATION: (Summary) That City Council receive the 2007 Appraisal Roll information, Certification of the Anticipated Collection Rate for "Truth-In-Taxation" purposes and appoint Sylvia Shaw, Jennifer Chen, and James Bell to calculate and publish the City's Effective and Rollback Tax Rates.

Amount of Funding:

Not Applicable

F & A Budget:

Michelle Mitchell

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

The Truth-In-Taxation provisions of the State Tax Code require the City to take certain steps before adopting its ad valorem tax rate each year. The first of these steps are to, (1) submit the City's tax year 2007 appraisal roll information to City Council, (2) certify an anticipated collection rate to City Council, and (3) appoint representatives to calculate and publish the effective and rollback tax rates.

Attached is the required report of the tax year 2007 appraisal roll information and the certification of anticipated collection rate.

It is recommended that the City Council receive the 2007 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw, Jennifer Chen and James Bell to calculate and publish the City's effective and rollback tax rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code.

cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

**CITY OF HOUSTON
REPORT OF 2007 APPRAISAL ROLL INFORMATION
AND ANTICIPATED AND EXCESS COLLECTIONS**

CERTIFIED 2007 APPRAISAL ROLL

Total Appraised/Assessed Value: \$154,525,184,042

Taxable Value of Certified Property: \$119,685,276,443

Taxable Value of Property Under Protest: \$ 6,216,595,765

Taxable Value of Property Still Not Certified: \$ 8,700,083,985

Taxable Value of All Properties: \$134,601,956,193

Taxable Value of New Improvements Included Above \$ 3,338,893,556

**CERTIFIED ANTICIPATED COLLECTION RATE
AND EXCESS COLLECTIONS**

I hereby certify that the estimate of the anticipated collection rate for the City of Houston ad valorem taxes for tax year 2007 is 100% and there were no excess debt collections for tax year 2006.


Sylvia Shaw
Deputy Tax Assessor-Collector

SUBJECT: Amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP)		Category #	Page 1 of 1	Agenda Item # 4
FROM (Department or other point of origin): Planning and Development		Origination Date 09/01/07		Agenda Date SEP 19 2007
DIRECTOR'S SIGNATURE: <i>Mary R. Steinfeld</i>		Council District affected: None		
For additional information contact: Michael A. Kramer Phone: 713-837-7781		Date and identification of prior authorizing Council action: 11/01/06, Ord. 06-1001		
RECOMMENDATION: (Summary) Approve amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2007 MTFP in map form.				
Amount and Source of Funding: N/A			F & A Budget:	
SPECIFIC EXPLANATION: Pursuant to a public hearing on amendments to the 2006 Major Thoroughfare and Freeway Plan (MTFP), the Planning Commission approved a motion on August 30, 2006, to recommend that City Council approve amendments to the 2006 MTFP. Attachment 1 provides a description of the amendments and the Planning Commission recommendation. Attachment 2 depicts the general location of each recommended change. The MTFP identifies corridor alignments and sets right-of-way requirements for major roadways in the City and extraterritorial jurisdiction (ETJ). The Planning Commission considered amendments to the MTFP, which would add, delete, realign, or change the hierarchy classification of designated street segments. Two types of applicants for MTFP amendments were considered by the Commission and are identified by: <ul style="list-style-type: none"> Government - amendments requested by governmental agencies including City of Houston; and Private Sector - amendments requested by the private sector among which included individuals, civic associations, and developers. City Council approval will authorize publication of the 2007 MTFP in map form. Attachments cc: Marty Stein, Agenda Director Arturo Michel, City Attorney Anna Russell, City Secretary Michael S. Marcotte, Director, Public Works and Engineering				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

2007 Major Thoroughfare and Freeway Plan (Amendments to the 2006 MTFP)

On August 9, 2007 the City of Houston Planning Commission voted to forward its actions to City Council for adoption as the 2007 MTFP. Six amendments, listed below, reflect changes that will require alterations to the 2006 MTFP. The location of these amendments is illustrated on the map included as Attachment 2.

Amendment Name	Jurisdiction	District/Precinct	Applicant
Tidwell Road	ETJ, Harris Co.	Harris County Pct. 2	COH Parks and Recreation Dept.
<i>Commission action:</i> To APPROVE the proposed amendment to delete a portion of Tidwell Road between Beaumont Highway and East Beltway 8 North from the Major Thoroughfare and Freeway Plan.			
Longenbaugh, Bartlett and Pitts	ETJ, Harris Co.	Harris Co. Pct. 3	Kerry R. Gilbert and Associates
<i>Commission action:</i> To APPROVE the proposed amendment to realign Longenbaugh Road from Katy Hockley Road to Schlipf Road on the Major Thoroughfare and Freeway Plan; to APPROVE the proposed amendment to realign Bartlett from FM 529 to West Road on the Major Thoroughfare and Freeway Plan; and to APPROVE the proposed amendment to delete and realign Pitts Road from Longenbaugh Road to West Road on the Major Thoroughfare and Freeway Plan, with a modification that the realigned Pitts Road continued north to connect to West Road.			
Waller Co. Various	ETJ, Waller Co.	Waller Co. Pct. 4	CLR, Inc.
<i>Commission action:</i> To APPROVE the requested changes to the Major Thoroughfare and Freeway Plan as included in the Waller County Major Thoroughfare Plan adopted by Commissioners Court on July 5, 2007.			
North Long Meadow Farms Parkway	ETJ, Fort Bend Co.	Fort Bend Co. Pct. 3	Northrup Associates, Inc.
<i>Commission action:</i> To APPROVE the proposed amendment to the Major Thoroughfare and Freeway Plan to add a Major Collector on the north side of the Grand Parkway between existing Morton Road and proposed Peek Road.			
South Bridgeland	ETJ, Harris Co	Harris Co. Pct. 3	Vernon G. Henry & Assoc., Inc.
<i>Commission action:</i> To APPROVE the proposed amendment to the Major Thoroughfare and Freeway Plan to realign a portion of South Bridgeland Lake Parkway to intersect with Fry Road rather than North Bridgeland Lake Parkway.			
Mossy Oaks	ETJ, Harris Co.	Harris Co. Pct. 4	Asakura Robinson Co LLC
<i>Commission action:</i> To RECLASSIFY proposed Mossy Oaks from a Major Thoroughfare to a Major Collector with a right-of-way width of 70 feet, and REALIGN Mossy Oaks to remove as much of it as possible from the floodplain.			

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for the construction of Kirkwood from Bellaire Boulevard to Alief Clodine. WBS No. N-000575-0002-4.	Page 1 of 2	Agenda Item # 5
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/13/07	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: <i>MS Marcotte</i> Michael S. Marcotte, P.E., DEE	Council District affected: F <i>John</i>
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For additional information contact: <i>JTL</i> J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074	Date and identification of prior authorizing Council action: Ord. # 2005-795 dated 06/22/2005
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RECOMMENDATION: (Summary)
Pass a motion to approve the final Contract Amount of \$4,284,605.72 or 5.45% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No Additional Funding Required.
Original appropriation of \$5,170,303.00; with \$4,460,185.00 from the Series E Commercial Paper Metro Project Fund No. 49M and \$710,118.00 from Water and Sewer System Consolidated Construction Fund No. 755.

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was part of City's Capital Improvement Program and was required to improve traffic flow and circulation in the area.

DESCRIPTION/SCOPE: The new roadway is now a boulevard section with two 24-foot lanes in each direction separated by a raised median. This roadway is concrete with curbs and has underground storm sewers and necessary utilities. This project was designed by Lockwood, Andrews & Newnam, Inc., with 365 calendar days allowed for construction. The project was awarded to Conrad Construction Co., Inc. with an original Contract Amount of \$4,531,804.35.

LOCATION: The project is on Kirkwood Road between Bellaire and Alief Clodine. The project is located in Key Map grids 529-A and E.

CONTRACT COMPLETION AND COST: The Contractor, Conrad Construction Co., Inc. has completed the work under subject Contract. The project was completed within the Contract Time with 14 additional days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$4,284,605.72, a decrease of \$247,198.63 or 5.45% under the original Contract Amount.

The decreased cost is a result of the differences between planned and measured quantities. This decrease is primarily a result of an underrun in Bid Item No. 22 – Flexible Base Course, and Bid Item No. 133 – Early Completion Incentive for Completion of Work, which were not necessary to complete the Work.

REQUIRED AUTHORIZATION 20JC36

F&A Budget:	Other Authorization:	Other Authorization: <i>DW Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	<i>MDT</i>
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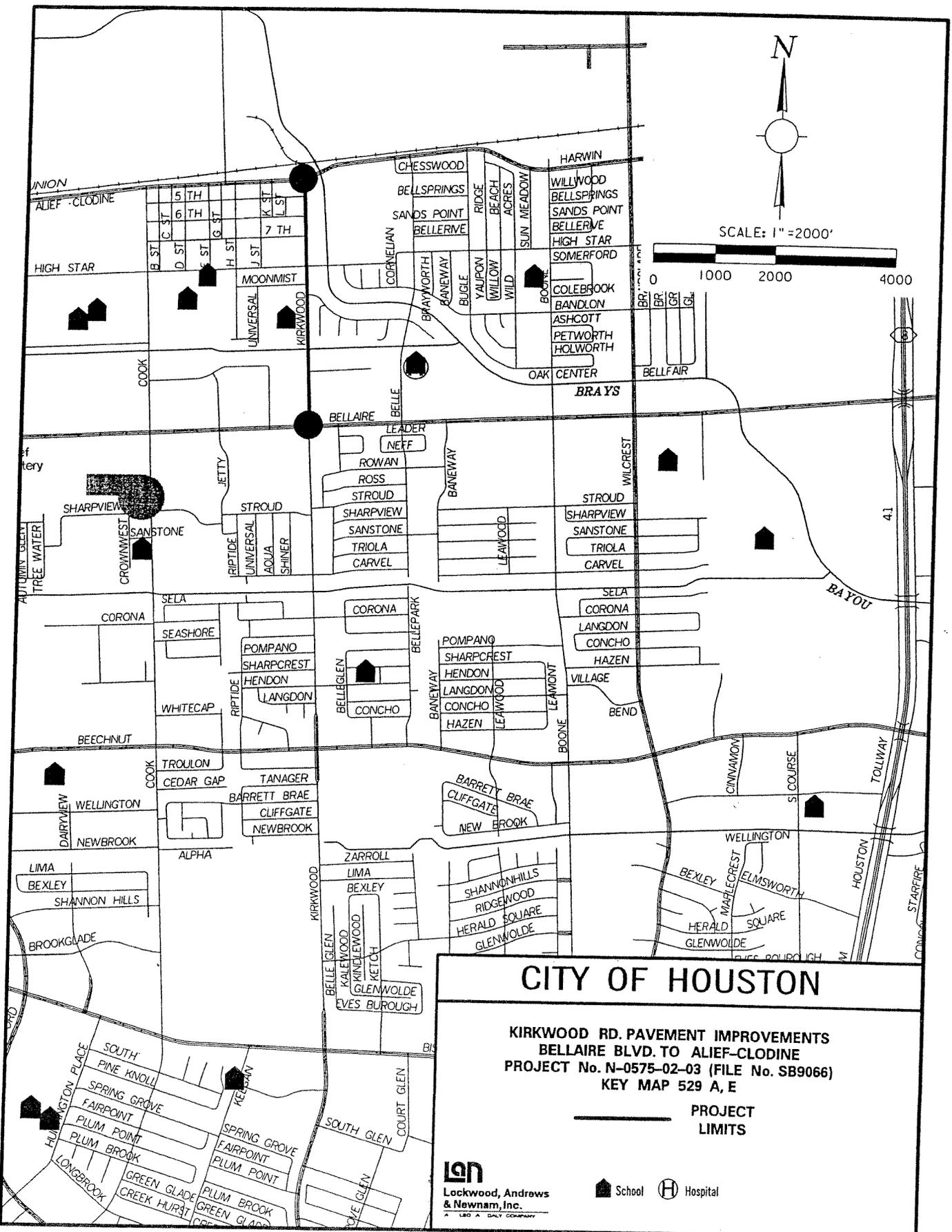
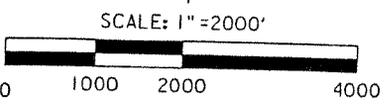
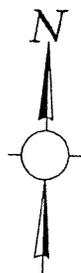
Date	SUBJECT: Accept Work for the construction of Kirkwood from Bellaire Boulevard to Alief Clodine. WBS No. N-000575-0002-4	Originator's Initials	Page 2 of 2
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M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 18.47%. Contractor's M/WBE performance evaluation was rated outstanding.



MSM:DWK:JTL:JAK:JC:ha

c: Michael Ho, P.E. Craig Foster Velma Laws Susan Bandy File – SB9066

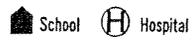


CITY OF HOUSTON

**KIRKWOOD RD. PAVEMENT IMPROVEMENTS
BELLAIRE BLVD. TO ALIEF-CLODINE
PROJECT No. N-0575-02-03 (FILE No. SB9066)
KEY MAP 529 A, E**

**PROJECT
LIMITS**

lan
Lockwood, Andrews
& Newnam, Inc.
A LEO A DALY COMPANY



SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-00B7-4		Page 1 of 1	Agenda Item # 6
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/13/07	Agenda Date SEP 19 2007
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director		Council District affected: A, B, C, D, E, G, H and I	
For additional information contact: Roger B. Whitney, P.E. Sr. Assistant Director Phone: (713) 641-9198		Date and identification of prior authorizing Council action: Ordinance No. 2004-1038 dated, 10-06-04	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$737,133.58, which is approximately 0.22% over the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. Original appropriation of \$791,974.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.			F&A Budget:
SPECIFIC EXPLANATION: <p>PROJECT NOTICE/JUSTIFICATION: Under this project the contractor provided cleaning and television inspection in support of rehabilitation to deteriorated sewer collection systems throughout the City.</p> <p>DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to Shumaker-Harvey Equipment Co., Inc. dba She-Co., Inc. with an original contract amount of \$735,490.13. The Notice to Proceed date was January 31, 2005 and the project had 455 calendar days for completion.</p> <p>LOCATION: The project was located at various locations within Council Districts A, B, C, D, E, G, H and I.</p> <p>CONTRACT COMPLETION AND COST: The Contractor, Shumaker-Harvey Equipment Co., Inc. dba She-Co., Inc., has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$737,133.58, which is approximately 0.22% over the original contract amount. More sewer cleaning and television inspections were actually made than anticipated.</p> <p>M/WDBE PARTICIPATION: No M/WDBE participation goal was established for this project.</p> <p><i>MSM:JT:RBW:JGM:FOS</i> MSM:JT:RBW:JGM:FOS:mf Attachments</p> <p>c: Velma Laws Michael Ho, P.E. Craig Foster</p>			
Project File 4277-21		REQUIRED AUTHORIZATION	
F&A Director:		Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division	
F&A 011.A REV. 3/94 7530-0100403-00		I:\FORMS\RCA\RCAAWARD.GEN (Rev. 04/18/2001)	

4277-21		Sanitary Sewer Cleaning and Television		
		Inspection in Support of Rehabilitation		
GFS No. R-0266-B7-3		Shumaker-Harvey Equip. Co., Inc. Dba She-Co. Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
4	451B	FOREST WEST	NE011	A
13	451G	FOREST PINES	NE011	A
21	411V	INWOOD FPREST	NW163	A
22	449V	SHADOW OAKS CIVIC CLUB, INC	WD075,WD076, WD135	A
29	492N	SHEPHERD FOREST	IA041	A
11	414Z	FONTAINE PLACE	NE011	B
15	495K,P	PLEASANT VIEW	NE011	B
16	495L	PLEASANTVILLE	FA001	B
17	495L	PLEASANTVIEW	FAP02	B
18	495K	PLEASANTON MANOR	FAU01	B
19	495F	GLENDALE	IB007	B
20	495K	GLENDALE	FA002	B
37	495B	PORT HOUSTON ACREAGE	IB031	B
23	493W	MACGREGOR BLODGETT PARK	AS074	C
5	571Z	RIDGEMONT	NE011	D
6	534W	SUNNYSIDE GARDENS	NE011	D
7	574E	CRESTMONT PARK	NE011	D
10	574A	EDGEWOOD TERRACE	NE011	D
12	493N,P,S	BAKER W R SSBB	NE011	D
26	534X	EDGEWOOD	SB102	D
2	577X	CLOVERLAND	NE011	E
25	497A	WOODFOREST	NE019	E
27	534X	BELLFORT PARK	SB103	E
24	488L	LAKE AT STONEHENGE	NE011	G
31	491F	TANGLE WOOD	SW031	G
3	453V	RYON	NE011	H
8	494N	FACTORY	NE011	H
9	493D,493H	LITTLE & DICKINSON	NE011	H
30	494N	RANGER	SB136	H
33	493J	TEMPLE TERRACE	II176	H
34	493K	BAKER WR NSBB	IIP18	H
14	535S	SANTA ROSA	SB043	I
35	495W	MAGNOLIA PARK	IB008	I

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) WBS# R-002013-0011-4		Page 1 of 1	Agenda Item # 7
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/13/07	Agenda Date SEP 19 2007
DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		Council District affected: F, H and I	
For additional information contact: Yogesh Mehta, P.E. Acting Sr. Assistant Director Phone: (713) 641-9152		Date and identification of prior authorizing Council action: Ordinance No. 2004-0412 dated, 05/5/2004	
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$5,742,605.68, which is approximately 4.86% over the original contract amount, accept the work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. Original appropriation of \$5,914,818.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.			F&A Budget:
SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by cured-in-place pipe method. The project was awarded to Insituform Technologies, Inc. with an original contract amount of \$5,476,465.12. The Notice to Proceed date was 06/07/2004 and the project had 730 calendar days for completion. LOCATION: The project was located at various locations within Council Districts F, H and I. CONTRACT COMPLETION AND COST: The Contractor, Insituform Technologies, Inc. has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$5,742,605.68, which is approximately 4.86% over the original contract amount. More cured-in-place pipe was actually needed than anticipated. MWDBE PARTICIPATION: The MWDBE goal for this project was 16.20%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 30.92%. The contractor was awarded an "Outstanding" rating from Affirmative Action.			
MSM:JT:YM:JGM:FOS:mf Attachments c: Velma Laws Michael Ho, P.E. Craig Foster NDT			
Project File 4258-13		REQUIRED AUTHORIZATION	
F&A Director:		CUIC ID# 20RBW197	
Other Authorization:		Other Authorization: <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division	

4258-13 Sanitary Sewer Rehabilitation by Cured-in-Place Pipe Methods (LDS)
R-2013-11-3 Insituform Technologies, Inc.

Work Order	Key Map	Subdivision	Basin	CD
1	496G&C	Tammarack Woods	NE011	I
2	456Y/496C	Tammarack Woods	NEP01	I
3	496C	Tammarack Woods	NE011	I
4	530L	Fondren Place	SW077	F
5	530R	Fondren Place	SW077	F
6	493C	Wrightwood	IIP28	H

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7325

Subject: Formal Bids Received for Asphalt Emulsion for Various Departments
S07-S22228

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

June 25, 2007

Agenda Date

SEP 19 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 Martin Asphalt Company on its low bid in an amount not to exceed \$1,602,881.45 for asphalt emulsion for various departments.

Estimated Spending Authority: \$1,602,881.45

F & A Budget

\$1,602,881.45 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Martin Asphalt Company on its low bid in an amount not to exceed \$1,602,881.45 for asphalt emulsion for various departments. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month period upon approval of City Council. The City Purchasing Agent may terminate this agreement at any time upon 30-days written notice to the supplier.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Twelve prospective bidders viewed the solicitation document on SPD's e-bidding website, and two bids were received as outlined below. Only two bids were received, because the numbers of suppliers within the area is limited.

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Performance Grade Asphalt	\$1,581,625.05 (Partial Bid/Higher Unit Price)
2. Martin Asphalt Company	\$1,602,881.45

This award consists of approximately 594,949 gallons of slow setting cationic asphalt, 5,059 5-gallon pails of slow setting cationic asphalt emulsion, 5,069 gallons of medium setting cationic asphalt emulsion and 598,803 gallons of rapid setting cationic asphalt emulsion which will be used by the Public Works & Engineering and Parks & Recreation Departments to repair pot holes, shoulder joints and cracks in the pavement on City streets and parking lots at City parks and recreation centers.

Buyer: Casey Crossnoe

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

Estimated Spending Authority:

DEPARTMENT	FY 2008	OUT YEARS	TOTAL
Public Works & Engineering	\$ 319,573.21	\$ 1,278,292.61	\$ 1,597,865.82
Parks & Recreation	\$ 1,003.13	\$ 4,012.50	\$ 5,015.63
Grand Total	\$ 320,576.34	\$ 1,282,305.11	\$ 1,602,881.45

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NOT



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

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

From: Casey Crossnoe

Date: December 28, 2006

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: S07-S22228 Estimated Dollar Amount: \$1,277,250.00

Anticipated Advertisement Date: 1/19/2006 Solicitation Due Date: 2/8/2006

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:
Asphalt Emulsion for repairs & maintenance of streets and paved parking areas.

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

Suppliers that manufacture and supply this product use raw materials only available through refineries and chemicals only available through large chemical companies. The City picks up this material from suppliers, so there is no opportunity for M/WBE participation, and a zero goal is requested.

Concurrence:

Casey Crossnoe
SPD Initiator

Deanne Heath
Division Manager

Velma Laws
Velma Laws, Director
*Affirmative Action

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7514

Subject: Formal Bids Received for Reflective and Non-Reflective Materials for Various Departments
S06-S22343

Category #
4

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Agenda Item

9

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

August 17, 2007

Agenda Date

SEP 19 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve various awards, as shown below, in an amount not to exceed \$1,306,477.71 for reflective and non-reflective materials for various departments.

Estimated Spending Authority: \$1,306,477.71

F & A Budget

\$ 977,576.22 General Fund (1000)
\$ 328,901.49 HAS-Revenue Fund (8001)
\$1,306,477.71

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$1,306,477.71 for reflective and non-reflective materials for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of approximately 842,958 square feet of reflective and non-reflective materials. The Houston Airport System and the Fire and Public Works & Engineering Departments will use these items to mark equipment, hoses and areas for safety on runways, streets, and traffic signs citywide.

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

This is a price list and line item solicitation. Relative to a price list, 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 Department. 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 sample.

3M Company: Award on its low bid for Item Nos. 1 (Type 1-P, reflective enclosed lens), 5 (ASTM IV, 3M prismatic series lenses), 6 and 7 (Type III reflective encapsulated lens), 9 and 10 (prismatic lens diamond grade reflective sheeting), 12, 13 and 14 (non-reflective, electronic cuttable film and protective overlay), 38, 39 and 40 (sign material), low bid meeting specification for Item No. 42 (3M Traffic Safety System Division 2007 Price Catalog for reflective and non-reflective materials, which includes, but is not limited to tape, sign material, fluorescent diamond grade and blue vinyl) and its sole bid for Item Nos. 27, 28 and 31 (sign material), and 41 (surface preparation adhesive) in an amount not to exceed \$961,894.46.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MA

Date: 8/17/2007	Subject: Formal Bids Received for Reflective and Non-Reflective Materials for Various Departments S06-S22343	Originator's Initials TR	Page 2 of 2
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COMPANY

SAMPLE PRICING & LINE ITEM TOTAL

- | | |
|--|--|
| 1. Nippon Carbide Industries (USA), Inc. | \$356,812.20 (Partial Bid/Higher Unit Price) |
| 2. 3M Company | \$744,411.71 |
| 3. Avery Dennison Corporation | \$987,139.96 |

Nippon Carbide Industries (USA), Inc.: Award on its low bid for Item Nos. 2, 3 and 4 (Type II super engineer grade reflective sheeting) and 11 (vinyl non-reflective sheeting), in an amount not to exceed \$283,633.25.

COMPANY

TOTAL AMOUNT

- | | |
|---|--|
| 1. 3M Company | \$ 13,500.00 (Partial Bid/Higher Unit Price) |
| 2. Nippon Carbide Industries (USA), Inc. | \$283,633.25 |
| 3. Avery Dennison Corporation | \$411,402.50 |

Avery Dennison Corporation: Award on its low bid for Item Nos. 8 (prismatic lens diamond grade reflective sheeting), and 15, 16 and 17 (Type II super engineer grade and construction barricade reflective sheeting), in an amount not to exceed \$60,950.00.

COMPANY

TOTAL AMOUNT

- | | |
|--|--------------------|
| 1. Avery Dennison Corporation | \$60,950.00 |
| 2. 3M Company | \$70,000.00 |
| 3. Nippon Carbide Industries (USA), Inc. | \$98,000.00 |

Item Nos. 18 thru 26, 29, 30, 32 thru 37 and 41A are not being awarded.

MWBE: Affirmative Action has approved a 0% MWBE goal for all the above awards because all materials will be dropped shipped from the manufacturer directly to the City of Houston

Buyer: Tywana L. Rhone

Estimated Spending Authority:

DEPARTMENT	FY 2008	OUT YEARS	TOTAL
Public Works & Engineering	\$217,377.47	\$ 730,198.75	\$ 947,576.22
Houston Airport System	\$ 55,000.00	\$ 273,901.49	\$ 328,901.49
Fire	\$ 6,000.00	\$ 24,000.00	\$ 30,000.00
GRAND TOTAL	\$278,377.47	\$1,028,100.24	\$1,306,477.71

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7579

Subject: Amend Council Motion 2005-0267 Passed March 30, 2005, for Automotive Air and Spring Brake Replacement Parts for Various Departments
SC-R-2530-037-20481-RA-A1

Category #
4

Page 1 of 1

Agenda Item

10

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

August 29, 2007

Agenda Date

SEP 19 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:

CM 2005-0267, passed 3/30/2005

RECOMMENDATION: (Summary)

Amend Council Motion 2005-0267, passed 3/30/05 to increase the spending authority for automotive air and spring brake replacement parts for various departments from \$232,831.43 to \$281,831.43.

Estimated Spending Authority: \$49,000.00

F & A Budget

\$49,000.00 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2005-0267, to increase the spending authority for automotive air and spring brake replacement parts awarded to Tommie Vaughn Motors, Inc. from \$232,831.43 to \$281,831.43. The additional spending authority is needed to meet the operational needs of the Fire Department for the remainder of the 36-month term.

This award was approved by Council Motion 2005-0267 on March 30, 2005 for a 36-month term in an amount not to exceed \$232,831.43. Expenditures as of August 16, 2007 totaled \$232,129.58.

This award consisted of price lists for automotive air and spring brake replacement parts and repair kits which includes, but is not limited to, brake hoses, lines, valves and connectors that are used to repair, maintain and service the break systems on trucks and trailers used by the Fire, Solid Waste Management, and Public Works & Engineering Departments in the performance of their duties.

This solicitation was advertised with a 5% goal for M/WBE participation and Tommie Vaughn Motors, Inc. is currently exceeding the goal.

Buyer: Lewis Massingill

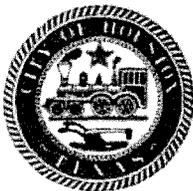
REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NOT



CITY OF HOUSTON
Affirmative Action and Contract Compliance
Request for Verification of MWDBE Participation

Date: August 29, 2007 **Requestor:** Lewis Massingill

Contract/BPO: S20481 / OA# 4600000209

Contract Description: Auto Air & Spring Brake Parts

Prime Contractor: Tommie Vaughn Motors, Inc.

Prime Contract Person: Butch Lorenz **Phone:** (713) 869-6337

Award Date: 03/30/2005 **End Date:** 03/29/2008 **MWBE Goal:** 5%

Amount Paid by City (to date): \$232,129.58

Scheduled MWDBE Participation: 5%

MWBE: General Truck Body

Amount of Intent: \$22292.32

FOR AFFIRMATIVE ACTION USE ONLY

Actual M/WDBE Dollar Amount Paid: \$14,967.00

M/WDBE Participation Achieved: 6.45%

To this date, Tommie Vaughn Motors has achieved the MWDBE goal on this contract.

(Attach additional pages(s), if needed.)

Date: 8-29-2007

Response Prepared By:



 Signature

Daniel Hamilton

(Please print name legibly)

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION 07-HomeTowne on Bellfort

SUBJECT: Resolution approving issuance and sale by Houston Housing Finance Corporation of tax-exempt multifamily housing revenue bonds to finance acquisition, construction and equipping of HomeTowne on Bellfort Apartments.	Page	Agenda Item
	1 of 2	# 11

FROM (Department or other point of origin): Richard Celli, Director Housing and Community Development Department	Origination Date 08-21-07	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: <i>Renee Carrington for Richard Celli</i>	Council District affected: CM Khan - District F
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For additional information contact: Renee Carrington, Assistant Director Phone: 713-868-8338	Date and identification of prior authorizing Council action: None
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RECOMMENDATION: (Summary)
 Adoption of a Resolution Approving Issuance by Houston Housing Finance Corporation of one series of Multifamily Housing Revenue Bonds for HomeTowne on Bellfort Apartments in an amount not to exceed \$11,500,000.

Amount of Funding: There is no City funding or liability.	F&A Budget: <i>Mitchell</i>
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) Multifamily Housing Revenue Bonds

SPECIFIC EXPLANATION:
 The City has created the Houston Housing Finance Corporation ("Corporation") to finance developments that provide persons of low and moderate income with decent, safe and sanitary housing at affordable prices. HomeTowne on Bellfort, LP, a Texas limited partnership (the "Borrower"), the general partner of which is Comunidad Bellfort GP, LLC, , whose sole members is Comunidad Corporation, submitted an application to the Corporation for bond financing to acquire, construct and equip HomeTowne on Bellfort Apartments.

HomeTowne on Bellfort Apartments is a 210-unit multifamily housing project for seniors. It will be located in Council District F, at 10888 Huntington Estates Drive, Houston, Texas 77099. For purposes of maintaining the tax-exempt status of the bonds, the Borrower elected to set aside forty percent (40%) of the units in the project for tenants whose income does not exceed 60% of the area median income. The Borrower will seek approval from the Texas Department of Housing and Community Affairs of a Determination Notice for four percent (4%) Low Income Housing Tax Credits (LIHTC) on August 23, 2007. The Bonds will be secured by the Trust Estate as described under the Indenture with respect to the Bonds.

The Borrower is a private, for-profit entity and the development is not exempt from the payment of ad valorem property taxes.

REQUIRED AUTHORIZATION		
F&A Director:	Other Authorization:	Other Authorization: <i>NOT</i>

Date
08-21-07

Subject: A Resolution approving issuance of bonds for
HomeTowne on Belfort Apartments project.

Originator's
Initials
RC

Page
2 of 2

On May 22, 2007, the Corporation held a public hearing as required by federal tax law. A final approval resolution authorizing the issuance of tax-exempt bonds in an aggregate principal amount not to exceed \$11,500,000 was approved by the Corporation's Board on August 21, 2007.

Although the City has no obligation or liability with respect to the Bonds, Federal tax law and the Corporation's Articles of Incorporation and Bylaws require City Council approval prior to the sale and delivery of such Bonds to the initial purchaser. City Council approval of the preliminary official statement with respect to the Bonds is also required by the Corporation's Articles of Incorporation and Bylaws.

The Department recommends that City Council adopt the resolution to authorize the issuance of the Bonds. This agenda item has been submitted to the Housing and Community Development Committee for review at its September 11, 2007 meeting.

The Borrower has also made application to the City for HOME funds.

RC:RC

City Secretary
Mayor's Office
Legal Department

FACT SHEET

HOUSTON HOUSING FINANCE CORPORATION MULTIFAMILY HOUSING REVENUE BONDS HOMETOWNE ON BELLFORT APARTMENTS

APPLICANT: The applicant is HomeTowne on Bellfort, LP, a Texas limited partnership (the "Borrower"), the general partner of which is Comunidad Bellfort GP, LLC, the sole member of which is Comunidad Corporation. The Borrower will be the owner and borrower of the funds.

FINANCING STRUCTURE: The Houston Housing Finance Corporation will issue a maximum of \$11,500,000 in **Multifamily Housing Revenue Bonds (HomeTowne on Bellfort) Series 2007 (the "Bonds")**. Additional financing is provided by \$7,540,511 of Low Income Housing Tax Credits and \$1,118,535 of deferred developer fees. The total cost of development is approximately \$21,343,900.

SOURCES AND USES OF FUNDS *:

Sources

Bond Proceeds*	\$10,520,000
LIHTC Equity	7,540,511
Deferred Developer Fee	1,118,535
HOME Funds	1,500,000
Cash Flow from Operations	581,548
Interest Income	83,306
Total Sources	\$21,343,900

Uses

Acquisition Costs	\$ 1,553,240
Construction Costs	13,353,288
Architect/Engineering	327,180
Permits & Fees	269,153
Title & Survey	108,469
Construction Period Expenses	2,022,206
Financing Costs	730,575
Professional Services	17,500
Tax Credit Fees	54,505
Development Fee	2,257,403
Reserves & Other	650,381
Total Uses	\$21,343,900

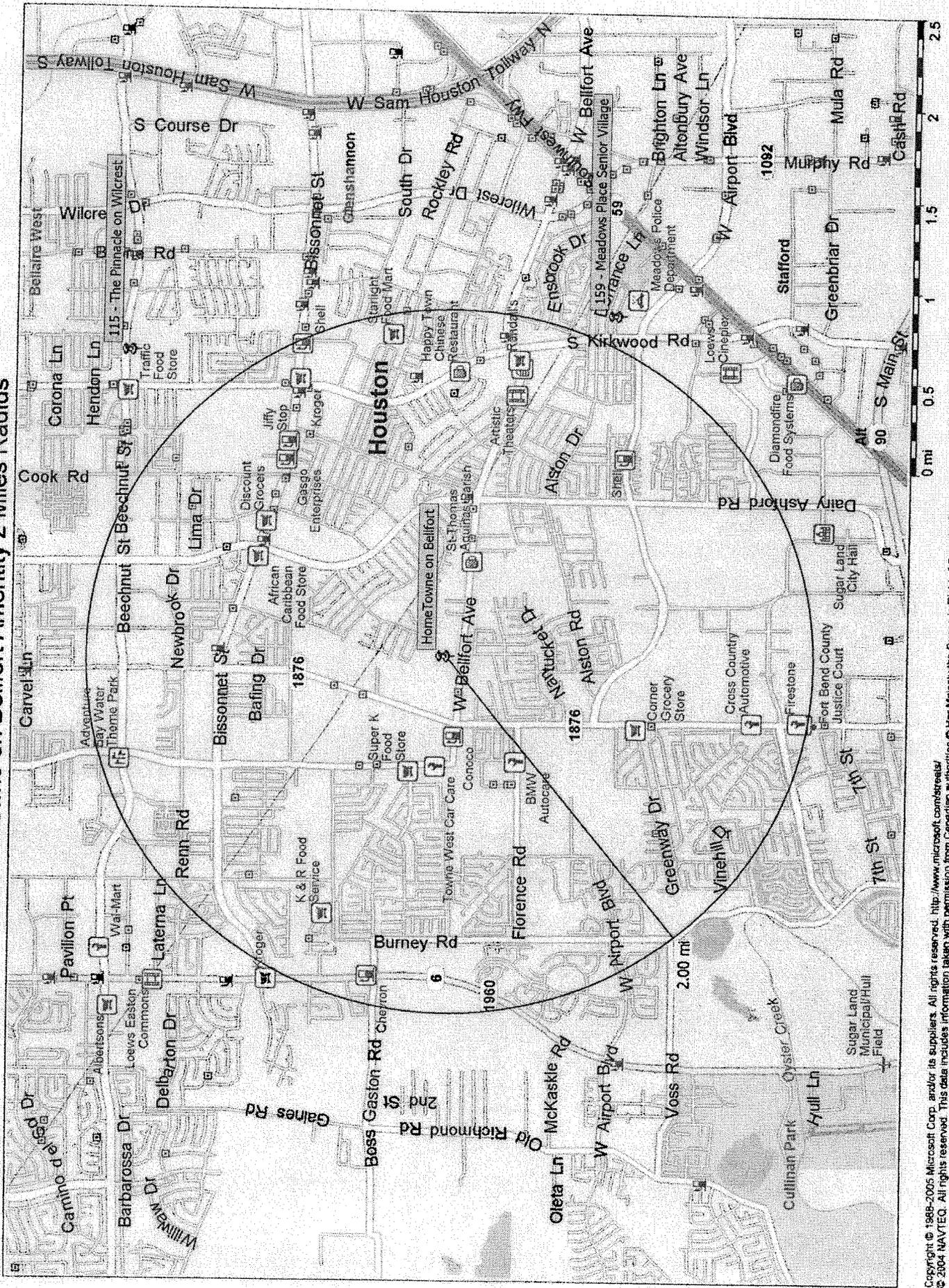
* The Bond Resolution authorizes up to \$11,500,000; the preliminary Sources & Uses provides the currently estimated development costs, subject to adjustment upon bond pricing.

PRINCIPAL PARTICIPANTS:

Bond Issuer:	Houston Housing Finance Corporation
Issuer's Bond Counsel:	Vinson & Elkins L.L.P.
Issuer's Financial Advisor:	First Southwest Company
Borrower:	HomeTowne on Bellfort, LP
Borrower's Counsel:	Eaton & Bishop, PLLC
Developer:	Integrated Real Estate Group
Trustee:	Wells Fargo Bank, N.A.
Underwriter:	Red Capital Markets, Inc.
Tax Credit Syndicator:	Red Capital Markets, Inc.
Credit Enhancer:	Fannie Mae

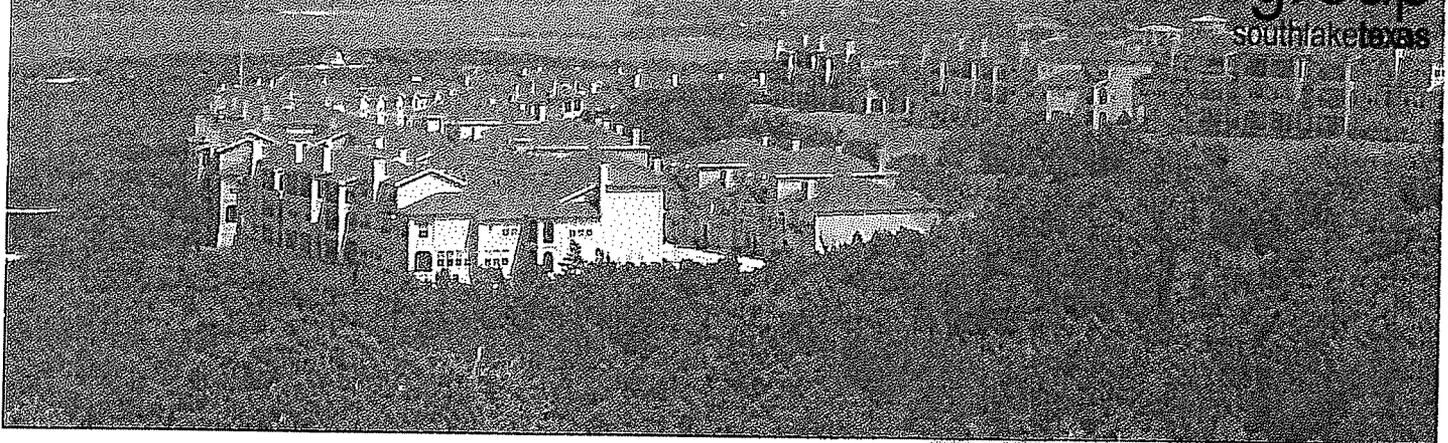
RELOCATION: There is no relocation associated with this project because this is new construction

HomeTowne on Belfort Amentity 2 Miles Radius

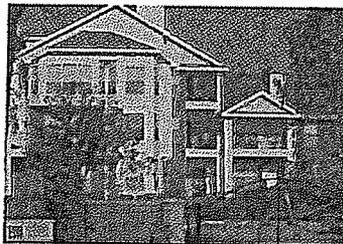
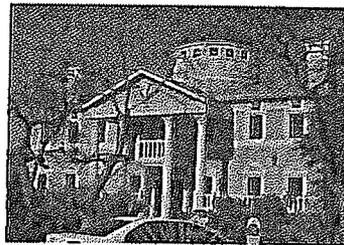
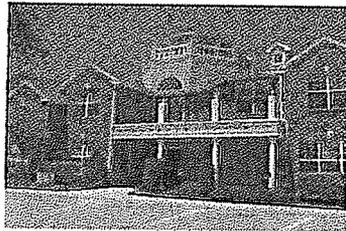


integrated

real estate group
southlake, texas



Integrated Real Estate Group (IREG) is a Texas-based fully integrated real estate development company with services that encompass: General Contracting, Development and Property Management Services. IREG's units balance safety, cutting edge amenities, and a positive atmosphere for all tenants while reaching, maintaining and matching the criteria set forth by the Owner. These rentals are provided with unmatched levels of construction integrity and attention.



M I S S I O N
Integrated's reflects the rapid advancements in technology and a growing need for quality housing.

Our company is dedicated to a hassle free-living environment in which tenants can enjoy all of the benefits of safe, attractive, and inviting units. Unlike many other development firms that are solely concerned with turning profits, our primary objective at IREG is to maintain the highest level of customer satisfaction that is achievable. Tenant safety, happiness, and comfort are main goals through our construction standards. Since IREG is an integrated company, we are able to maintain competitive market prices, while working toward expanding the number of units built, and increasing total profits earned. Within the company we strive to work as a cohesive, harmonious unit, focused on exemplifying our mission.

Integrated Construction & Development
Richard E. Simmons (Principal)
3110 W Southlake Blvd., Suite 120
Southlake, TX 76120
817-742-1851; 1852 (fax)
richardessimmons@integratedreg.com

Dec. 2003 – present

Completed projects: Heatherbrook Apartments, Houston, TX - 176 units
Peaks of Pine Bluff, Pine Bluff, AR - 72 units
Little York Villas Apartments, Houston, TX - 128 units
Chisholm Trail Seniors Village, Belton, TX - 100 units
Prairie Ranch Apartments, Grand Prairie, TX - 176 units
Spring Oaks Apartments, Balch Springs, TX - 160 units
Enclave on Golden Triangle, Fort Worth, TX - 273 units
Lansborough Apartments, Houston, TX - 176 units

Current projects: Watermere at Southlake - Southlake, TX - 337 units
Village Creek Apartments - Ft. Worth, TX - 252 units
Lindbergh Parc Apartments - Ft. Worth, TX - 196 units
Villas of Mesquite Creek - Mesquite, TX - 252 units
HomeTowne at Conway Creek - Conway, AR - 102 units
HomeTowne at Tomball - Tomball, TX - 210 units

1994 - Sept. 2003

During this period, I was the owner-partner with the companies Western Rim Investments, Mansions Custom Homes, Inc. and Western Rim Property Services. As the President and Chief Operating Officer of all three organizations, I have been responsible for the day to day operations of all aspects of the business primarily the development, construction, and property management of new property. The companies collectively developed, built and managed twenty four multi family development projects totaling over 7000 Apartment units. I retain ownership in all twenty four properties.

Responsibilities included: all internal operation systems, Timberline accounting software, review and approval of all contracts, management of architect, engineers, and planner, coordination with city officials, all field coordination, all final budgeting, OSHA training of all field personnel, code compliance, quality control, cost control and schedule.

In addition, as President of Mansions custom Homes, I acted as the General Contractor for all of the twenty four projects completed by Western Rim Investments. Of the 24 developments, ten (10) were Low Income Housing Tax Credit Developments (LIHTC). I was involved in all stages of each project - commencing with land acquisition and development. The following is the list of LIHTC Developments:

- The Lakes of Williamsberg - Grapevine, TX - 224 Units
- The Villas of Sorrento - Dallas, TX - 220 Units
- The Villas at Pine Lake, Houston, TX - 212 Units
- The Villas of Woodforest - Houston, TX - 240 Units
- The Villas in the Pines - Houston, TX - 212 Units
- The Homes of Persimmons - Dallas, TX - 180 Units
- Prairie Estates - Grand Prairie, TX - 160 Units
- The Villas at Bear Creek, North Richland Hills, TX - 240 Units
- The Villas by the Lake - Fort Worth, TX - 236 Units
- Park Vista Townhomes - Watauga, TX - 212 Units

All of these projects have been completed successfully without delays, cost overruns or quality issues. I worked directly with Joseph Kemp, Owner of KRR Construction Inc. as the general contractor responsible for the completion of four of the above referenced developments.

I have also been involved in the completion of nearly 5000 market rate conventional projects. Most of these projects are of AA quality and attract rents well above \$1.00 per square foot. The projects have been constructed in San Antonio, Austin, Round Rock, Plano, McKinney, Euless, North Richland Hills, Conroe and Carrollton. Projects have included incredible clubhouses, tennis courts, spas, day care facilities and much more. In all, I have successfully built over \$700 million in multi family housing over the past ten years.

Western Rim Property Services is the Property Manager for all of the above listed Developments (except The Homes of Persimmons). As an operating partner in the business I have been directly involved in the day to day operations of property management. I was directly accountable for the lease up on the ten LIHTC Developments listed. I have vast experience in rent roll, TDHCA Compliance, and quality day to day operations.

1988 – 1994

For six years I was a partner in a home building company located in Tarrant County, Texas. I sold the business to my business partner and brother to focus entirely on multi family housing. I built over 100 homes totaling over \$35 million in value. Several homes were over \$ 1 million in cost.

Other Highlights:

1984 – 1988	Director of Construction & Development, CWS, Inc., Newport Beach, CA
1983 – 1984	Construction and Project Manager, General Homes, Houston, TX
1981 – 1982	Civil Engineer, Fluor Corp., Sugarland, TX
1981	Graduate of the University of Arkansas, B.S. in Civil Engineering

Kenneth Warren Fambro, II
Integrated Real Estate Group Vice President
3110 W. Southlake Blvd., Suite 120
Southlake, Texas 76092
Office: 817.742.1851
Fax: 817.742.1852
Cell: 214.497.0155
kfambro@integratedreg.com

Summary Five years of progressively increased finance, MIS and business experience in commercial banking and real estate development environments. Exceptional interpersonal skills with an unique ability to develop partnerships with operating management to meet Company objectives while creating and adding value.

Experience

January 2004-Present

Integrated Real Estate Group

Southlake, Texas

Vice President

Responsible for acquisitions, due diligence, initial construction actives, business planning, budgeting and forecasting, oversight of development professionals, information systems, insurance and implementation of budgets throughout the development process.

Significant accomplishments include:

- Raised over \$20 million in debt and equity financing to fund a 273 unit Class A+ multifamily development
- Directed efforts in the closing of \$42 million of third party construction contracts including \$21 million in FHA 221(d)(3) financing. Responsible for contract negotiations, due diligence and successful implementation of construction draw procedures.
- Responsible for construction and development oversight of Little York Villas, a 128 unit \$12 million tax credit development which included \$441,600 in HOME funds administered by the City of Houston.
- In the process of closing Lansborough Apartments, a 176 unit \$15 million tax credit development with \$550,000 in City of Houston TIRZ funds.

September 2002 – December 2003

KRR Companies, Inc.

Duncanville, Texas

Chief Operating Officer

Responsible for acquisitions, budgeting, forecasting, cost certifications, cash flow and occupancy management, insurance and communication with various state housing agencies and local government officials.

Significant achievements included:

- Oversaw development of Heatherbrook Apartments, a 176 unit \$22 million tax credit development which included a source of \$1.2 million in Hope IV funds administered by The Housing Authority of the City of Houston. The development included 52 Public Housing Units and achieved 90% occupancy within five (5) months of lease-up.
- Responsible for overall development completion of 854 units in both Texas and Arkansas. Duties included oversight of construction, lease-up/marketing and permanent loan conversion.
- Directed all efforts in submitting tax credit applications through the 9% Application Cycle to the Texas Department of Housing and Community Affairs and Arkansas Development Finance Authority.
-

August 2000 – August 2002

Collateral Mortgage Capital, LLC

Birmingham, Alabama

Senior Real Estate Analyst

Responsible for debt underwriting, develop operating proforma and cash flow analysis, origination of permanent financing for tax credit developments through the United States

Significant achievements included:

- Successfully financed more than 2,000 tax credit units representing over \$45 million in permanent debt.
- Developed and implemented strategic business plan for Affordable Housing division. Actions included operational and financial goals, origination process and procedures, customer relations manual and overall business development.

March 1999 – June 2000

N-Tellitech, LLC

Tuscaloosa, Alabama

Developed strategic business plan including quantitative generation of proforma balance sheet, income statement, cash budget and both operational and financial goals. Evaluated new business projects via Business Case analysis (e.g. CAPM analysis, NPV analysis, Risk Asset Beta research and analysis, and ROI). Created and implemented an annual budget model & forecast. Assisted in building company's clientele and prepared various financial data for potential investors.

Education

2001 The University of Alabama at Birmingham
Masters of Business Administration with a concentration in Finance

1998 The University of Alabama
Bachelor of Science in Finance

Skills and Activities

Excel, Access, Word, PowerPoint, Bloomberg, the Internet, Business Valuation, Financial Modeling, Credit and Market Risk Analysis, Financial Statement Analysis. Member of TDHCA 2004 Working Group, All-American track athlete and captain for the University of Alabama.

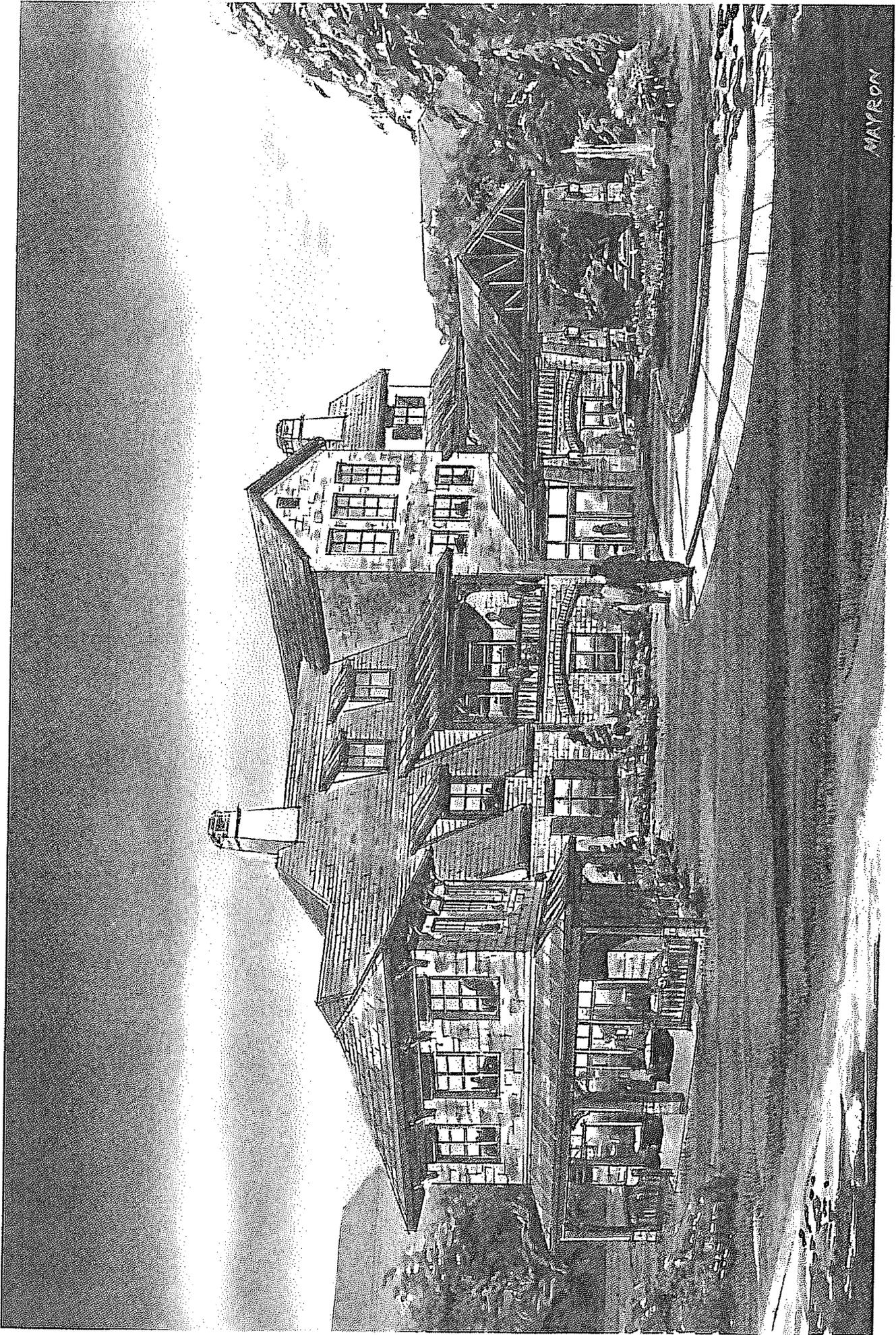
Integrated Real Estate Group

<i>Project</i>	<i>No. of Units</i>	<i>Year Completed</i>	<i>Job Description</i>
*The Lakes of Williamsberg Grapevine, TX	242	1996	Tax Credit apt community with club & amenities
*The Villas of Sorrento Dallas, TX	220	1997	Tax Credit apt community with club, daycare facility, parks & amenities
*The Mansions by the Vineyard Euless, TX	259	1997	Luxury townhouse rental community with club, parks & amenities
*The Mansions by the Lake Coppell, TX	315	1998	Luxury townhouse rental community w/club, lakes & amenities
*The Mansions at Coyote Ridge Country Club Carrollton, TX	328	1998	Luxury Golf Course townhome rental community with club and amenities
*Villas of Bear Creek Euless, TX	240	1998	Senior's Tax Credit rental community with club & amenities
*The Villas on the Green North Richland Hills, TX	252	1998	Apartment community with club, daycare facility and amenities
*Villas at Pine Lake Houston, TX	198	1998	Tax Credit apt community with club & amenities
*Villas by the Lake Ft. Worth, TX	234	1998	Senior's Tax Credit fourplex rental community with club & amenities
*The Villas on Woodforest Houston, TX	240	1998	Senior's Tax Credit fourplex rental community with club, parks & amenities
*Trey more At McKinney McKinney, Texas	192	1999	Tax Credit apt community with club & amenities
*Prairie Estates Grand Prairie, TX	160	1999	Tax Credit apt community with club & amenities
*Mansions at Coyote Ridge Country Club Carrollton, TX	200	1999	Phase II - Luxury Golf Course townhome rental with club & amenities
*Mansions at Ridgeview Ranch Country Club Plano, TX	354	1999	Luxury Golf Course apt community with club & amenities
*Persimmons Townhomes Dallas, TX	180	2000	Tax Credit townhouse rental community with club & amenities
*Mansions on the Green Round Rock, TX	340	2000	Luxury resort townhome apt community with club & amenities
*Mansions at Ridgeview Ranch Plano, TX	194	2000	Phase II - Luxury Golf Course apt townhome rental community with club & amenities
*Mansions at Canyon Springs San Antonio, TX	360	2000	Luxury hill country golf course rental community with club
*Villas in the Pines Houston, TX	236	2001	Tax Credit apt. community with club & amenities
*Park Vista Townhomes Watauga, TX	212	2001	Tax Credit townhouse rental community with club & amenities

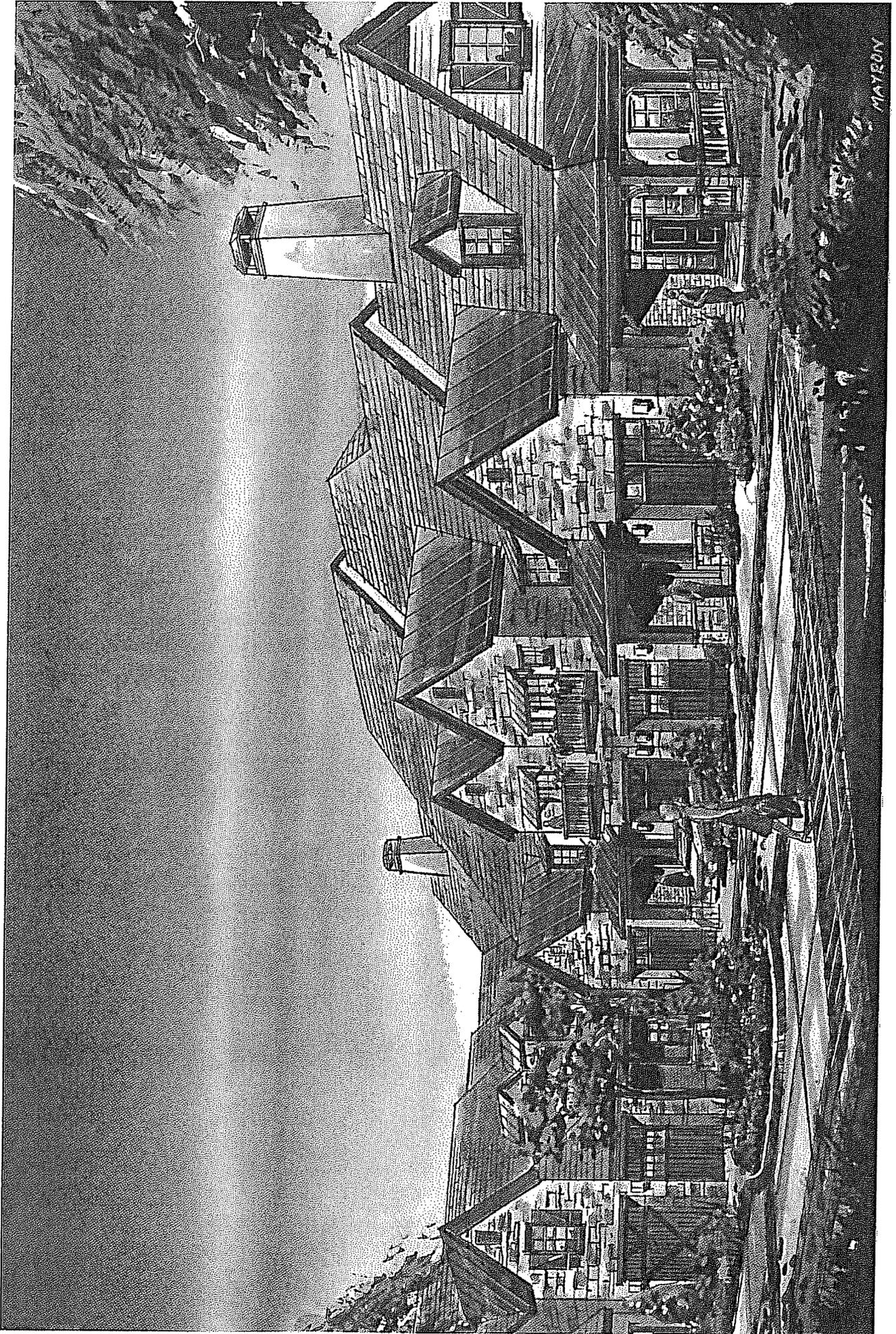
Integrated Real Estate Group

<i>Project</i>	<i>No. of Units</i>	<i>Year Completed</i>	<i>Job Description</i>
<i>*Mansions at Canyon Creek Austin, TX</i>	332	2001	<i>Luxury Hill country townhouse rental community with club & amenities</i>
<i>*Mansions on the Green Spa & Resort Round Rock, TX</i>	234	2002	<i>Luxury townhouse rental community with club, spa, and amenities</i>
<i>*Mansions at Steiner Ranch Austin, TX</i>	344	2002	<i>Luxury hilltop, lake view townhouse rental community w/spa, club and amenities</i>
<i>*Mansions at Stonebridge Ranch McKinney, Texas</i>	301	2002	<i>Luxury townhouse rental community with club, parks and amenities</i>
<i>*Mansions at Steiner Ranch Austin, TX</i>	158	2003	<i>Phase II - luxury hilltop, lake view townhouse rental community</i>
<i>*Mansions at the Woodlands Conroe, TX</i>	238	2003	<i>Luxury wooded townhouse rental community with club & amenities</i>
<i>*The Estates of North Richland Hills North Richland Hills, TX</i>	263	2003	<i>Luxury townhouse rental community with club and amenities</i>
<i>Heatherbrook Apartments Houston, TX</i>	176	2003	<i>Tax Credit apt. community with club & amenities</i>
<i>Little York Villas Houston, TX</i>	178	2004	<i>Tax Credit apt. community with club & amenities</i>
<i>Peaks Apartments Pine Bluff, AR</i>	72	2004	<i>Tax Credit apt. community with club & amenities</i>
<i>Chisholm Trail Senior Village Belton, TX</i>	60	2005	<i>Tax Credit apt. community with club & amenities</i>
<i>Lansborough Apartments Houston, TX</i>	176	2005	<i>Tax Credit apt. community with club & amenities</i>
<i>Prairie Ranch Apartments Grand Prairie, TX</i>	176	2005	<i>Tax Credit apt. community with club & amenities</i>
<i>Enclave on Golden Triangle Ft. Worth, TX</i>	273	2005	<i>Luxury townhouse rental community with club, parks and amenities</i>
<i>Spring Oaks Apartments Balch Springs, TX</i>	160	2005	<i>Tax Credit apt. community with club & amenities</i>
<i>Stratton Oaks Apartments Seguin, TX</i>	100	2005	<i>Tax Credit apt. community with club & amenities</i>
<i>Lindberg Senior Apartments Ft. Worth, TX</i>	196	2006	<i>Tax Credit apt. community with club & amenities</i>
<i>HomeTowne at Conway Conway, AR</i>	102	2006	<i>Tax Credit apt. community with club & amenities</i>
<i>HomeTowne at Tomball Tomball, TX</i>	210	2006	<i>Senior's Tax Credit rental community with club & amenities</i>
<i>Watermere at Southlake Southlake, TX</i>	337	2006	<i>Luxury Senior rental / for sale community with club, parks and amenities</i>
<i>Picadilly Estates Pflugerville, TX</i>	168	2006	<i>Senior's Tax Credit rental community with club & amenities</i>

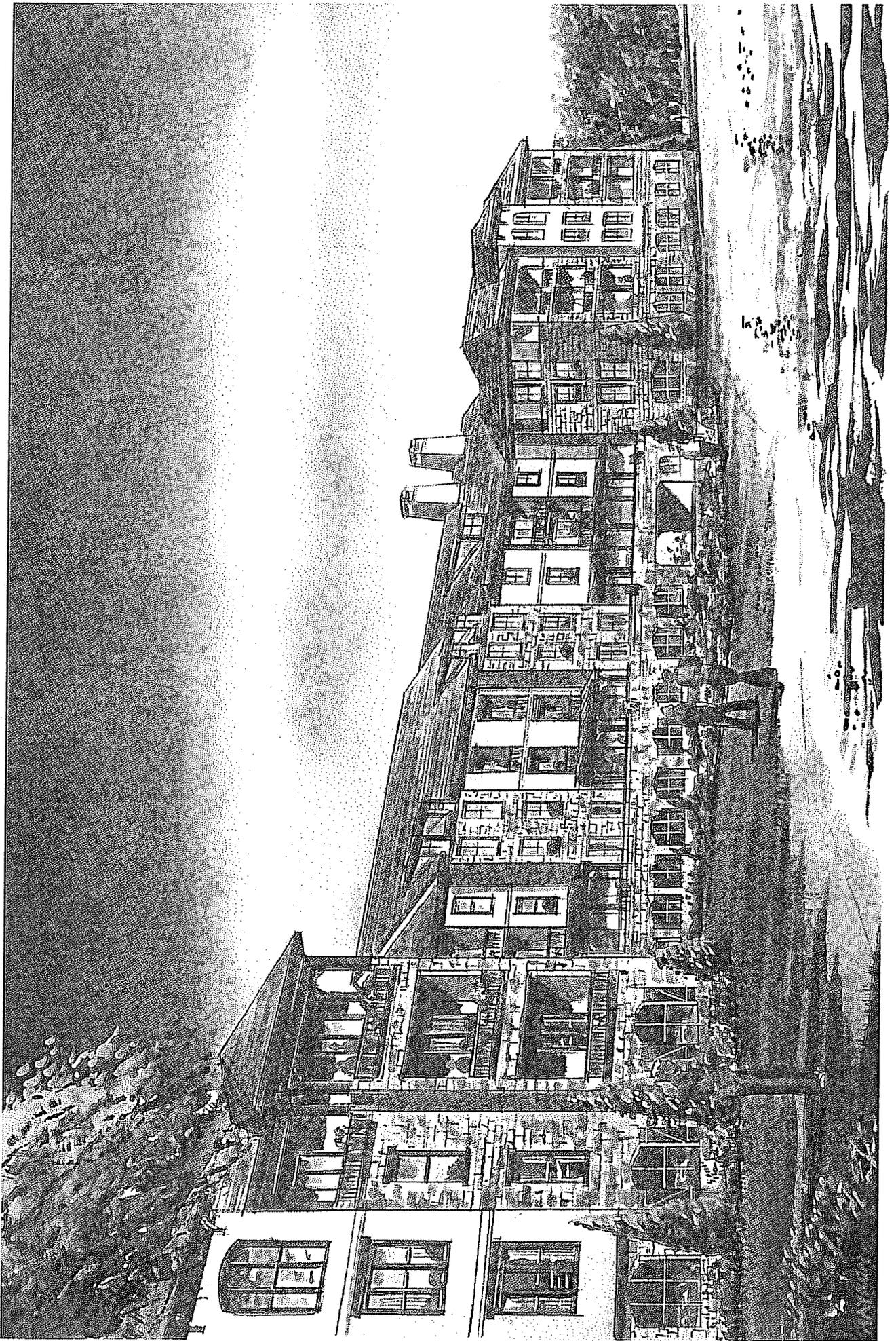
*Developed under a previous company with Richard E. Simmons as a principal

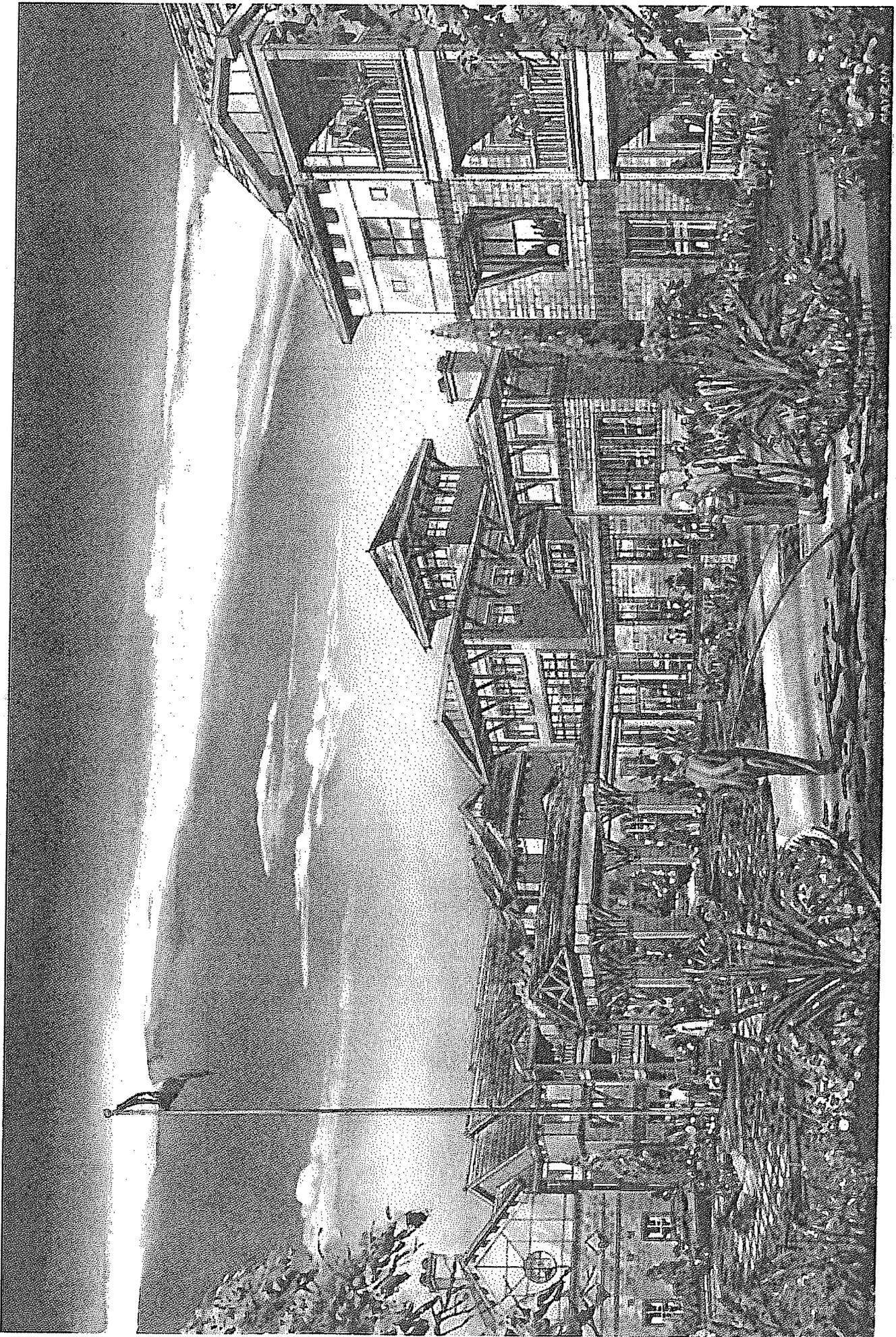


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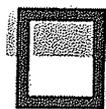
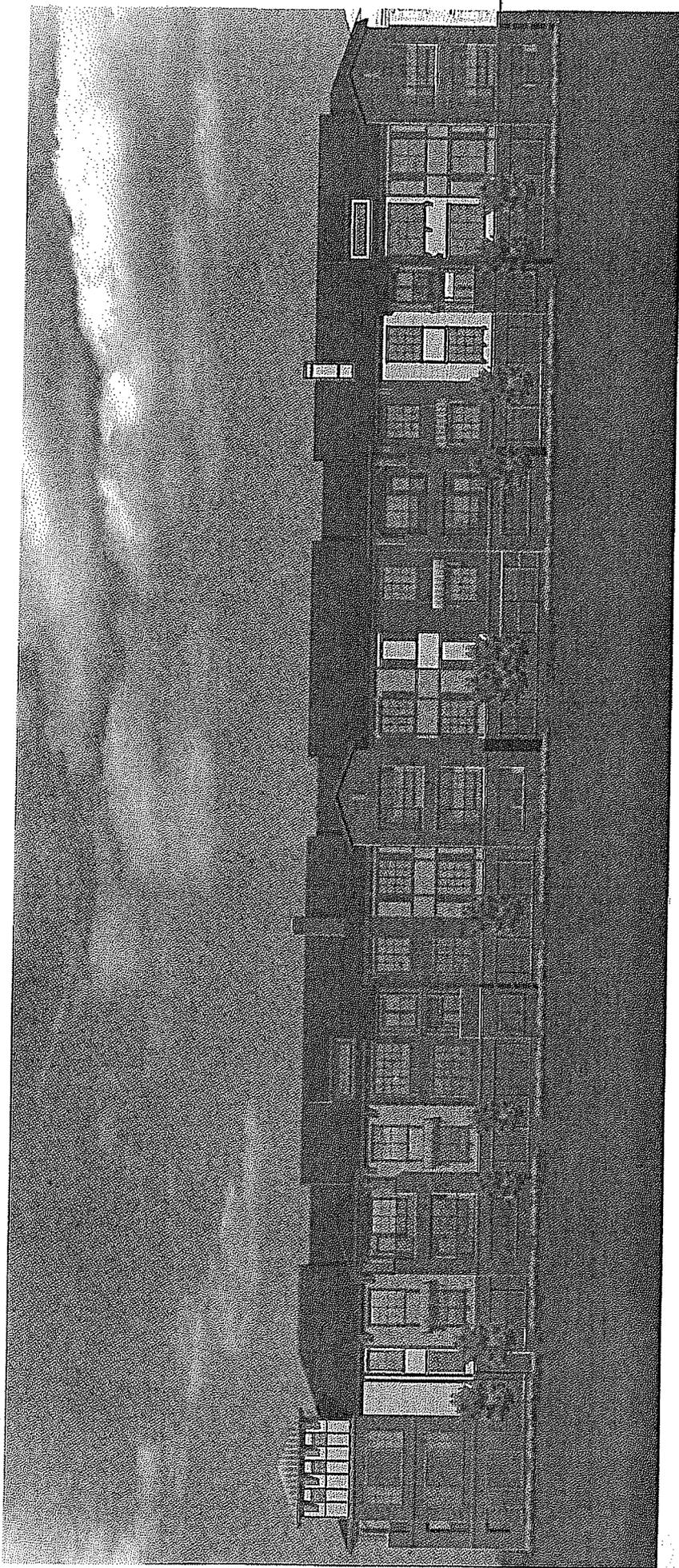
MAYROU





Hometown at Mabelvale Pike





Galier | Tolson | French

ARCHITECTS
PLANNERS
PROJECT MANAGERS

HOMETOWNE AT TOMBALL **TOMBALL, TEXAS**

GARDENS AT TOMBALL, L.P.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Resolution authorizing application and receipt of a grant from Texas Parks and Wildlife Department for West 11 th Street Park.	Category #	Page 1 of 1	Agenda Item <i>12</i>
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FROM (Department or other point of origin): Houston Parks and Recreation Department	Origination Date: September 4, 2007	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: Joe Turner, Director 	Council District(s) affected: A
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For additional information contact: Daniel Pederson, 713-845-1248 Karen Cullar, 713-845-1022	Date and Identification of prior authorizing Council Action: Ord. 2006-303, 4/5/06 and Ord. 2006-1169, 11/29/06
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RECOMMENDATION: (Summary):
Adopt a Resolution authorizing Parks and Recreation Department Director to apply for and receive a grant from Texas Parks and Wildlife Department (TPWD) and certifying that the matching share is readily available through the value of the previous acquisition

Amount and Source of Funding: GRANT: \$3,750,000 Texas Parks & Wildlife Department MATCHING FUNDS: To be provided through value of 15 acres previously acquired (\$5,700,000)	F&A Budget:
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SPECIFIC EXPLANATION:

The Houston Parks and Recreation Department (HPARD) is submitting a grant application to the Texas Parks & Wildlife Department (TPWD) requesting \$3,750,000 for the acquisition of 5 acres that are part of West 11th Street Park. State Senator John Whitmire, District 15, secured the appropriation rider during the 80th legislative session. The grant application process requires a City Council resolution authorizing the application.

This TPWD Outdoor Recreation grant will be used to repay the Houston Parks Board's \$3.5 million loan (plus interest) to help fund the purchase of the 20.2-acre park site from the Houston Independent School District.

In April 2006, Council approved an option agreement to purchase the 20.2 acre site using \$4.1 million of City funds and a commitment by the Houston Parks Board to raise \$5 million. The Parks Board subsequently raised \$1.7 million from private sources, and in November 2006, Council authorized a development agreement with the Parks Board giving them the option to use 5 acres of the site as collateral for a \$3.5 million loan, which could be used to complete the purchase. The proposed grant proceeds will pay back the loan and secure the 5 acres for park use. The value of the other 15 acres will supply the required 1 to 1 match for the grant.

REQUIRED AUTHORIZATION

F&A Director: NA	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Valet Parking

Category #

Page 1 of
2

Agenda Item#

13

FROM: (Department or other point of origin):

Dawn R. Ullrich, Director
Convention & Entertainment Facilities Department

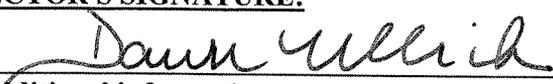
Origination Date

September 14, 2007

Agenda Date

SEP 19 2007

DIRECTOR'S SIGNATURE:

M/D


Council Districts affected:

ALL

For additional information contact:

Liliana Rambo
Steve Lewis

Phone: 713-853-8193

Phone: 713-853-8888

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

That City Council amend the valet parking ordinance and transfer the administrative responsibilities to the Convention & Entertainment Facilities Department.

Amount of Funding:

Not Applicable

F & A Budget:

SOURCE OF FUNDING:

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

The Valet Parking Subcommittee of the Public Parking Commission (Commission) undertook a year long, comprehensive review of valet parking operations and valet zones operating on public roadways including numerous meetings with stakeholders, and recommended several amendments to the City Code of Ordinances. After several public hearings, the Commission determined that valet operators operating outside the Central Business District (CBD) were, from a practical standpoint, unregulated, resulting in inconsistent practices that negatively impact the health and safety of the public. The Commission found that regulation of valet parking throughout the City of Houston will promote the health, safety and welfare of the public and provide needed guidelines for business practices associated with valet operations in the public right-of-way.

The proposed amendments were presented to the Transportation, Infrastructure and Aviation Committee on two occasions, resulting in modifications to the draft. The TIA Committee recommended that the draft ordinance be presented to City Council provided that it include a requirement that the Parking Commission review the ordinance after one year, and that CEFD parking personnel meet with representatives from the Neartown Superneighborhood to hear their concerns. The ordinance now requires such a one year review and a meeting was held with the Neartown group.

The proposed amendments include, moving the current valet parking provisions from Art. VII, Ch. 46 to Article VII, Ch. 26, transferring the administration of valet parking permits from the Finance & Administration Department to the Convention & Entertainment Facilities Department (CEF) and making other modifications as detailed below. The process for valet zone designation is proposed to be a collaborative effort involving both the Public Works & Engineering Department and CEF.

Specific amendments proposed to the valet ordinance include:

- Valet zones required outside the Central Business District: A designated valet zone is to be required everywhere in the city when the roadway is used as a pick-up/drop-off point. (Currently, valet zones are required only in the Central Business District.)
- Provisions for Special Events and making reasonable accommodations: Valet parking services are to be allowed for special events when appropriate notice has been provided to the parking official. Valet operators are required to provide plans for making reasonable accommodations for persons with disabilities.
- Discrimination Prohibited: Provides that valet operators may not discriminate against persons wishing to use valet parking services on the basis of race, color, religion, sex, sexual orientation, national origin, age, or disability.

REQUIRED AUTHORIZATION

F&A Director

Other Authorization

Other Authorization

- Attendants' Uniforms: Provides that attendants at valet parking service (VPS) location must wear similar uniforms, possess a Texas Drivers License, and wear nametags identifying each attendant by name and the name of the VPS company or commercial establishment for which the VPS is provided.
- Valet Zones:
 - Establishes that valet zones will be up to three parallel parking spaces, except that valet zones for major event venues (seating capacity for at least 2,000 patrons) may be up to nine parallel parking spaces.
 - Specified days/times of use: Provides that valet zones may only be used during authorized days and times.
 - Application: Requires additional information on applications for valet zone designation; days and hours the zone will operate; a copy of the VPS permit held by the valet parking operator who will provide VPS for the applicant; a valet parking plan which includes a traffic flow plan describing the routes vehicles will be driven to/from the storage location, and identification of the storage location (inside the CBD, the contract for use of an off-street parking facility, and outside the CBD, a copy of the contract for use of off-street storage, if applicable, and a description of streets where any vehicles may be stored); a description of the applicant's plan for making safe and reasonable accommodations for persons with disabilities who wish to utilize valet parking services at the valet zone and any other information reasonably required by the parking official.
 - Notice: Upon receipt of a complete application, the parking official will provide notice to property owners within 200 feet that a valet zone designation application has been submitted. The applicant for the zone must pay the cost of providing notice. The parking official and the traffic engineer will consider input regarding the impact of the proposed valet zone designation if it is received by the parking official within 10 business days of the date on the notice.
 - Fees: Sets the fee for valet zone designations and annual renewal at \$300, and provides that the CEF director will conduct an annual review of fees and may approve increases not to exceed 5% per year to cover the cost of program administration. Fees for valet parking service permits remain unchanged at \$1000 for the initial permit and \$750 for annual renewals.
 - Special events: Requires valet parking operators to notify the parking official at least 48 hours prior to providing VPS at special events including the address where the VPS will be provided, days and times of the operation, and locations that vehicles will be stored.
 - Revocation of valet zone designation: The CEF director may revoke a valet zone designation for:
 - violating any condition of the zone
 - failing to regularly provide or maintain VPS during day/time indicated on the signs posted in the valet zone
 - allowing VPS on unauthorized days/times
 - failing to renew the zone designation
 - failing to operate in accordance with the parking plan for the zone
 - failing to operate in accordance with requirements for operating a VPS
- Hearings for Revocation. Valet operators whose permits are revoked and commercial establishments whose valet zone designations are revoked may request a hearing.

The ordinance provides for an effective date November 1, 2007. Although valid valet operator permits and valet zones will remain valid until their previously established annual renewal date (unless sooner revoked), all other requirements of the ordinance will apply to permittees and zones on November 1, 2007. The Parking Commission will review the valet parking program twelve months after the date the ordinance is passed to evaluate the program's effectiveness.

cc: Marty Stein, Agenda Director
 Arturo Michel, City Attorney

Michael Marcotte, Director, Public Works



CITY OF HOUSTON
Convention and Entertainment
Facilities

Interoffice
Correspondence

To: Council Member Michael Berry
At Large Position 5
Chair, Transportation, Infrastructure and
Aviation Committee

From: Dawn Ullrich
Director

Liliana Rambo, CAPP
Parking Official

Date: September 14, 2007

Subject: Valet Ordinance Update

At the August 9 Transportation, Infrastructure and Aviation (TIA) Committee meeting, the Committee recommended the proposed Valet Parking Ordinance to Council but asked that City staff address the four matters described below and advise Council of the results.

(1) The first item was to include some form of public notice when valet zone applications are filed. The ordinance has been updated to include the following provision:

26-443, Section 6 (c)

If the parking official determines that the application is complete, the application shall be acted upon as further provided in this article following provision of notice of the application by furnishing of a written notice by regular mail to the owners of property within 200 feet of the valet zone designation at the name and address as indicated by the most recent appraisal district records.

(2) The second item was to include a provision that the Public Parking Commission would review the valet parking program twelve months after the date the ordinance is passed to evaluate the program's effectiveness. Section 10 of the Enacting Ordinance now includes the following:

Section 10

That the program adopted in Section 2 of the Ordinance shall be reviewed by the Public Parking Commission not later than 12 months after the date of passage of this Ordinance for the purpose of ascertaining the program's effectiveness. To facilitate this review, the parking official shall gather data throughout the year for the Public Parking Commission's review.

(3) As requested by the Committee, the Parking Official and Traffic Engineer visited locations identified by representatives of the Neartown Super Neighborhood as problem locations and evaluated how the ordinance would affect those areas. They have concluded that the revised ordinance will effectively address public safety and mobility issues. We recognize that issues may arise due to unknown variables and those issues will be addressed by the Parking Commission's twelve month review or earlier, should the circumstances warrant.

(4) On August 24, a meeting was held with Allen Ueckert, President of the Neartown Super Neighborhood, Mr. and Mrs. El-Hakam, as well as representatives from Council Member

Garcia's office, Council Member Edward's office and your office. Changes to the ordinance were discussed and they were made aware of the addition of Section 26-443 and Section 10. We declined requests to modify the draft ordinance to ban all on-street storage of valet parked vehicles City-wide and also declined to require permitting for valet operations that pick-up and drop-off on private property and also store parked vehicles on private property. We lack data indicating the impact or need for these changes. While many of the stakeholders in the process oppose making such changes, we believe these issues are best addressed by the Parking Commission after a year of data is available for evaluation.

Since the TIA Committee meeting of August 9, our office has received numerous phone calls and correspondence from members of the Hotel & Lodging Association of Greater Houston and the Greater Houston Restaurant Association expressing their support for the enactment of the attached ordinance.

Please feel free to contact me if you have any questions. Thanks.

cc: Mayor Bill White

Council Member Peter Brown
At Large Position 1

Council Member Sue Lovell
At Large Position 2

Council Member Melissa Noriega
At Large Position 3

Council Member Ronald Green
At Large Position 4

Council Member Toni Lawrence
District A

Council Member Jarvis Johnson
District B

Council Member Anne Clutterbuck
District C

Council Member Ada Edwards
District D

Council Member Addie Wiseman
District E

Council Member M.J. Khan
District F

Council Member Pam Holm
District G

Council Member Adrian Garcia
District H

Council Member Carol Alvarado
District I

Marty Stein
Agenda Director

Tracy Calabrese
Legal

Steve Lewis
CEFD

David Worley
Public Works and Engineering

Sec. 1-10. Same--Specific permits and licenses.

* * *

(b) The authorizations enumerated in this subsection shall be denied if the applicant has been convicted of any of the designated offenses within the five-year period immediately preceding the date of the filing of the application or has spent time in jail or prison during the five-year period immediately preceding the date of the filing of the application for such a conviction. Additionally the following authorizations shall be subject to denial, revocation, or refusal for renewal, as applicable, if the holder has been convicted of any of the designated offenses since the application was filed. Provided however, no such authorization shall be denied, revoked or refused for renewal if the conviction was set aside as invalid or if it is found that the authorization should not be denied, revoked or refused for renewal under chapter 53 of the Texas Occupations Code:

* * *

- (4) Permits for valet parking services issued pursuant to chapter ~~46~~ 26, article VII, division 2 of this Code:
- a. Any offense involving burglary, fraud or theft;
 - b. Any offense involving the unauthorized use of a motor vehicle;
 - c. Any offense involving forgery;
 - d. Any violation of state or federal laws regulating firearms;
 - e. Any offense involving violence to any person except for conduct that is classified as no greater than a Class C misdemeanor under the laws of the state;
 - f. Any offense involving the possession, use of or sale of drugs except for conduct that is classified as no greater than a Class C misdemeanor under the laws of this state;
 - g. Any violation of state laws relating to the operation of motor vehicle storage lots.
 - h. Any offense involving driving a motor vehicle while intoxicated, whether under the influence of alcohol or drugs, or both.

The above listed offenses shall be grounds for the denial, revocation or nonrenewal of permits issued under division 2; of article VII of chapter ~~46~~ 26,

as enumerated, because the authorizations thereunder allow persons to engage in businesses and occupations in which there is a high degree of danger to the public through the operation of automobiles. Such activities involve substantial contact with the public, including assuming possession of automobiles owned by members of the public. These businesses also afford special opportunities for theft and fraud. Therefore, there is a serious need to protect the public from the types of criminal conduct represented by such offenses.

* * *

Sec. 40-362. Impairments and obstructions unlawful.

(a) It shall be unlawful for any person to place, cause, or allow any impairment or obstruction of a sidewalk or roadway, except as authorized by a permit.

(b) It is a defense to prosecution under this section that the impairment or obstruction is or consists of:

- (1) A vehicle that is lawfully standing, stopped, or parked in compliance with applicable provisions of this Code and state traffic laws.
- (2) A vehicle that has been rendered inoperable by a mechanical or other systems failure or by an accident and is stopped pending police investigation and/or towing or recovery services.
- (3) A public transit facility, traffic control device, sign, street light, public trash receptacle, bicycle rack, or other structure or object lawfully placed by or on behalf of the state or a political subdivision of the state.
- (4) A sign or display that is being utilized as part of a lawfully conducted demonstration or rally provided that the object does not obstruct or impair vehicular or pedestrian traffic and further provided that it is used and displayed only during the period of time that the demonstration or rally is attended and ongoing and the attendees remove the sign or display at the conclusion of the demonstration or rally.
- (5) Equipment and materials related to work actively being performed by a utility or public employee that has obtained a general permit.
- (6) Trees, grass, shrubbery, and landscaping that is placed and maintained in a manner conforming to applicable requirements of chapters 32 and 45 of this Code and regulations issued thereunder.
- (7) A parade lawfully conducted under chapter 45 of this Code.
- (8) A sidewalk cafe authorized under section 40-10.1 of this Code, street function authorized under section 40-27 of this Code, or newspaper vending apparatus placed as authorized under section 40-10 of this Code.
- (9) A valet zone as authorized under section ~~46-402~~ 26-412 of this Code.

- (10) Equipment and materials relating to public infrastructure maintenance work performed, outside of the general permit requirements, by public employees, provided that the work is performed in accordance with a time, place, and manner protocol approved by the traffic engineer.
- (11) Solid waste containers and heavy trash items of the type and size authorized for residential service of the nature provided by the city and city contractors under chapter 39 of this Code that are placed for collection in a manner that does not obstruct the roadway or impair pedestrian use of the sidewalk; however, this defense does not extend to bulk containers of the "dumpster" or "roll-off" type that are typically used to service multifamily residential properties, commercial properties, and construction sites.
- (12) Poles, distribution boxes, and related structures of utilities, provided that they are not placed in such a manner as to obstruct or impair vehicular or pedestrian use of the roadway or sidewalk.
- (13) Postal deposit and delivery boxes, provided that they are not placed in such a manner as to obstruct or impair vehicular or pedestrian use of the roadway or sidewalk.
- (14) A building encroachment or other permanent obstruction for which the abutting owner has a current and valid permit or other authorization as obtained from city council.
- (15) Equipment relating to a sidewalk activity as authorized under article XI of this chapter.
- (16) An emergency as defined in section 40-376 of this Code.

(c) Under the authority granted in section 40-366 of this Code, the director of public works and engineering may issue rules and regulations regarding the application of the defenses set forth in subsection (b), above. It is a required element of any defense asserted under subsection (b) that the actor is in compliance with any applicable rules and regulations.

Chapter 46

VEHICLES FOR HIRE ~~AND VALET PARKING SERVICES~~

Chapter 26 PARKING

ARTICLE VII. VALET PARKING SERVICES

DIVISION 1. GENERAL

Sec. ~~46-364~~ 26-371. Definitions.

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

Attendant means a person who operates a vehicle between a pick-up and drop-off point and a parking location on behalf of a valet parking service operator.

~~Central business district~~ means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

~~Director~~ means the director of the department of finance and administration and his duly authorized representatives.

~~Permit~~ means a current and valid permit issued to a valet operator pursuant to division 2 of this article.

Major event venue means a venue with seating capacity for at least 2000 patrons.

Permittee means a person who holds a valet parking service permit under this article to operate a valet parking service, and includes any employee, agent, or independent contractor of the permittee.

Pick-up and drop-off point means a designated location where an attendant takes possession of a vehicle for the purpose of parking and returns the vehicle to the possession of the driver thereof.

Principal means the valet parking service operator and also includes in the case of a proprietorship the proprietor and the proprietor's spouse, in

the case of a partnership each partner, and in the case of a corporation each officer, each director and each other person who holds ten percent or more of the outstanding shares. For any other form of entity, the term shall include the equivalent persons as determined by the director.

Roadway means any portion of a street that is improved, designed or maintained for vehicular use, including but not limited to travel and parking.

Special event means an event occurring at a specific location outside the central business district not more than twelve times in a twelve-month period and for not more than three consecutive 24 hour periods per event, for which valet parking service will be provided, including events at which the pick-up and drop-off point is entirely on private property when the valet parking operator's valet parking storage location includes the roadway.

Temporary valet zone means a valet zone that operates during authorized times for not more than a fourteen-day period.

Valet parking service operator means a person whose business is or includes the provision of valet parking service through use of a pick-up and drop-off point on a roadway or through use of the roadway as a valet parking storage location.

Valet parking service means accepting, parking and returning a vehicle on behalf of the operator of the vehicle regardless of whether a fee is charged.

Valet parking service permit means a current and valid permit issued to a valet parking service operator pursuant to division 2 of this article.

Valet parking service stand means a temporary, removable structure located near the pick-up and drop-off point that is utilized by the valet parking service operator for the general conduct of the valet parking service, including the dispatch of attendants and the storage of keys, umbrellas and other items.

Valet parking storage location means the location at which a valet parking service operator parks vehicles accepted from the operator of a vehicle during the course of providing a valet parking service.

~~—————*Valet zone* has the meaning ascribed by section 26-2 of this Code.~~

Valet zone means the area or space officially designated by the traffic engineer as a pick-up and drop-off zone within a roadway as indicated by appropriate signs or markings for the use of valet parking service providers operating under permit issued by the city. [45-2]

Sec. 46-362 26-372. Prohibited activities.

(a) It is unlawful for any person to provide valet parking service without a valet parking service permit issued by the city. It shall be an affirmative defense to prosecution under this subsection that the operation of a valet parking service occurs ~~entirely~~ on private property and does not use any portion of a roadway for a pick-up and drop-off point or as a valet parking storage location, save for incidental use of the roadway in driving vehicles to and from a pick-up and drop-off point on private property and a valet parking storage location not located on any portion of a roadway.

(b) It is unlawful for a permittee to operate, or cause to be operated, a valet parking service in violation of any term of a permit.

(c) It is unlawful for any ~~valet operator~~ permittee to fail to display a permit or a true copy thereof as required by this article. In any prosecution under this article, it shall be presumed that there is no permit if the permit or a true copy thereof is not properly displayed.

(d) It is unlawful for any ~~valet parking operator~~ permittee to park a vehicle or to cause or allow a vehicle to remain parked at any curbside parking space or any other portion of the roadway within the central business district in the course of providing valet parking service. Any person who violates any provision of this subsection shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation. Each act of parking a vehicle in violation of this subsection shall constitute and be punishable as a separate offense. A violation of this subsection is a penal offense and shall not be subject to civil adjudication pursuant to article IV of chapter 16 of this Code. Parking enforcement officers are authorized to issue written citations to persons violating this subsection.

(e) ~~Within the central business district~~ It is unlawful for any ~~valet parking operator~~ permittee to utilize any place on the roadway that is not a valet zone as a pick-up and drop-off point. It shall be an affirmative defense to prosecution under this subsection that the valet parking service is provided for a special event for which notice has been provided to the parking official pursuant to section 26-450 of this Code, or that the valet parking service operator is making reasonable accommodations for persons with disabilities who are utilizing the valet parking service.

(f) It is unlawful for any ~~valet parking operator~~ permittee to fail to identify a vehicle as required by section ~~46-402~~ 26-412(10) of this Code.

Sec. ~~46-363~~ 26-373. Provisions cumulative.

The provisions of this article are cumulative of all other provisions of this Code and other city ordinances, including, without limitation, building and fire codes, as well as all applicable state and federal laws and regulations. Compliance with this article does not excuse compliance with any other law, and permittees are additionally required to obtain any other permits, licenses, and authorizations required by law.

Sec. ~~46-364~~. Duty of valet parking operator. [moved to **Sec. 26-413**]

~~It shall be the duty of every valet parking operator to cause each of the operator's attendants to comply with the requirements of this article and any permit issued hereunder.~~

Sec. ~~46-365~~ 26-374. No private rights in street.

Nothing in this article shall be construed to give any person, whether or not a permittee, any property right in or to the use of any street. All permits issued and held under this article shall be subject to the superior right of the public to the safe and orderly movement of traffic.

Secs. ~~46-366~~ 26-375–~~45-390~~ 26-390. Reserved.

DIVISION 2. VALET PARKING SERVICE PERMITS

Sec. ~~46-394~~ 26-391. Permit applications.

(a) Any person who desires to operate a valet parking service in the city shall submit an application for a permit to the director in a form promulgated by the director for that purpose, which shall include the following:

- (1) The applicant's name, telephone number, mailing address, ~~and street address, federal employee identification number, state sales tax number, corporate charter number, and Texas driver's license number (if applicable);~~
- (2) The name and mailing address of each principal of the applicant, copies of the assumed-name registration if the valet parking service will be operated under an assumed name, the partnership registration, if any, and the names and addresses of all general partners if the permit holder is a partnership, and a certificate of good standing from the Texas Secretary of State for a

Texas domestic corporation or certificate of authority to do business in Texas if a foreign corporation, along with the names and addresses of all officers and the registered agent;

- (3) The location of all existing and proposed valet zone locations where applicant intends to operate; provided, however, that providing information pertaining to locations where valet parking services will be provided or are intended to be provided does not constitute approval of a zone designation as required by division 4 of this article;
- (3 4) The indemnity and release form provisions that are specified in section ~~46-393~~ 26-391(b) of this Code;
- (4 5) Proof of insurance required by section ~~46-404~~ 26-411 of this Code;
- (5 6) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code; and
- (6 7) Any other information reasonably required by the director for the purpose of processing the application under the requirements of this article.

(b) As a part of its application, each applicant shall sign the following indemnity and release, which shall be a condition of each valet parking service permit:

"THE PERMITTEE AGREES TO AND SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY ITS AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY, THE "CITY") HARMLESS FOR ALL CLAIMS, CAUSES OF ACTION, LIABILITIES, FINES, AND EXPENSES (INCLUDING, WITHOUT LIMITATION, ATTORNEYS' FEES, COURT COSTS, AND ALL OTHER DEFENSE COSTS AND INTEREST) FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO ANY PERFORMANCE UNDER THIS PERMIT, INCLUDING, WITHOUT LIMITATION, THOSE CAUSED BY:

1. THE PERMITTEE'S AND/OR ITS AGENTS', EMPLOYEES', OFFICERS', DIRECTORS', CONTRACTORS', OR SUBCONTRACTORS' (COLLECTIVELY IN LETTERED PARAGRAPHS 1--3, "PERMITTEE'S") ACTUAL OR ALLEGED NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS;

2. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED CONCURRENT NEGLIGENCE, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT; AND
3. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT.

THE PERMITTEE SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY HARMLESS DURING THE TERM OF THE PERMIT AND FOR TWO YEARS AFTER THE PERMIT EXPIRES. THE PERMITTEE'S INDEMNIFICATION IS LIMITED TO \$500,000.00 PER OCCURRENCE.

THE PERMITTEE AGREES TO AND SHALL RELEASE THE CITY FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THE PERMIT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY'S SOLE OR CONCURRENT NEGLIGENCE."

(c) The application shall be signed by an owner, officer, or partner principal of the applicant if the applicant is not an individual, or by the individual applicant for the valet parking service permit acknowledging that he has read the application, agrees to all of its terms and provisions, affirms the correctness and accuracy of the information given on the application, and affirms that he has the authority to bind the applicant to all of the terms, provisions, and requirements of the application.

Sec. ~~46-392~~ 26-392. Issuance; denial; fee.

(a) An application that contains all of the information required by section ~~46-474~~ 26-391 of this Code shall be a complete application. A complete application shall be approved and the valet parking service permit shall be issued upon payment of the fee specified by subsection (c) below unless:

- (1) The information provided in the application is materially false or incorrect or the applicant has failed in any material way to comply with this article;
- (2) The applicant or an entity owned or controlled by the applicant or any of the principals of the applicant has had a valet parking service permit revoked during the preceding one year period;

- (3) The director determines that proof of insurance provided by the applicant does not meet the requirements of section ~~46-401~~ 26-411 of this Code; ~~or~~
- (4) The parking official determines that there exist one or more unresolved parking citations, as defined in section 26-261 of this Code, for any vehicle owned by the applicant or any of its principals; or
- (5) The applicant or any of its principals is not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) In the event that an application is denied, the director shall promptly inform the applicant in writing of the reasons for the denial. The applicant, upon written request, shall be afforded an opportunity for a hearing regarding the denial before the director or a hearing officer appointed by the director. The appeal process shall be conducted in accordance with rules promulgated by the director for that purpose. If the denial is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law.

(c) The initial annual fee for a valet parking service permit shall be \$1000.00. The annual fee for renewal of a valet parking service permit shall be \$750.00 an amount set by the city council by motion upon the recommendation of the director. The director shall review the fees annually and may increase the fees to fully recover the city's costs, taking into account permit issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provided that no fee increase in excess of 5 percent per year shall be implemented without prior approval of the city council. No portion of the fee shall be refundable.

Sec. ~~46-393~~ 26-393. Valet parking service permit conditions.

(a) Each valet parking service permit shall specify the following terms, which shall be the conditions under which the valet parking service permittee is authorized to conduct the valet parking service:

- (1) Name of the permitted valet parking service operator permittee; and
- (2) That the permittee must comply with all applicable requirements of this article; and

~~(b) As a part of its application, each applicant shall sign the following indemnity and release, which shall be a condition of each permit:~~

~~"THE PERMITTEE AGREES TO AND SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY ITS AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY, THE "CITY") HARMLESS FOR ALL CLAIMS, CAUSES OF ACTION, LIABILITIES, FINES, AND EXPENSES (INCLUDING, WITHOUT LIMITATION, ATTORNEYS' FEES, COURT COSTS, AND ALL OTHER DEFENSE COSTS AND INTEREST) FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO ANY PERFORMANCE UNDER THIS PERMIT, INCLUDING, WITHOUT LIMITATION, THOSE CAUSED BY:~~

~~1. THE PERMITTEE'S AND/OR ITS AGENTS', EMPLOYEES', OFFICERS', DIRECTORS', CONTRACTORS', OR SUBCONTRACTORS' (COLLECTIVELY IN LETTERED PARAGRAPHS 1-3, "PERMITTEE'S") ACTUAL OR ALLEGED NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS;~~

~~2. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED CONCURRENT NEGLIGENCE, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT; AND~~

~~3. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT.~~

~~THE PERMITTEE SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY HARMLESS DURING THE TERM OF THE PERMIT AND FOR TWO YEARS AFTER THE PERMIT EXPIRES. THE PERMITTEE'S INDEMNIFICATION IS LIMITED TO \$500,000.00 PER OCCURRENCE.~~

~~THE PERMITTEE AGREES TO AND SHALL RELEASE THE CITY FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THE PERMIT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY'S SOLE OR CONCURRENT NEGLIGENCE."~~

~~(3) Any other reasonable conditions specified by the parking official at the time of issuance of the permit.~~

~~Sec. 46-394. Revocation:~~

[moved to Sec. 26-418]

~~(a) Following notice and a hearing, a permit may be revoked if:~~

- ~~(1) Any information supplied in the permit application was materially false or incorrect;~~
- ~~(2) The permit was issued through error;~~
- ~~(3) The holder of the permit has failed to comply with any applicable provision of the permit or this article;~~
- ~~(4) The permittee fails to perform under the release and indemnity required by section 46-393(b); or~~
- ~~(5) The permittee or any of its principals are not in compliance with the criminal history provisions of section 1-10 of this Code.~~

~~(b) At least ten days' notice of a revocation hearing shall be provided to the permittee by depositing the same in the United States mail, first class, certified, return receipt requested, addressed to the address of the permittee shown in the permit application. The notice shall set forth the alleged grounds for the revocation and the date, time and place for the hearing. If the revocation is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws.~~

~~(c) The burden of demonstrating that a permit should be revoked shall be upon the city. The permittee may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.~~

Sec. ~~46-395~~ 26-394. Term.

A valet parking service permit shall be valid for one year from its date of issuance and shall not be transferrable. A permit may be renewed by filing an application pursuant to section ~~46-394~~ 26-391 of this Code at least 30 days prior to the expiration of the permit. A renewal permit application shall be reviewed and approved pursuant to section ~~46-392~~ 26-392 of this Code.

Secs. ~~46-396~~ 26-395 -- ~~46-400~~ 26-410. Reserved.

DIVISION 3. REQUIREMENTS FOR OPERATING A VALET PARKING SERVICE

Sec. ~~46-404~~ 26-411. Insurance.

The valet parking service operator ~~permittee~~ shall maintain insurance coverage continuously during the term of its permit, in each case in accordance with the terms of this section through insurance carriers that are authorized or eligible by the Texas Department of Insurance to do business in the State of Texas ~~any combination of primary and excess coverage~~ and, in the case of claims made coverage, for an additional two years thereafter. The insurance required by this section shall insure against the following risks in at least the following amounts:

Coverage	Limit of Liability
Commercial General Liability: Including Broad Form Coverage	Bodily Injury and Property Damage, Combined <u>Single</u> Limits of \$300,000.00 <u>500,000.00</u> each Occurrence and \$300,000.00 <u>500,000.00</u> Annual Aggregate
Automobile Liability Insurance: <u>Endorsed to Include Garage Keepers Legal Liability Including Comprehensive and Collision Coverage for Vehicle Storage and Coverage for Vehicle Driven by or at Direction of Permittee</u>	\$300,000.00 <u>500,000.00</u> Combined Single Limit per Occurrence Accident
OR	
Garage <u>Liability</u> Insurance: <u>Endorsed to Include Garage Keepers Legal Liability Insurance</u> Including Comprehensive and Collision Coverage for Physical damage, Coverage for Vehicle Storage and Coverage for Vehicle Driven by or at Direction of Permittee	\$300,000.00 <u>500,000.00</u> Combined Single Limit per Accident
Defense costs are excluded from the face amount of the policy. Aggregate Limits are per 12-month policy period unless otherwise indicated.	

The city shall be named as an additional insured on the commercial general liability and garage liability policies. Each policy must state that it may not be canceled, materially

modified, or non-renewed unless the insurance company gives the director 30 days' advance written notice. Defense costs are outside the limit of liability. Aggregate limits are per 12-month policy period unless otherwise indicated. ~~The permittee shall give written notice to the director within five days of the date on which total claims by any party against the permittee reduce the aggregate amount of coverage below the amounts required by this section.~~ Proof of insurance required by this section shall be on the authorized form approved for this purpose by the director. A permit shall be automatically suspended without any requirement for action by the city or notice to the permittee for any period of time that any of the insurance required by this section is not in effect. In addition, the director may cause the permit to be revoked for cause for failure to maintain insurance pursuant to section ~~46-394~~ 26-418 of this Code.

Sec. ~~46-402~~ 26-412. Valet parking service operations.

A valet parking service permittee shall operate the permitted valet parking service in accordance with the following requirements:

- (1) The valet parking service permittee shall maintain one valet parking service stand that meets the requirements of section ~~46-405~~ 26-416 of this Code at each location where the permittee provides valet parking service;
- (2) When pick-up and drop-off of vehicles occurs in the roadway, the permittee shall operate a pick-up and drop-off point only in a designated valet zone and in accordance with division 4 of this article ~~the curb lane of the roadway;~~
- (3) The permittee shall not park or allow the parking of vehicles in a pick-up and drop-off point;
- (4) The permittee shall not cause or allow the standing of any vehicle in a pick-up and drop-off point for more than five minutes, inclusive of loading and unloading passengers, taking possession of or returning a vehicle and all other functions relating to the acceptance or return of a vehicle, as applicable;
- (5) The permittee shall ensure that the valet parking service does not unreasonably interfere with safe traffic operations of roadways, driveways, and intersections;
- (6) Except as provided in subsection ~~46-405~~ 26-416(a) of this Code or otherwise authorized by a permit issued pursuant to article ~~XVI~~ XVII of chapter 40 of this Code, the permittee shall not place signs, cones, or any other object in

a roadway, parking space, or sidewalk, or otherwise block or hinder movement of pedestrian or vehicular traffic;

- (7) The permittee shall not place or allow the placement of a sign identifying or advertising the valet parking service on a roadway or sidewalk unless the sign is located on the valet parking service stand;
- (8) The permittee shall provide each patron with a pre-numbered receipt indicating the valet parking fee, if any; the name, address, and telephone number of the valet parking service operator; and information on obtaining a vehicle after the hours of valet parking service operation;
- (9) The permittee shall display a true and correct copy of the valet parking service permit required by this article at each valet parking service stand;
- (10) Promptly upon receipt of each vehicle for valet parking service, the permittee shall clearly identify the vehicle by affixing a ticket hang tag to the inside rear view mirror of the vehicle that identifies the valet parking service operator;
- (11) The permittee shall provide a secure location for the storage of keys and shall not store keys with the parked vehicle;
- (12) The permittee shall comply with all applicable traffic control laws, devices and markings and shall conduct valet parking services only where and when vehicles may lawfully park and stand; and
- (13) The permittee shall not discriminate against persons wishing to utilize valet parking services on the basis of race, color, religion, sex, sexual orientation, national origin, age, or physical handicap.

Sec. 46-364 26-413. Duty of valet parking operator.

It shall be the duty of every valet parking operator to cause each of the operator's attendants to comply with the requirements of this article and any permit issued hereunder. Further, it shall be the duty of valet parking operators that are not required to be permitted to maintain a copy of proof of insurance coverage for valet parking operations at each location where valet operations are performed and to display it upon request.

Sec. ~~46-403~~ 26-414. Additional valet parking service operations requirements in central business district.

~~For valet parking service operations within~~ In addition to the requirements of the preceding section, in the central business district, the valet parking service permittee shall not cause or allow the standing of vehicles in any moving lane of traffic approaching the pick-up and drop-off point.

Sec. ~~46-404~~ 26-415. Attendant requirements.

It is the duty of the valet parking service permittee to ensure that no person at any time performs as an attendant unless the person meets each of the criteria of this section for an attendant. All attendants at a valet parking service location shall wear similar uniforms. Each attendant shall:

- (1) Be 18 years of age or older;
- (2) Operate vehicles in compliance with all applicable federal, state and local laws, and in a manner that assures the safety of persons and property;
- (3) Possess a valid ~~state~~ class A, B, or C Texas driver's license with no more than two convictions for offenses that occurred within any 12-month period during the preceding three years as a result of moving traffic violations;
- (4) ~~Wear a name tag, which may be permanently affixed to a shirt, jacket, cap or other item of clothing,~~ identifying the attendant by name and the name of the valet parking company or the commercial establishment for which valet parking service is being provided ~~operator~~; and
- (5) Perform his duties in a courteous and professional manner.

If the valet parking service permittee, or any principal of a permittee, performs as an attendant, the permittee or principal must satisfy each of these requirements. The permittee shall maintain the information necessary to demonstrate compliance with item (3) of this section. The permittee shall retain the records at its principal office in the city for a period of three years. The director shall have the right, upon request, to inspect and copy these records of the permittee to determine compliance with the requirements of the permit.

Sec. ~~46-405~~ 26-416. Valet parking service stand.

(a) The valet parking service permittee shall provide one valet parking service stand at each location where the permittee provides valet parking service. The valet parking service stand may be located within the building for whose benefit the valet parking service is provided or wholly on private property. A valet parking service stand shall not be located on a roadway unless expressly allowed by a valet zone designation authorized by a permit issued pursuant to division 4 of this article XVI of chapter 40 of this Code. Any valet parking service stand located in whole or in part on a roadway, ~~or sidewalk, or any portion of the public right-of-way~~ shall:

- (1) Occupy a portion of the roadway, ~~or sidewalk, or public right-of-way~~ no greater than four feet by four feet or one-half the width of the sidewalk if the sidewalk is less than eight feet wide;
- (2) Not be affixed to the roadway, ~~or sidewalk, or public right-of-way~~ in any manner;
- (3) Be easily moveable by one person;
- (4) Be removed from the roadway, ~~or sidewalk, or public right-of-way~~ when the valet parking service is not being operated;
- (5) Have affixed a sign not larger than four feet high by four feet wide with an area no smaller than 12 inches by 18 inches indicating:
 - a. The name and the valet parking service permit number of the valet service parking operator of the valet parking service; and
 - b. If the permittee is providing valet parking service for more than one establishment, the names of all such commercial establishments;
 - ~~b c.~~ The fee for the valet parking service, if any;
 - d. The telephone number provided by the parking official for complaints or inquiries regarding operations of the valet parking service.
- (6) Be secured and locked when left unattended; and
- (7) Display a true and correct copy of the permit.

(b) If the valet parking service stand is located within a building, the permittee shall provide a portable sign that meets the requirements of ~~item subsection~~ (a)(5) of this section on the sidewalk or roadway at the pick-up and drop-off point.

Sec. ~~46-406~~ 26-417. Parking areas.

All vehicles parked by an attendant shall be legally parked in conformance with applicable city ordinances and state law.

Sec. ~~46-394~~ 26-418. Revocation.

(a) ~~Following notice and a hearing, a~~ A valet parking service permit may be revoked if:

- (1) Any information supplied in the permit application was materially false or incorrect;
- (2) The permit was issued through error;
- (3) The holder of the permit has failed to comply with any applicable provision of the permit or this article;
- (4) The permittee fails to perform under the release and indemnity required by section ~~46-393~~ 26-391(b) of this Code; or
- (5) The permittee or any of its principals are not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) ~~Notice At least ten days' notice~~ of a revocation ~~hearing~~ shall be provided to the valet parking service permittee by depositing the same in the United States mail, first class, certified, return receipt requested, addressed to the address of the permittee shown in the permit application. The notice shall set forth the alleged grounds for the revocation and the opportunity to request a hearing regarding the revocation ~~date, time and place for the hearing~~. If the revocation is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws.

(c) If the permittee wishes to request a hearing, such request must be made in writing and provided to the director within twenty days of the date of the director's notice of revocation. Pending the hearing, the director may suspend the valet parking service operator's permit when the director determines that continued operation of the valet parking service constitutes a hazard to public safety and welfare, including, but not limited

to, interfering with the safe operation of the streets for pedestrians and the normal flow of traffic. At the hearing, the burden of demonstrating that a permit should be revoked shall be upon the city. The permittee may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.

Sec. ~~46-407~~ 26-419. Permit subject to police regulation.

All valet operations are subject to temporary suspension when a police officer determines that the continued operation of the valet service constitutes a hazard to the public safety and welfare, including but not limited to, interfering with the safe operation of the streets for pedestrians and the normal flow of traffic.

Secs. ~~46-408~~ 26-420--~~46-420~~ 26-440. Reserved.

DIVISION 4. VALET ZONES

Sec. ~~26-374~~ 26-441. Designation of valet zones.

(a) Upon application by The owner or tenant of one or more commercial establishments located on a blockface in the central business district may apply to the parking official for designation of a valet zone.

(b) In carrying out the functions assigned by this division, the parking official shall consult with and obtain the concurrence of the traffic engineer.

Sec. 26-442. Characteristics of a valet zone. [former Sec. 26-371]

(a) A valet zone shall be located in the curbside lane of a roadway or, under certain conditions, in the portion of a roadway adjacent to a curbside that provides angled or parallel parking.

(b) A valet zone shall include not more than three parallel parking spaces, unless, under certain conditions, the traffic engineer approves the use of more spaces; provided, however, for a major event venue, a valet zone may include up to nine parallel parking spaces per blockface.

(c) A valet zone may be utilized for valet parking service only during the days and times authorized by the parking official in the valet zone designation.

Sec. 26-443. Application.

(a) Application for a valet zone designation shall be made upon a form promulgated by the director, shall be accompanied by a nonrefundable application fee of \$300.00, and shall include, at a minimum, the following:

- (1) The name, address and phone number of the applicant;
- (2) The name and location of each commercial establishment to be served by a valet parking service in the requested valet zone, and the name, address and telephone number of the owner or tenant of each commercial establishment;
- (3) The days and hours during which the valet zone will be utilized for valet parking service.
- (4) A copy of the valet parking service permit held by the valet parking operator who will provide valet parking service for the applicant;
- (5) A copy of the applicant's valet parking plan, including:
 - a. A traffic flow plan, including a map, describing the route(s) that vehicles will be driven between the proposed valet zone and the valet parking storage location;
 - b. Information about the valet parking storage location, i.e:
 - [1] Within the central business district, a copy of the contract or agreement to allow the valet parking operator to use an off-street parking facility to store vehicles, including the name and address of the off-street parking facility; or
 - [2] Outside the central business district, a copy of the contract or agreement to allow the valet parking operator to use an off-street parking facility, if applicable, and, if any vehicles will be stored on the roadway, a description of the area the valet parking operator will use to store vehicles, including names of streets, block designations, and an indication whether both sides of the block are intended to be used; and

c. A description of the applicant's plan for making safe and reasonable accommodations for persons with disabilities who wish to utilize valet parking services at the proposed valet zone; and

(6) Any other information reasonably required by the parking official to make any determination required under this division.

(b) The parking official initially shall review each application for completeness. If the parking official determines that the application is incomplete, he shall return the application with written notice of the deficiencies.

(c) If the parking official determines that the application is complete, the application shall be acted upon as further provided in this article following provision of notice of the application by furnishing of a written notice by regular mail to the owners of property within 200 feet of the valet zone designation at the name and address as indicated by the most recent appraisal district records.

The parking official may provide the notice, but require the applicant to pay the costs of providing notice. The notice shall be in a form prescribed by the parking official and shall contain the street address of the proposed valet zone designation, the name of the commercial establishment making the application, a city office, city telephone number and city e-mail address that interested persons may call or contact by e-mail to obtain further information or to provide input regarding the impact of the proposed valet zone designation. Input received by the parking official within ten business days after the date of the notice will be considered by the parking official and the traffic engineer in reviewing the application.

Sec. 26-444. Review and designation by traffic engineer. [former Sec. 26-371]

(a) The parking official shall immediately forward a copy of an application determined to be complete to the traffic engineer, who is hereby authorized to determine whether the location of a valet zone within the blockface and the valet operator's parking plan are is feasible and consistent with sound traffic engineering and mobility practices; and, upon so determining, to notify the parking official, who is hereby authorized to place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(b) The traffic engineer shall determine the number of on-street parking spaces required for each valet zone, which shall not exceed the equivalent of three parallel parking spaces, or for a valet zone serving a major event venue, the equivalent of nine parallel parking spaces; provided that the traffic engineer may authorize the use of additional spaces by a hotel when he determines that traffic conditions and hotel operations warrant.

(c) The traffic engineer may authorize more than one valet zone on a blockface only upon determining that special conditions exist relating to the configuration of the blockface or to the land uses located on the blockface and that the operation of more than one valet zone will not adversely affect vehicular and pedestrian traffic.

(d) As a condition of designating or renewing designation of a valet zone, the parking official and the traffic engineer may require holders of and applicants for valet zone designations to cooperate with each other where more than one commercial establishment located on a blockface desires designation of a valet zone.

(e) The traffic engineer shall review and approve or disapprove the proposed valet zone and parking plan. If the traffic engineer disapproves the valet zone or valet parking plan, he shall return the application to the parking official with notice of the reasons for his disapproval.

(f) If the traffic engineer determines that a valet zone and the valet parking plan are feasible and consistent with sound traffic engineering and mobility practices, he shall submit his determination and designation to the parking official.

Sec. 26-445. Approval or denial.

Based upon the traffic engineer's determination, the parking official shall approve or disapprove the application for a valet zone designation and provide written notice to the applicant. If the parking official disapproves the application, he shall advise the applicant of the reasons for the denial. The applicant, upon written request, shall be afforded an opportunity for a hearing regarding the denial before a hearing officer appointed by the director for that purpose. The determination of the hearing officer shall be final.

Sec. 26-446. Fees; term; renewal. [former Sec. 26-371]

~~(b) Each valet zone shall be located in the curbside lane of a roadway; provided, however, that the traffic engineer, upon request, may designate a portion of the roadway adjacent to a curbside that provides angled parking as a valet zone for operation during the hours from 12:00 noon on one calendar day until 2:00 a.m. on the next calendar day. Each approved valet zone shall be designated for a period of one year and shall require the payment to the director of an annual fee of \$300.00 an amount set by the city council by motion upon the recommendation of the traffic engineer, plus a one-time fee to cover the city's actual cost of making and installing the signage designating the valet zone. The fee shall be reviewed and approved by the director on an annual basis and adjusted to fully recover the city's costs, taking into account zone designation issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource~~

utilization, provide that no fee increase in excess of 5 percent per year shall be implemented without prior approval of city council.

A valet zone designation may be renewed by filing an application pursuant to section 26-443 of this Code at least 30 days prior to the expiration of the zone designation. A valet zone designation renewal application shall be reviewed and approved or denied pursuant to section 26-445 of this Code.

Sec. 26-447. Signage.

(a) Upon the traffic engineer's receipt of a one-time fee to cover the city's actual cost of making and installing the signage for an approved designation of a valet zone, he shall place and maintain appropriate signs indicating the same and stating the days and hours during which the valet zone is authorized to operate. The parking official is hereby authorized to install, maintain, and remove signs with the approval of the traffic engineer.

(b) For valet zones operating at commercial event venues where valet operations are provided for events when scheduled but not during regularly-fixed days and times, the traffic engineer shall place and maintain appropriate flip signage. Such flip signage shall be designed so that the signage may be manipulated to display an indication either that the valet parking service zone is in operation or that public parking is available in the zone. The signage indicating a valet zone shall be displayed not more than two hours prior to a scheduled event and while the zone is in operation for a scheduled event. At all other times the signage shall indicate that the public may park in the zone, subject to any other parking restrictions applicable to such zone.

Sec. 26-448. Transfer; notice and approval of changes.

(a) Any transfer of a zone designation to another owner or tenant of one or more commercial establishments shall be subject to an application to be filed in the same manner as under section 26-443 of this Code along with a transfer application review fee of \$75.00. Such transfer shall only be authorized to the extent that the applicant is qualified under this division. The director may authorize the parking official to utilize modified application forms and procedures when the location and parking plan will remain unchanged. The parking official may authorize the applicant to operate in the valet zone on a temporary basis pending his determination if, based upon an initial review of the application, it appears that the applicant will be qualified. If the application is denied, the applicant must cease to utilize the designated valet zone, which shall terminate on the thirtieth day following notice of denial and any appeal therefrom, unless the applicant comes into compliance with this article.

(b) The holder of a valet zone designation shall notify the parking official not less than 10 days prior to any proposed change in times/days of operation of the valet zone, any change of valet parking service operator, or any changes in the parking plan in a designated valet zone. After receipt of such notification and a fee of \$10.00, the parking official, in consultation with the traffic engineer, will review and approve or disapprove the proposed changes and notify the holder of his decision. The parking official shall provide signage to reflect approved changes in times/days of operation.

Sec. 26-449. Temporary valet zones.

[former Sec. 26-371]

(a) An application for a temporary valet zone designation shall be submitted to the parking official not later than seven business days prior to the desired effective date of the zone designation. Upon receipt of an application for a temporary valet zone designation the owner or tenant of one or more commercial establishments located on a blockface containing the information required in section 26-443 of this Code and a fee of \$100.00, the parking official, in consultation with the ~~(c) The traffic engineer, upon request by the owner or tenant of property on a blockface and the receipt of a fee of \$25.00~~ may establish a temporary valet zone upon determining a determination:

- (1) By the parking official that the valet parking service will be provided by a valet parking operator permitted to operate in accordance with division 3 of this article; and
- (2) By the traffic engineer that it the temporary valet zone designation is consistent with feasible and consistent with sound traffic engineering and mobility practices and the parking of vehicles pursuant to the valet parking plan will not create a public safety hazard.

(b) The temporary valet zone designation shall allow the operation of valet parking service during specified hours and days for up to a fourteen-day a 24-hour period. Upon approval of the temporary valet zone designation, the traffic engineer parking official shall provide a temporary valet zone designation certificate, which shall indicate the authorized days and hours of operation, and appropriate nonpermanent signage to the applicant, who shall be responsible for placing the signage in the locations determined by the traffic engineer.

(c) The owner or tenant of one or more commercial establishments may receive designation of a temporary valet zone up to six times in a twelve-month period, provided that for a major event venue, the owner or tenant may receive designation of a temporary valet zone up to twenty times in a twelve-month period.

- (3) The holder of a valet zone designation or the valet parking service permittee has allowed or provided valet parking service on days or times other than those authorized in the valet zone designation;
- (4) The holder of a valet zone designation has failed to renew the designation in accordance with section 26-446 of this Code;
- (5) The valet parking service permittee has failed to operate in accordance with the parking plan for the associated valet zone designation; or
- (6) The valet parking service permittee has failed to operate in accordance with the requirements for operating a valet parking service as set forth in division 3 of this article.

(b) Notice of a revocation shall be provided to the holder of a valet zone designation by depositing the same in the United States mail, first class, certified, return receipt requested, addressed to the address of the holder shown in the valet zone application. The notice shall set forth the alleged grounds for the revocation and the opportunity to request a hearing regarding the revocation.

(c) If the holder of the valet zone designation wishes to request a hearing, such request must be made in writing and provided to the director within 20 days of the date of the director's notice of revocation. Pending the hearing, the director may suspend the valet zone designation pursuant to section 26-451(a). At the hearing, the burden of demonstrating that a valet zone designation should be revoked shall be upon the city. The holder of the valet zone designation may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.

~~(e) Any hearing authorized by this section shall be conducted in accordance with rules promulgated by the director for that purpose. If the hearing officer denies the request to designate a valet zone or upholds the suspension of a valet zone designation, the applicant for or holder of the valet zone designation shall have the right to appeal the decision to city council pursuant to and subject to compliance with Rule 12 of the Council Rules of Procedure by filing notice of appeal with the city secretary, with a copy to the director, within 15 days of the date the decision is placed in the main addressed to the applicant or holder. Neither request for a hearing nor appeal of a decision shall act to abate the suspension of a valet zone.~~

Secs. 26-453--26-470. Reserved.

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO VALET PARKING IN THE CITY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFOR; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the Public Parking Commission (“Parking Commission”), through its Valet Parking Subcommittee, has undertaken a comprehensive review of valet parking operations and valet zones operating on public streets in the City; and

WHEREAS, the Parking Commission has found that use of the public streets for parking, standing and loading associated with valet parking services can interfere with the safe and orderly movement of vehicular traffic; and

WHEREAS, the Parking Commission has recommended that all valet parking operations using the public streets as a pick-up and drop-off point should operate within a valet zone approved by the traffic engineer, and should provide valet parking services in accordance with times and days indicated on valet zone signage; and

WHEREAS, the Parking Commission has recommended that when valet parking operations use the public streets as a pick-up and drop-off point or for vehicle parking, valet parking operators should provide a parking plan to reflect the movement and storage of vehicles to enable the City to evaluate the safety of those operations; and

WHEREAS, the Parking Commission has recommended that valet parking operations should be regulated throughout the City to promote public safety by requiring all valet parking operators using the public streets for pick-up and drop-off points or to park vehicles to obtain the approval of the traffic engineer and the parking official; and

WHEREAS, the Department of Finance & Administration, working with the City’s insurance broker of record, has reviewed the required insurance coverages for valet parking service permittees and recommended updating such requirements; and

WHEREAS, the City’s experience with major event venues with seating capacities of at least 2,000 patrons reflects that a large number of valet parking customers drop off and retrieve vehicles at the same time in connection with shows and events, indicating that valet zones of up to nine parallel parking spaces may be necessary to accommodate valet parking needs at such venues; and

WHEREAS, the Parking Commission recommends the amendment and reorganization of ordinances pertaining to valet parking zones and valet operations to reflect the transfer of duties relating to management of valet operations, to enhance the enforcement of such regulations, to minimize the traffic and safety impact of such operations, and to implement its recommendations; and

WHEREAS, the City Council finds that in order to promote the public health, safety, and general welfare of the City, it is desirable to adopt this Ordinance to provide for safe and orderly use of the public roadways; **NOW, THEREFORE**,

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

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

Section 2. That Article VII of Chapter 26 of the Code of Ordinances, Houston, Texas is hereby amended in its entirety to read as set forth in **Exhibit A**, attached hereto and incorporated herein.

Section 3. That Item (4) of Subsection (b) of Section 1-10 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- "(4) Permits for valet parking services issued pursuant to chapter 26, article VII, division 2 of this Code:
- a. Any offense involving burglary, fraud or theft;
 - b. Any offense involving the unauthorized use of a motor vehicle;
 - c. Any offense involving forgery;
 - d. Any violation of state or federal laws regulating firearms;
 - e. Any offense involving violence to any person except for conduct that is classified as no greater than a Class C misdemeanor under the laws of the state;
 - f. Any offense involving the possession, use of or sale of drugs except for conduct that is classified as no greater than a Class C misdemeanor under the laws of this state;

- g. Any violation of state laws relating to the operation of motor vehicle storage lots.
- h. Any offense involving driving a motor vehicle while intoxicated, whether under the influence of alcohol or drugs, or both.

The above listed offenses shall be grounds for the denial, revocation or nonrenewal of permits issued under division 2 of article VII of chapter 26, as enumerated, because the authorizations thereunder allow persons to engage in businesses and occupations in which there is a high degree of danger to the public through the operation of automobiles. Such activities involve substantial contact with the public, including assuming possession of automobiles owned by members of the public. These businesses also afford special opportunities for theft and fraud. Therefore, there is a serious need to protect the public from the types of criminal conduct represented by such offenses."

Section 4. That Item (9) of Subsection (b) of Section 40-362 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(9) A valet zone as authorized under section 26-412 of this Code."

Section 5. That Section 45-2 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definition of the term *valet zone*.

Section 6. That the title of Chapter 46 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows: "**VEHICLES FOR HIRE.**"

Section 7. That Chapter 46 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting Article VII in its entirety.

Section 8. That the various former ordinance provisions that are amended in this Ordinance are saved from repeal for the limited purpose of their continuing application to any violation committed before the effective date of this Ordinance, as applicable. For this purpose, a violation is deemed to have been committed before the effective date of this

Ordinance, as applicable, if any element of the offense was committed prior to the effective date of this Ordinance, as applicable.

Section 9. That nothing in Article VII of Chapter 26 of the Code of Ordinances, Houston, Texas, as amended in this Ordinance, shall be construed to revoke or repeal any permit issued to a valet operator pursuant to division 2 of the former provisions of Article VII of Chapter 46 of the Code of Ordinances, Houston, Texas, or any valet zone authorized pursuant to former Section 45-139 of the Code of Ordinances, Houston, Texas, recodified as Article VII of Chapter 26 of the Code of Ordinances, Houston, Texas, as that Article read prior to its amendment by this Ordinance. Each such permit or valet zone shall remain valid until the expiration of its term as previously established, unless sooner revoked. However, the provisions of Article VII of Chapter 26 of the Code of Ordinances as amended herein shall be applicable to the formerly issued permits and authorized valet zones.

Section 10. That the program adopted in **Section 2** of this Ordinance shall be reviewed by the Public Parking Commission not later than 12 months after the date of passage of this Ordinance for the purpose of ascertaining the program's effectiveness. To facilitate this review, the parking official shall gather data throughout the year for the Public Parking Commission's review.

Section 11. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not

be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 12. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on November 1, 2007.

PASSED AND APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

Prepared by Legal Dept.
TBC 09/5/2007

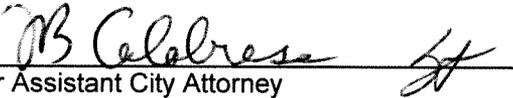

Senior Assistant City Attorney
Requested by Dawn Ullrich, Director, Convention and Entertainment Facilities Department
L.D. File No. 0470600009001

EXHIBIT A

Chapter 26 PARKING

ARTICLE VII. VALET PARKING SERVICES

DIVISION 1. GENERAL

Sec. 26-371. Definitions.

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

Attendant means a person who operates a vehicle between a pick-up and drop-off point and a parking location on behalf of a valet parking service operator.

Major event venue means a venue with seating capacity for at least 2000 patrons.

Permittee means a person who holds a valet parking service permit under this article to operate a valet parking service, and includes any employee, agent, or independent contractor of the permittee.

Pick-up and drop-off point means a designated location where an attendant takes possession of a vehicle for the purpose of parking and returns the vehicle to the possession of the driver thereof.

Principal means the valet parking service operator and also includes in the case of a proprietorship the proprietor and the proprietor's spouse, in the case of a partnership each partner, and in the case of a corporation each officer, each director and each other person who holds ten percent or more of the outstanding shares. For any other form of entity, the term shall include the equivalent persons as determined by the director.

Roadway means any portion of a street that is improved, designed or maintained for vehicular use, including but not limited to travel and parking.

Special event means an event occurring at a specific location outside the central business district not more than twelve times in a twelve-month period and for not more than three consecutive 24 hour periods per event, for which valet parking service will be provided, including events at which the pick-up and drop-off point is entirely on private property when the valet parking operator's valet parking storage location includes the roadway.

Temporary valet zone means a valet zone that operates during authorized times for not more than a fourteen-day period.

Valet parking service operator means a person whose business is or includes the provision of valet parking service through use of a pick-up and drop-off point on a roadway or through use of the roadway as a valet parking storage location.

Valet parking service means accepting, parking and returning a vehicle on behalf of the operator of the vehicle regardless of whether a fee is charged.

Valet parking service permit means a current and valid permit issued to a valet parking service operator pursuant to division 2 of this article.

Valet parking service stand means a temporary, removable structure located near the pick-up and drop-off point that is utilized by the valet parking service operator for the general conduct of the valet parking service, including the dispatch of attendants and the storage of keys, umbrellas and other items.

Valet parking storage location means the location at which a valet parking service operator parks vehicles accepted from the operator of a vehicle during the course of providing a valet parking service.

Valet zone means the area or space officially designated by the traffic engineer as a pick-up and drop-off zone within a roadway as indicated by appropriate signs or markings for the use of valet parking service providers operating under permit issued by the city.

Sec. 26-372. Prohibited activities.

(a) It is unlawful for any person to provide valet parking service without a valet parking service permit issued by the city. It shall be an affirmative defense to prosecution under this subsection that the operation of a valet parking service occurs on private property and does not use any portion of a roadway for a pick-up and drop-off point or as a valet parking storage location, save for incidental use of the roadway in driving vehicles to and from a pick-up and drop-off point on private property and a valet parking storage location not located on any portion of a roadway.

(b) It is unlawful for a permittee to operate, or cause to be operated, a valet parking service in violation of any term of a permit.

(c) It is unlawful for any permittee to fail to display a permit or a true copy thereof as required by this article. In any prosecution under this article, it shall be presumed that there is no permit if the permit or a true copy thereof is not properly displayed.

(d) It is unlawful for any permittee to park a vehicle or to cause or allow a vehicle to remain parked at any curbside parking space or any other portion of the roadway within the central business district in the course of providing valet parking service. Any person who violates any provision of this subsection shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation. Each act of parking a vehicle in violation of this subsection shall constitute and be punishable as a separate offense. A violation of this subsection is a penal offense and shall not be subject to civil adjudication pursuant to article IV of chapter 16 of this Code. Parking enforcement officers are authorized to issue written citations to persons violating this subsection.

(e) It is unlawful for any permittee to utilize any place on the roadway that is not a valet zone as a pick-up and drop-off point. It shall be an affirmative defense to prosecution under this subsection that the valet parking service is provided for a special event for which notice has been provided to the parking official pursuant to section 26-450 of this Code, or that the valet parking service operator is making reasonable accommodations for persons with disabilities who are utilizing the valet parking service.

(f) It is unlawful for any permittee to fail to identify a vehicle as required by section 26-412(10) of this Code.

Sec. 26-373. Provisions cumulative.

The provisions of this article are cumulative of all other provisions of this Code and other city ordinances, including, without limitation, building and fire codes, as well as all applicable state and federal laws and regulations. Compliance with this article does not excuse compliance with any other law, and permittees are additionally required to obtain any other permits, licenses, and authorizations required by law.

Sec. 26-374. No private rights in street.

Nothing in this article shall be construed to give any person, whether or not a permittee, any property right in or to the use of any street. All permits issued and held under this article shall be subject to the superior right of the public to the safe and orderly movement of traffic.

Secs. 26-375–26-390. Reserved.

DIVISION 2. VALET PARKING SERVICE PERMITS

Sec. 26-391. Permit applications.

(a) Any person who desires to operate a valet parking service in the city shall submit an application for a permit to the director in a form promulgated by the director for that purpose, which shall include the following:

- (1) The applicant's name, telephone number, mailing address, street address, federal employee identification number, state sales tax number, corporate charter number, and Texas driver's license number (if applicable);
- (2) The name and mailing address of each principal of the applicant, copies of the assumed-name registration if the valet parking service will be operated under an assumed name, the partnership registration, if any, and the names and addresses of all general partners if the permit holder is a partnership, and a certificate of good standing from the Texas Secretary of State for a Texas domestic corporation or certificate of authority to do business in Texas if a foreign corporation, along with the names and addresses of all officers and the registered agent;
- (3) The location of all existing and proposed valet zone locations where applicant intends to operate; provided, however, that providing information pertaining to locations where valet parking services will be provided or are intended to be provided does not constitute approval of a zone designation as required by division 4 of this article;
- (4) The indemnity and release form provisions that are specified in section 26-391(b) of this Code;
- (5) Proof of insurance required by section 26-411 of this Code;
- (6) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code; and
- (7) Any other information reasonably required by the director for the purpose of processing the application under the requirements of this article.

(b) As a part of its application, each applicant shall sign the following indemnity and release, which shall be a condition of each valet parking service permit:

"THE PERMITTEE AGREES TO AND SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY ITS AGENTS, EMPLOYEES, OFFICERS, AND LEGAL REPRESENTATIVES (COLLECTIVELY, THE "CITY") HARMLESS FOR ALL

CLAIMS, CAUSES OF ACTION, LIABILITIES, FINES, AND EXPENSES (INCLUDING, WITHOUT LIMITATION, ATTORNEYS' FEES, COURT COSTS, AND ALL OTHER DEFENSE COSTS AND INTEREST) FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO ANY PERFORMANCE UNDER THIS PERMIT, INCLUDING, WITHOUT LIMITATION, THOSE CAUSED BY:

1. THE PERMITTEE'S AND/OR ITS AGENTS', EMPLOYEES', OFFICERS', DIRECTORS', CONTRACTORS', OR SUBCONTRACTORS' (COLLECTIVELY IN LETTERED PARAGRAPHS 1--3, "PERMITTEE'S") ACTUAL OR ALLEGED NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS;
2. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED CONCURRENT NEGLIGENCE, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT; AND
3. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT.

THE PERMITTEE SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY HARMLESS DURING THE TERM OF THE PERMIT AND FOR TWO YEARS AFTER THE PERMIT EXPIRES. THE PERMITTEE'S INDEMNIFICATION IS LIMITED TO \$500,000.00 PER OCCURRENCE.

THE PERMITTEE AGREES TO AND SHALL RELEASE THE CITY FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THE PERMIT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY'S SOLE OR CONCURRENT NEGLIGENCE."

(c) The application shall be signed by an owner, officer, or partner principal of the applicant if the applicant is not an individual, or by the individual applicant for the valet parking service permit acknowledging that he has read the application, agrees to all of its terms and provisions, affirms the correctness and accuracy of the information given on the application, and affirms that he has the authority to bind the applicant to all of the terms, provisions, and requirements of the application.

Sec. 26-392. Issuance; denial; fee.

(a) An application that contains all of the information required by section 26-391 of this Code shall be a complete application. A complete application shall be approved and

the valet parking service permit shall be issued upon payment of the fee specified by subsection (c) below unless:

- (1) The information provided in the application is materially false or incorrect or the applicant has failed in any material way to comply with this article;
- (2) The applicant or an entity owned or controlled by the applicant or any of the principals of the applicant has had a valet parking service permit revoked during the preceding one year period;
- (3) The director determines that proof of insurance provided by the applicant does not meet the requirements of section 26-411 of this Code;
- (4) The parking official determines that there exist one or more unresolved parking citations, as defined in section 26-261 of this Code, for any vehicle owned by the applicant or any of its principals; or
- (5) The applicant or any of its principals is not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) In the event that an application is denied, the director shall promptly inform the applicant in writing of the reasons for the denial. The applicant, upon written request, shall be afforded an opportunity for a hearing regarding the denial before the director or a hearing officer appointed by the director. The appeal process shall be conducted in accordance with rules promulgated by the director for that purpose. If the denial is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law.

(c) The initial annual fee for a valet parking service permit shall be \$1000.00. The annual fee for renewal of a valet parking service permit shall be \$750.00. The director shall review the fees annually and may increase the fees to fully recover the city's costs, taking into account permit issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provided that no fee increase in excess of 5 percent per year shall be implemented without prior approval of the city council. No portion of the fee shall be refundable.

Sec. 26-393. Valet parking service permit conditions.

Each valet parking service permit shall specify the following terms, which shall be the conditions under which the valet parking service permittee is authorized to conduct the valet parking service:

- (1) Name of the permitted valet parking service operator;
- (2) That the permittee must comply with all applicable requirements of this article; and
- (3) Any other reasonable conditions specified by the parking official at the time of issuance of the permit.

Sec. 26-394. Term.

A valet parking service permit shall be valid for one year from its date of issuance and shall not be transferrable. A permit may be renewed by filing an application pursuant to section 26-391 of this Code at least 30 days prior to the expiration of the permit. A renewal permit application shall be reviewed and approved pursuant to section 26-392 of this Code.

Secs. 26-395--26-410. Reserved.

DIVISION 3. REQUIREMENTS FOR OPERATING A VALET PARKING SERVICE

Sec. 26-411. Insurance.

The valet parking service operator shall maintain insurance coverage continuously during the term of its permit, in each case in accordance with the terms of this section through insurance carriers that are authorized or eligible by the Texas Department of Insurance to do business in the State of Texas and, in the case of claims made coverage, for an additional two years thereafter. The insurance required by this section shall insure against the following risks in at least the following amounts:

Coverage	Limit of Liability
Commercial General Liability: Including Broad Form Coverage	Bodily Injury and Property Damage, Combined Single Limits of \$500,000.00 each Occurrence and \$500,000.00 Annual Aggregate
Automobile Liability Insurance: Endorsed to Include Garage Keepers Legal Liability Including Comprehensive and Collision Coverage for Vehicle Storage and Coverage for Vehicle Driven by or at Direction of Permittee	\$500,000.00 Combined Single Limit per Accident
OR	

Garage Liability Insurance: Endorsed to Include Garage Keepers Legal Liability Insurance Including Comprehensive and Collision Coverage for Vehicle Storage and Coverage for Vehicle Driven by or at Direction of Permittee	\$500,000.00 Combined Single Limit per Accident
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The city shall be named as an additional insured on the commercial general liability and garage liability policies. Each policy must state that it may not be canceled, materially modified, or non-renewed unless the insurance company gives the director 30 days' advance written notice. Defense costs are outside the limit of liability. Aggregate limits are per 12-month policy period unless otherwise indicated. Proof of insurance required by this section shall be on the authorized form approved for this purpose by the director. A permit shall be automatically suspended without any requirement for action by the city or notice to the permittee for any period of time that any of the insurance required by this section is not in effect. In addition, the director may cause the permit to be revoked for cause for failure to maintain insurance pursuant to section 26-418 of this Code.

Sec. 26-412. Valet parking service operations.

A valet parking service permittee shall operate the permitted valet parking service in accordance with the following requirements:

- (1) The valet parking service permittee shall maintain one valet parking service stand that meets the requirements of section 26-416 of this Code at each location where the permittee provides valet parking service;
- (2) When pick-up and drop-off of vehicles occurs in the roadway, the permittee shall operate a pick-up and drop-off point only in a designated valet zone and in accordance with division 4 of this article;
- (3) The permittee shall not park or allow the parking of vehicles in a pick-up and drop-off point;
- (4) The permittee shall not cause or allow the standing of any vehicle in a pick-up and drop-off point for more than five minutes, inclusive of loading and unloading passengers, taking possession of or returning a vehicle and all other functions relating to the acceptance or return of a vehicle, as applicable;

- (5) The permittee shall ensure that the valet parking service does not unreasonably interfere with safe traffic operations of roadways, driveways, and intersections;
- (6) Except as provided in subsection 26-416(a) of this Code or otherwise authorized by a permit issued pursuant to article XVII of chapter 40 of this Code, the permittee shall not place signs, cones, or any other object in a roadway, parking space, or sidewalk, or otherwise block or hinder movement of pedestrian or vehicular traffic;
- (7) The permittee shall not place or allow the placement of a sign identifying or advertising the valet parking service on a roadway or sidewalk unless the sign is located on the valet parking service stand;
- (8) The permittee shall provide each patron with a pre-numbered receipt indicating the valet parking fee, if any; the name, address, and telephone number of the valet parking service operator; and information on obtaining a vehicle after the hours of valet parking service operation;
- (9) The permittee shall display a true and correct copy of the valet parking service permit required by this article at each valet parking service stand;
- (10) Promptly upon receipt of each vehicle for valet parking service, the permittee shall clearly identify the vehicle by affixing a ticket hang tag to the inside rear view mirror of the vehicle that identifies the valet parking service operator;
- (11) The permittee shall provide a secure location for the storage of keys and shall not store keys with the parked vehicle;
- (12) The permittee shall comply with all applicable traffic control laws, devices and markings and shall conduct valet parking services only where and when vehicles may lawfully park and stand; and
- (13) The permittee shall not discriminate against persons wishing to utilize valet parking services on the basis of race, color, religion, sex, sexual orientation, national origin, age, or disability.

Sec. 26-413. Duty of valet parking operator.

It shall be the duty of every valet parking operator to cause each of the operator's attendants to comply with the requirements of this article and any permit issued hereunder. Further, it shall be the duty of valet parking operators that are not required to be permitted to maintain a copy of proof of insurance coverage for valet parking operations at each location where valet operations are performed and to display it upon request.

Sec. 26-414. Additional valet parking service operations requirements in central business district.

For valet parking service operations within the central business district, the valet parking service permittee shall not cause or allow the standing of vehicles in any moving lane of traffic approaching the pick-up and drop-off point.

Sec. 26-415. Attendant requirements.

It is the duty of the valet parking service permittee to ensure that no person at any time performs as an attendant unless the person meets each of the criteria of this section for an attendant. All attendants at a valet parking service location shall wear similar uniforms. Each attendant shall:

- (1) Be 18 years of age or older;
- (2) Operate vehicles in compliance with all applicable federal, state and local laws, and in a manner that assures the safety of persons and property;
- (3) Possess a valid class A, B, or C Texas driver's license with no more than two convictions for offenses that occurred within any 12-month period during the preceding three years as a result of moving traffic violations;
- (4) Wear a name tag identifying the attendant by name and the name of the valet parking company or the commercial establishment for which valet parking service is being provided; and
- (5) Perform his duties in a courteous and professional manner.

If the valet parking service permittee, or any principal of a permittee, performs as an attendant, the permittee or principal must satisfy each of these requirements. The permittee shall maintain the information necessary to demonstrate compliance with item (3) of this section. The permittee shall retain the records at its principal office in the city for a period of three years. The director shall have the right, upon request, to inspect and copy these records of the permittee to determine compliance with the requirements of the permit.

Sec. 26-416. Valet parking service stand.

(a) The valet parking service permittee shall provide one valet parking service stand at each location where the permittee provides valet parking service. The valet parking service stand may be located within the building for whose benefit the valet parking service is provided or wholly on private property. A valet parking service stand shall not be located on a roadway unless expressly allowed by a valet zone designation issued pursuant to

division 4 of this article. Any valet parking service stand located in whole or in part on a roadway, sidewalk, or any portion of the public right-of-way shall:

- (1) Occupy a portion of the roadway, sidewalk, or public right-of-way no greater than four feet by four feet or one-half the width of the sidewalk if the sidewalk is less than eight feet wide;
- (2) Not be affixed to the roadway, sidewalk, or public right-of-way in any manner;
- (3) Be easily moveable by one person;
- (4) Be removed from the roadway, sidewalk, or public right-of-way when the valet parking service is not being operated;
- (5) Have affixed a sign not larger than four feet high by four feet wide with an area no smaller than 12 inches by 18 inches indicating:
 - a. The name and the valet parking service permit number of the valet service parking operator;
 - b. If the permittee is providing valet parking service for more than one establishment, the names of all such commercial establishments;
 - c. The fee for the valet parking service, if any;
 - d. The telephone number provided by the parking official for complaints or inquiries regarding operations of the valet parking service.
- (6) Be secured and locked when left unattended; and
- (7) Display a true and correct copy of the permit.

(b) If the valet parking service stand is located within a building, the permittee shall provide a portable sign that meets the requirements of subsection (a)(5) of this section on the sidewalk or roadway at the pick-up and drop-off point.

Sec. 26-417. Parking areas.

All vehicles parked by an attendant shall be legally parked in conformance with applicable city ordinances and state law.

Sec. 26-418. Revocation.

(a) A valet parking service permit may be revoked if:

- (1) Any information supplied in the permit application was materially false or incorrect;
- (2) The permit was issued through error;
- (3) The holder of the permit has failed to comply with any applicable provision of the permit or this article;
- (4) The permittee fails to perform under the release and indemnity required by section 26-391(b) of this Code; or
- (5) The permittee or any of its principals are not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) Notice of revocation shall be provided to the valet parking service permittee by depositing the same in the United States mail, first class, certified, return receipt requested, addressed to the address of the permittee shown in the permit application. The notice shall set forth the alleged grounds for the revocation and the opportunity to request a hearing regarding the revocation. If the revocation is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws.

(c) If the permittee wishes to request a hearing, such request must be made in writing and provided to the director within twenty days of the date of the director's notice of revocation. Pending the hearing, the director may suspend the valet parking service operator's permit when the director determines that continued operation of the valet parking service constitutes a hazard to public safety and welfare, including, but not limited to, interfering with the safe operation of the streets for pedestrians and the normal flow of traffic. At the hearing, the burden of demonstrating that a permit should be revoked shall be upon the city. The permittee may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.

Sec. 26-419. Permit subject to police regulation.

All valet operations are subject to temporary suspension when a police officer determines that the continued operation of the valet service constitutes a hazard to the

public safety and welfare, including but not limited to, interfering with the safe operation of the streets for pedestrians and the normal flow of traffic.

Secs. 26-420--26-440. Reserved.

DIVISION 4. VALET ZONES

Sec. 26-441. Designation of valet zones.

(a) The owner or tenant of one or more commercial establishments located on a blockface may apply to the parking official for designation of a valet zone.

(b) In carrying out the functions assigned by this division, the parking official shall consult with and obtain the concurrence of the traffic engineer.

Sec. 26-442. Characteristics of a valet zone.

(a) A valet zone shall be located in the curbside lane of a roadway or, under certain conditions, in the portion of a roadway adjacent to a curbside that provides angled or parallel parking.

(b) A valet zone shall include not more than three parallel parking spaces, unless, under certain conditions, the traffic engineer approves the use of more spaces; provided, however, for a major event venue, a valet zone may include up to nine parallel parking spaces per blockface.

(c) A valet zone may be utilized for valet parking service only during the days and times authorized by the parking official in the valet zone designation.

Sec. 26-443. Application.

(a) Application for a valet zone designation shall be made upon a form promulgated by the director, shall be accompanied by a nonrefundable application fee of \$300.00, and shall include, at a minimum, the following:

- (1) The name, address and phone number of the applicant;
- (2) The name and location of each commercial establishment to be served by a valet parking service in the requested valet zone, and the name, address and telephone number of the owner or tenant of each commercial establishment;
- (3) The days and hours during which the valet zone will be utilized for valet parking service.

- (4) A copy of the valet parking service permit held by the valet parking operator who will provide valet parking service for the applicant;
- (5) A copy of the applicant's valet parking plan, including:
 - a. A traffic flow plan, including a map, describing the route(s) that vehicles will be driven between the proposed valet zone and the valet parking storage location;
 - b. Information about the valet parking storage location, i.e.:
 - [1] Within the central business district, a copy of the contract or agreement to allow the valet parking operator to use an off-street parking facility to store vehicles, including the name and address of the off-street parking facility; or
 - [2] Outside the central business district, a copy of the contract or agreement to allow the valet parking operator to use an off-street parking facility, if applicable, and, if any vehicles will be stored on the roadway, a description of the area the valet parking operator will use to store vehicles, including names of streets, block designations, and an indication whether both sides of the block are intended to be used; and
 - c. A description of the applicant's plan for making safe and reasonable accommodations for persons with disabilities who wish to utilize valet parking services at the proposed valet zone; and
- (6) Any other information reasonably required by the parking official to make any determination required under this division.

(b) The parking official initially shall review each application for completeness. If the parking official determines that the application is incomplete, he shall return the application with written notice of the deficiencies.

(c) If the parking official determines that the application is complete, the application shall be acted upon as further provided in this article following provision of notice of the application by furnishing of a written notice by regular mail to the owners of property within 200 feet of the valet zone designation at the name and address as indicated by the most recent appraisal district records.

The parking official may provide the notice, but require the applicant to pay the costs of providing notice. The notice shall be in a form prescribed by the parking official and shall contain the street address of the proposed valet zone designation, the name of the

commercial establishment making the application, a city office, city telephone number and city e-mail address that interested persons may call or contact by e-mail to obtain further information or to provide input regarding the impact of the proposed valet zone designation. Input received by the parking official within ten business days after the date of the notice will be considered by the parking official and the traffic engineer in reviewing the application.

Sec. 26-444. Review and designation by traffic engineer.

(a) The parking official shall immediately forward a copy of an application determined to be complete to the traffic engineer, who is hereby authorized to determine whether the location of a valet zone within the blockface and the valet operator's parking plan are feasible and consistent with sound traffic engineering and mobility practices.

(b) The traffic engineer shall determine the number of on-street parking spaces required for each valet zone, which shall not exceed the equivalent of three parallel parking spaces, or for a valet zone serving a major event venue, the equivalent of nine parallel parking spaces; provided that the traffic engineer may authorize the use of additional spaces by a hotel when he determines that traffic conditions and hotel operations warrant.

(c) The traffic engineer may authorize more than one valet zone on a blockface only upon determining that special conditions exist relating to the configuration of the blockface or to the land uses located on the blockface and that the operation of more than one valet zone will not adversely affect vehicular and pedestrian traffic.

(d) As a condition of designating or renewing designation of a valet zone, the parking official and the traffic engineer may require holders of and applicants for valet zone designations to cooperate with each other where more than one commercial establishment located on a blockface desires designation of a valet zone.

(e) The traffic engineer shall review and approve or disapprove the proposed valet zone and parking plan. If the traffic engineer disapproves the valet zone or valet parking plan, he shall return the application to the parking official with notice of the reasons for his disapproval.

(f) If the traffic engineer determines that a valet zone and the valet parking plan are feasible and consistent with sound traffic engineering and mobility practices, he shall submit his determination and designation to the parking official.

Sec. 26-445. Approval or denial.

Based upon the traffic engineer's determination, the parking official shall approve or disapprove the application for a valet zone designation and provide written notice to the applicant. If the parking official disapproves the application, he shall advise the applicant

of the reasons for the denial. The applicant, upon written request, shall be afforded an opportunity for a hearing regarding the denial before a hearing officer appointed by the director for that purpose. The determination of the hearing officer shall be final.

Sec. 26-446. Fees; term; renewal.

Each approved valet zone shall be designated for a period of one year and shall require payment to the director of an annual fee of \$300.00, plus a one-time fee to cover the city's actual cost of making and installing signage designating the valet zone. The fee shall be reviewed and approved by the director on an annual basis and adjusted to fully recover the city's costs, taking into account zone designation issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provide that no fee increase in excess of 5 percent per year shall be implemented without prior approval of city council.

A valet zone designation may be renewed by filing an application pursuant to section 26-443 of this Code at least 30 days prior to the expiration of the zone designation. A valet zone designation renewal application shall be reviewed and approved or denied pursuant to section 26-445 of this Code.

Sec. 26-447. Signage.

(a) Upon the traffic engineer's receipt of a one-time fee to cover the city's actual cost of making and installing the signage for an approved designation of a valet zone, he shall place and maintain appropriate signs indicating the same and stating the days and hours during which the valet zone is authorized to operate. The parking official is hereby authorized to install, maintain, and remove signs with the approval of the traffic engineer.

(b) For valet zones operating at commercial event venues where valet operations are provided for events when scheduled but not during regularly-fixed days and times, the traffic engineer shall place and maintain appropriate flip signage. Such flip signage shall be designed so that the signage may be manipulated to display an indication either that the valet parking service zone is in operation or that public parking is available in the zone. The signage indicating a valet zone shall be displayed not more than two hours prior to a scheduled event and while the zone is in operation for a scheduled event. At all other times the signage shall indicate that the public may park in the zone, subject to any other parking restrictions applicable to such zone.

Sec. 26-448. Transfer; notice and approval of changes.

(a) Any transfer of a zone designation to another owner or tenant of one or more commercial establishments shall be subject to an application to be filed in the same manner as under section 26-443 of this Code along with a transfer application review fee of \$75.00. Such transfer shall only be authorized to the extent that the applicant is qualified

under this division. The director may authorize the parking official to utilize modified application forms and procedures when the location and parking plan will remain unchanged. The parking official may authorize the applicant to operate in the valet zone on a temporary basis pending his determination if, based upon an initial review of the application, it appears that the applicant will be qualified. If the application is denied, the applicant must cease to utilize the designated valet zone, which shall terminate on the thirtieth day following notice of denial and any appeal therefrom, unless the applicant comes into compliance with this article.

(b) The holder of a valet zone designation shall notify the parking official not less than 10 days prior to any proposed change in times/days of operation of the valet zone, any change of valet parking service operator, or any changes in the parking plan in a designated valet zone. After receipt of such notification and a fee of \$10.00, the parking official, in consultation with the traffic engineer, will review and approve or disapprove the proposed changes and notify the holder of his decision. The parking official shall provide signage to reflect approved changes in times/days of operation.

Sec. 26-449. Temporary valet zones.

(a) An application for a temporary valet zone designation shall be submitted to the parking official not later than seven business days prior to the desired effective date of the zone designation. Upon receipt of an application for a temporary valet zone designation the owner or tenant of one or more commercial establishments located on a blockface containing the information required in section 26-443 of this Code and a fee of \$100.00, the parking official, in consultation with the traffic engineer, may establish a temporary valet zone upon a determination:

- (1) By the parking official that the valet parking service will be provided by a valet parking operator permitted to operate in accordance with division 3 of this article; and
- (2) By the traffic engineer that the temporary valet zone designation is feasible and consistent with sound traffic engineering and mobility practices and the parking of vehicles pursuant to the valet parking plan will not create a public safety hazard.

(b) The temporary valet zone designation shall allow the operation of valet parking service during specified hours and days for up to a fourteen-day period. Upon approval of the temporary valet zone designation, the parking official shall provide a temporary valet zone designation certificate, which shall indicate the authorized days and hours of operation, and appropriate nonpermanent signage to the applicant, who shall be responsible for placing the signage in the locations determined by the traffic engineer.

(c) The owner or tenant of one or more commercial establishments may receive designation of a temporary valet zone up to six times in a twelve-month period, provided that for a major event venue, the owner or tenant may receive designation of a temporary valet zone up to twenty times in a twelve-month period.

Sec. 26-450. Special events.

A valet parking operator shall notify the parking official not later than 48 hours before a special event that it will provide valet parking services for the special event and provide the following information:

- (1) The name, address and telephone number of the valet parking operator;
- (2) The address of the establishment or residence to be served;
- (3) The days and times of operation;
- (4) The locations, including street names and block designations, where the valet parking operator will store vehicles, and a description of the portions of the roadway, if any, to be utilized for pick-up and drop-off of vehicles.

Sec. 26-451. Suspension of valet zone designation.

(a) Each valet zone is subject to temporary or permanent suspension by the director upon the traffic engineer's determination that the continued operation of the valet zone will interfere with the safe and efficient flow of vehicular and pedestrian traffic, without refund of any portion of the annual fee.

(b) A temporary suspension shall specify the number of days that the valet zone operation is suspended. The holder of a valet zone designation, upon written request made within ten days of receipt of the notice of the suspension, shall be afforded an opportunity for a hearing before a hearing officer appointed by the director regarding the permanent suspension of a valet zone or the temporary suspension of a valet zone of more than seven days. The hearing officer's determination shall be final.

Sec. 26-452. Revocation of valet zone designation.

(a) A valet zone designation may be revoked without refund of any portion of the annual and signage fees if the director determines that:

- (1) A violation of any condition of the valet zone designation exists;

- (2) The holder of a valet zone designation has failed to regularly provide or maintain valet parking service during any day or time period designated on the signs posted in the valet zone;
- (3) The holder of a valet zone designation or the valet parking service permittee has allowed or provided valet parking service on days or times other than those authorized in the valet zone designation;
- (4) The holder of a valet zone designation has failed to renew the designation in accordance with section 26-446 of this Code;
- (5) The valet parking service permittee has failed to operate in accordance with the parking plan for the associated valet zone designation; or
- (6) The valet parking service permittee has failed to operate in accordance with the requirements for operating a valet parking service as set forth in division 3 of this article.

(b) Notice of a revocation shall be provided to the holder of a valet zone designation by depositing the same in the United States mail, first class, certified, return receipt requested, addressed to the address of the holder shown in the valet zone application. The notice shall set forth the alleged grounds for the revocation and the opportunity to request a hearing regarding the revocation.

(c) If the holder of the valet zone designation wishes to request a hearing, such request must be made in writing and provided to the director within 20 days of the date of the director's notice of revocation. Pending the hearing, the director may suspend the valet zone designation pursuant to section 26-451(a). At the hearing, the burden of demonstrating that a valet zone designation should be revoked shall be upon the city. The holder of the valet zone designation may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and shall set forth the grounds therefor. The hearing officer's determination shall be final.

Secs. 26-453--26-470. Reserved.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

An ordinance relating to certain Airport System Subordinate Lien Obligations; approving additional broker-dealer agreements with respect to the Airport System Subordinate Lien Revenue Bonds, Series 2002D-1 and Series 2002D-2; making certain covenants and agreements in connection therewith; and declaring an emergency.	Category #	Page 1 of 1	Agenda Item # 14
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FROM (Department or other point of origin): Department of Finance and Administration and Office of the City Controller	Origination Date: September 4, 2007	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: 	Council District Affected: All
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For additional information contact: Mike Shannon 713-221-0201 Jim Moncur 713-247-2950	Date and identification of prior authorizing Council action: Ordinance No. 2002-656
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RECOMMENDATION: (Summary)
An ordinance relating to certain Airport System Subordinate Lien Obligations; approving additional broker-dealer agreements with respect to the Airport System Subordinate Lien Revenue Bonds, Series 2002D-1 and Series 2002D-2; making certain covenants and agreements in connection therewith; and declaring an emergency.

Amount of Funding: N/A	F&A Budget:
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Source of Funding: <input type="checkbox"/> Other (Specify)	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
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Specific Explanation
In an ongoing effort to reduce interest expenses and issuances fees, the Houston Airport System issued long-term variable rate debt in the form of auction rate securities (ARS) in August of 2002. Issued as two series, 2002D-1 for \$75 million and 2002D-2 for \$75 million (Series 2002D), respectively, the Auction Rate Securities are currently remarketed every 7 days by only one broker-dealer. After evaluating the current broker-dealer's performance on the Series 2002D, the Finance Working Group (FWG) is recommending the establishment of an auction rate team of multiple broker-dealers for these series. This increased competition among the dealers will likely result in lower overall interest rates. The mechanics of the auction rate team program would involve the use of the "Jump Ball" format; a method that involves the City selecting multiple firms (in this case three) to submit bids in a auction and awarding the bonds to the firms with the lowest interest rates. To ensure optimal performance, industry standards indicate that a maximum of 3 firms be chosen to bid.

The City sent a Request for Qualification (RFQ) for broker-dealers for Airport System Subordinate Lien Revenue Series 2002D. The City received proposals from 13 investment-banking firms to provide broker-dealer and underwriting services. In addition to short-term marketing capabilities, team members must have the underwriting capacity to convert any outstanding ARS from auction rate to fixed rate mode.

Recommendation
After reviewing the responses to the RFQ, the consensus of the Finance Working Group was to add JPMorgan as a result of its historic performance on various other City variable rate debt instruments and its strong qualifications. The FWG is also recommending the addition of Citigroup because of its strong qualifications, including the depth of its experience in the variable rate market.

Approval is recommended.

F&A Director:	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1500 block of Harold Avenue, north and south sides, between Mandell and Mulberry Streets as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # <i>16</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 06/13/2007	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: <i>Ms Marlene L. Gafrick</i>	Council District affected: D
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For additional information contact: Mina Gerall Phone: 713.837.7858	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 1500 block of Harold Avenue, north and south sides, between Mandell and Mulberry Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	F & A Budget:
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SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of Tracts 8B and 9A-1, Block 6, of the Mandell Place Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 52% of the area. Notification was mailed to the 22 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,350sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area

- xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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Special Minimum Lot Size Area No. 242

Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1500 block of Harold Avenue, north and south sides.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 52% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 5,350 sq ft exists on seventeen (17) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1922. The houses originate from the 1920's. The establishment of a 5,350sf minimum lot size will preserve the lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Seventeen (17) out of twenty two (22) lots (representing 86% of the application area) are at least 5,350 square feet in size.</p>		

The Special Minimum Lot Size Area meets the criteria.

Marlene L. Gafrick *6/29/07*

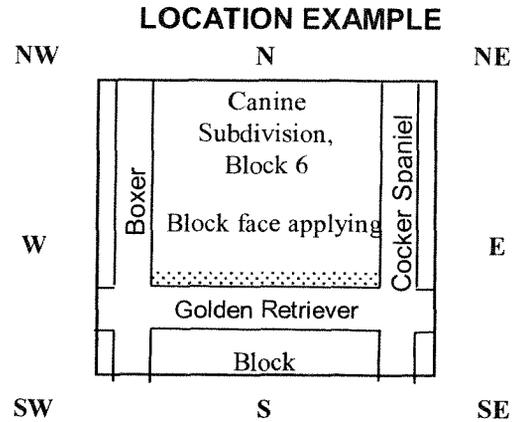
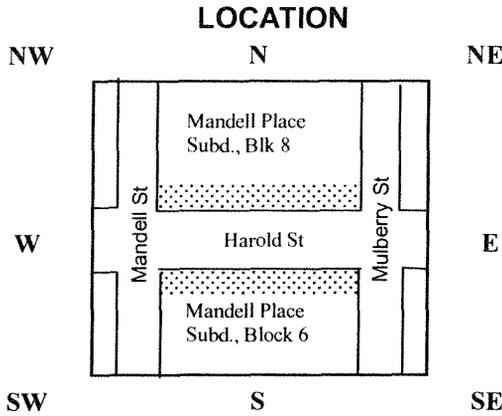
 Marlene L. Gafrick, Director Date

SPECIAL MINIMUM LOT SIZE APPLICATION

COMPLETED

4-26

To expedite this application, please complete entire application form.



1. BOUNDARY:

Block #s 6, 8
 Lts 1-7, Trs 8A, 8B, 9A, 9A-1, 9B, 9B-1, 10B, 10C of Blk 6,
 Lts 11-20 of Blk 8

Lot #'s _____

Subdivision Name Mandell Place

Street Name & Side (s) South and North sides of Harold St

Lot (s) Address 1500 Block Harold St

Odd/Even Addresses Odd & Even Addresses

BOUNDARY EXAMPLE:

Block 6 _____

Lots 1-5 _____

Canine Subdivision _____

North side of Golden Retriever Ln. _____

800 Block Golden Retriever Ln. _____

Odd Addresses _____

2. CONTACTS:

Applicant	<u>John E. Kenna</u>	Phone #	<u>713.523.1776</u>
Address	<u>1507A Harold St</u>	E-mail	<u>jed1939@hal-pc.net</u>
City	<u>Houston</u>	State	<u>TX</u>
		Zip	<u>77006</u>
Other	_____	Phone #	_____
Address	_____	E-mail	_____
City	_____	State	_____
		Zip	_____

3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # _____

Census Tract 4108

Lambert # 5385

City Council District D

Key Map # 4907

Super Neighborhood

TIRZ _____

PETITION

April 11, 2007

I, John E. Kenna, owner of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically, **Block 6, Tracts 8B & 9A-1 of Mandell Place**, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes for **Block 6, Lots 1-7, Tracts 8A, 8B, 9A, 9A-1, 9B, 9B-1, 10B, 10C & Block 8, Lots 11-20 of Mandell Place** through the application of and creation of a Special Minimum Lot Size Requirement Area.



John E. Kenna
Petitioner

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1500 block of Kipling Street, north and south sides, between Mandell and Mulberry Streets as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # 17
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 06/28/2007	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: D
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For additional information contact: Mina Gerall Phone: 713.837.7858	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 1500 block of Kipling Street, north and south sides, between Mandell and Mulberry Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	F & A Budget:
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SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Lot 12, Block 6, of the Mandell Place Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 70% of the area. Notification was mailed to the twenty (20) property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,250 sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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Special Minimum Lot Size Area No. 241

Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1500 block of Kipling Street, north and south sides.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>89% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 70% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 6,250 sq ft exists on nineteen (19) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1922. The houses originate from the 1920's. The establishment of a 6,250 sq ft minimum lot size will preserve the lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Nineteen (19) out of twenty (20) lots (representing 96% of the application area) are at least 6,250 square feet in size.</p>		

The Special Minimum Lot Size Area meets the criteria.

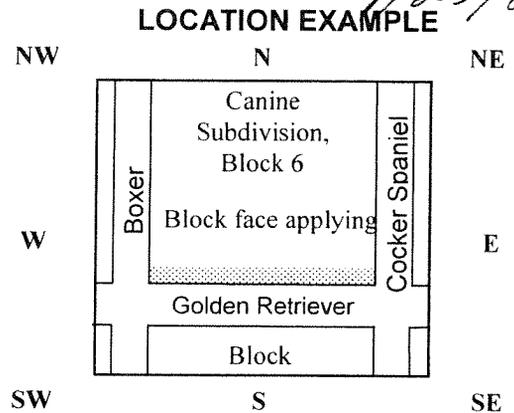
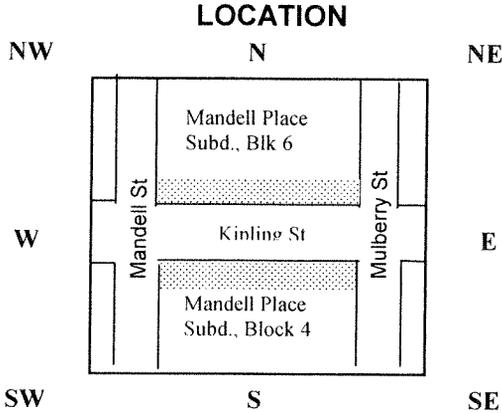

6/25/07
 Marlene L. Gafrick, Director Date

SPECIAL MINIMUM LOT SIZE APPLICATION

COMPLETED

4/23/07

To expedite this application, please complete entire application form.



1. BOUNDARY:

Block #s 4, 6
 Lot #'s Lts 1-9, Tr 10B of Blk 4, Lts 11-20 of Blk 6
 Subdivision Name Mandell Place
 Street Name & Side (s) South and North sides of Kipling St
 Lot (s) Address 1500 Block Kipling St
 Odd/Even Addresses Odd & Even Addresses

BOUNDARY EXAMPLE:

Block 6
 Lots 1-5
 Canine Subdivision
 North side of Golden Retriever Ln.
 800 Block Golden Retriever Ln.
 Odd Addresses

2. CONTACTS:

Applicant Dorothy Tyler Phone # _____ Fax _____
 Address 1504 Kipling E-mail d-tyler@sbcglobal.net # 713.529.0979
 City Houston State TX Zip 77006
 Other _____ Phone # _____
 Address _____ E-mail _____ Fax # _____
 City _____ State _____ Zip _____

3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # 241 Census Tract 4108
 Lambert # 5356 City Council District D
 Key Map # 492 V
 Super Neighborhood 24

TIRZ _____

PETITION

April 11, 2007

I, Dorothy Tyler, owner of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically, **Block 4, Lots 1-9, Tract 10B & Block 6, Lots 11-20 of Mandell Place**, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes for **Block 4, Lots 1-9, Tract 10B & Block 6, Lots 11-20 of Mandell Place** through the application of and creation of a Special Minimum Lot Size Requirement Area.


Dorothy Tyler
Petitioner

EVIDENCE OF SUPPORT

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1600 block of Marshall Avenue, north and south sides, between Mandell and Dunlavy Streets as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # <i>18</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 6/28/2007	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: <i>MS</i> <i>Marlene L. Gafrick</i>	Council District affected: D
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For additional information contact: Mina Gerall Phone: 713.837.7858	Date and identification of prior authorizing Council action: N/A
---	---

RECOMMENDATION: (Summary) Approval of an ordinance designating the 1600 block of Marshall Avenue, North and South sides, between Mandell and Dunlavy Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	F & A Budget:
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SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Lot 3, Block 1, of the Mandell Place Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 59% of the area. Notification was mailed to the 29 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,250sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area

- xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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Special Minimum Lot Size Area No. 243

Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1600 block of Marshall Avenue, north and south sides.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>79% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 59% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 6,250 sq ft exists on twenty nine(29) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1922. The houses originate from the 1920's. The establishment of a 6,250sf minimum lot size will preserve the lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Twenty nine (29) out of twenty nine (29) lots (representing 100% of the application area) are at least 6,250 square feet in size.</p>		

The Special Minimum Lot Size Area meets the criteria.

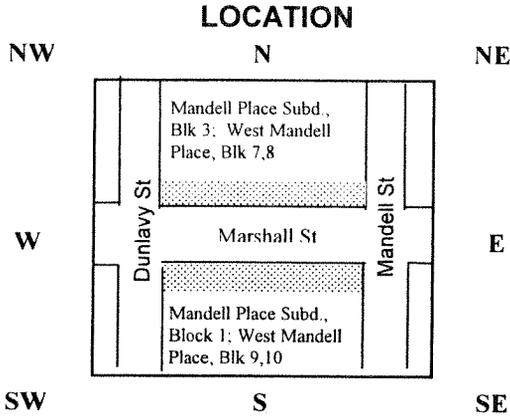


 Marlene L. Gafrick, Director Date

SPECIAL MINIMUM LOT SIZE APPLICATION

To expedite this application, please complete entire application form.

COMPLETED 4-26-07



1. BOUNDARY:

Block #s: Mandell Place 1,3; West Mandell Place 7,8,9,10
Lot #'s: Lts 1-10 of Blk 1; Lts 11-20 of Blk 3; Lts 1,2,4 & Tr 3,3A of Blk 7; Lts 2,3 of Blk 8; Lts 5-8 of Blk 9; Lts 1,4 of Blk 10
Subdivision Name: Mandell Place & West Mandell Place & Saras Place
Street Name & Side (s): South and North sides of Marshall St
Lot (s) Address: 1600 Block Marshall St
Odd/Even Addresses: Odd & Even Addresses

2. CONTACTS:

Applicant: William Bartlett, Phone #: 713.523.5031
Address: 1631 Marshall St., E-mail: bart1631@msn.com, Fax #:
City: Houston, State: TX, Zip: 77006
Other:
Address:
City: State: Zip:

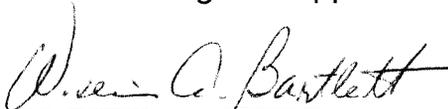
3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File #:
Lambert #: 5356
Key Map #: 492 v
Super Neighborhood: 24
Census Tract: 4108
City Council District: D
TIRZ:

PETITION

April 11, 2007

I, William A. Bartlett, owner of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically, **Block 1, Lot 3 of Mandell Place**, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, I request to preserve the character of the existing lot sizes for **Block 1, Lots 1-10 and Block 3, Lots 11-20 of Mandell Place; Block 7, Lots 1,2,4 & Tract 3,3A and Block 8, Lots 2,3 and Block 9, Lots 5-8 and Block 10, Lots 1,4 of West Mandell Place** through the application of and creation of a Special Minimum Lot Size Requirement Area.

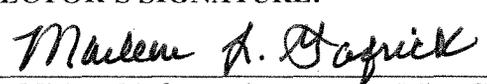


William A. Bartlett
William A. Bartlett
Petitioner

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

SUBJECT: Ordinance designating the 1100 block of Milford Street, north side, between Yoakum Street and the Bayard Street Right of Way as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # 19
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 06/08/2007	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: 	Council District affected: C
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For additional information contact: Mina Gerall Phone: 713.837.7858	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 1100 block of Milford Street, north side, between Yoakum Street and the Bayard Street Right of Way as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	F & A Budget:
--------------------------------------	--------------------------

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Tracts 6, 7A & 8B, Block 29, of the Turner N P Addition initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 67% of the area. Notification was mailed to the 3 property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the protest on April 26, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 9,960 sf.

MLG:jh

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest Letter

xc: Marty Stein, Agenda Director
 Anna Russell, City Secretary
 Arturo G. Michel, City Attorney
 Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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**Special Minimum Lot Size Requirement Area No. 212
Planning Commission Approval**

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PLS area includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 1100 block of Milford Street, north side.
X		<i>At least 60% of the proposed SMLSA, exclusive of land used for a park, library, place of religious assembly, or school, is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i> 100% of the proposed application area is developed with not more than two SF residential units per property.
X		<i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 67% of the SMLSA.
X		<i>Establishment of the MLS area will further the goal of preserving the lot size character of the area; and,</i> A (9,960 sf) lot size character exists.
X		<i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a minimum lot size.</i> All lots in the SMLSA are equal to or greater than 9,960 sf.

The Special Minimum Lot Size Requirement Area meets the criteria.

Carol Abel Lewis 4/25/07
 Carol Lewis, Chair Date
 or

 Mark A. Kilkenny, Date
 Vice-Chair

From:

Sent: Friday, November 17, 2006 2:19 PM

To: Jason.Holoubek@CityofHouston.net

Subject: 1102 Milford - variance request

JASON,

Thanks for your call this afternoon. As we discussed, I now **own** 1102 Milford. Since the beginning of my pursuit of this property, my intent has been and still is to renovate the existing property for my own office. Therefore, I have no interest in tearing it down or subdividing the lot. Nevertheless, I am firmly **against** any variance request that would limit that possibility. That restriction would, no doubt, limit the value of the property. The variance request was initiated specifically out of fear of what might happen to 1102. I would like to see it defeated.

Sincerely,

John W. Gabriel
114 Marrakech Court
Bellaire, Texas 77401

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

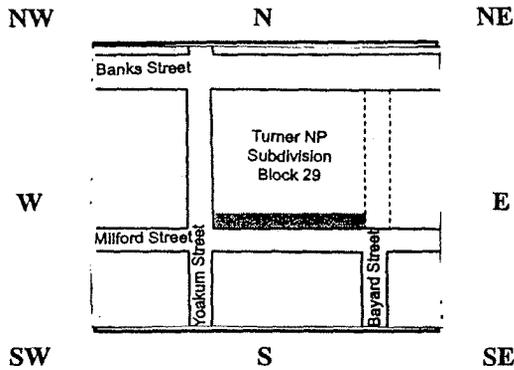
PLANNING & DEVELOPMENT DEPARTMENT

PREVAILING LOT SIZE APPLICATION

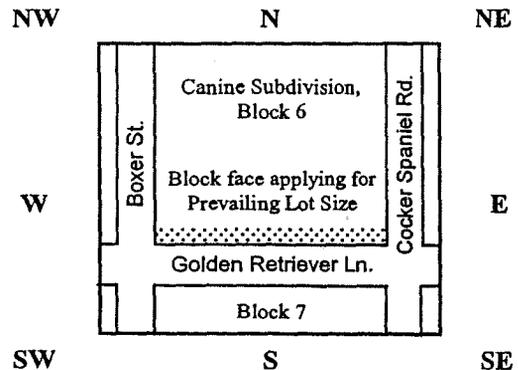
To expedite this application, please complete entire application form.

Staff will complete shaded items.

LOCATION



LOCATION EXAMPLE



1. BOUNDARY:

Block no.: 29
 Lot nos.: see attached
 Subdivision name: Turner NP
 Street name & side: see map
 Lot(s) Address: see map
 Odd/Even Addresses: see map

BOUNDARY EXAMPLE:

Block 6
 Lots 1-5
 Canine Subdivision
 North side of Golden Retriever Ln.
 800 Address Block Golden Retriever Ln.
 Odd Addresses

2. PROJECT INFO.:

File no.: [shaded]
 Lambert: [shaded]
 Key Map: 5356C
 SN: [shaded]
 TIRZ: [shaded]
 Census Tract: [shaded]
 Zip Code: 77006
 School Dist.: HISD
 City Council Dist.: C
 Co. Comm. Prct.: 1

3. CONTACTS:

Applicant: Thomas B. Walker
 Address: 1112 Milford Phone: 713-639-7376 Fax: 713-639-7399
 City: Houston State: Texas Zip: 77006
 Other: _____
 Address: _____ Phone: _____ Fax: _____
 City: _____ State: _____ Zip: _____

4. SUBMITTAL REQUIREMENTS

PVL BL

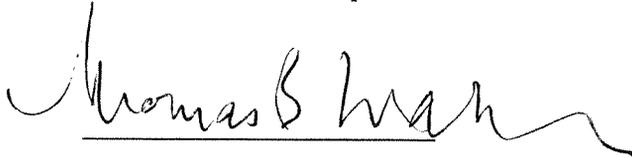
- | | |
|--|--------------------------|
| Completed application form | <input type="checkbox"/> |
| Map or sketch showing the address and land use of all lots within boundary | <input type="checkbox"/> |
| Data showing the actual size of each lot | <input type="checkbox"/> |
| Signed petition | <input type="checkbox"/> |
| Evidence of support from the property owners within the boundary | <input type="checkbox"/> |

May 15, 2006

I, Thomas B. Walker, owner of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Lots 7, 7A, & 8B of Block 29, of Turner NP Subdivision, do hereby submit this petition as prescribed by Code of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing lot sizes for:

Block 29: Lot TRS 6, 7A, & 8B
 Lot TRS 3, 4, 5, 6A, 7, 8A, & 12
 Lot TRS 3B, 4A, & 5A

In Turner NP Subdivision through the application of and creation of a special minimum lot size requirement area.

A handwritten signature in black ink that reads "Thomas B. Walker". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Petitioner – Thomas B. Walker

EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for:

- Block 29: Lot TRS 6, 7A and 8B 1112 Milford
- Lot TRS 3, 4, 5, 6A, 7, 8A, and 12 1110 Milford
- Lot TRS 3B, 4A, and 5A 1102 Milford

In Turner NP Addition through the application of and creation of a special lot size:

By signing this evidence of support, I hereby represent (1) that I am the owner or the owner's authorized agent of the property with respect to which I have affixed my signature, and (2) that I support the petition of Barry Walker to create a special minimum lot size requirement area for the Lots listed above for Blocks 29 of Turner NP Addition.

Print name: THOMAS BARRY WALKER

Thomas B. Walker
Signature

1112 MILFORD
Address

713-526-6739
Telephone

Print name: Blake Winston

Blake Winston
Signature

1110 milford
Address

(713) 514-0111
Telephone

Print name:

Signature

Address

Telephone

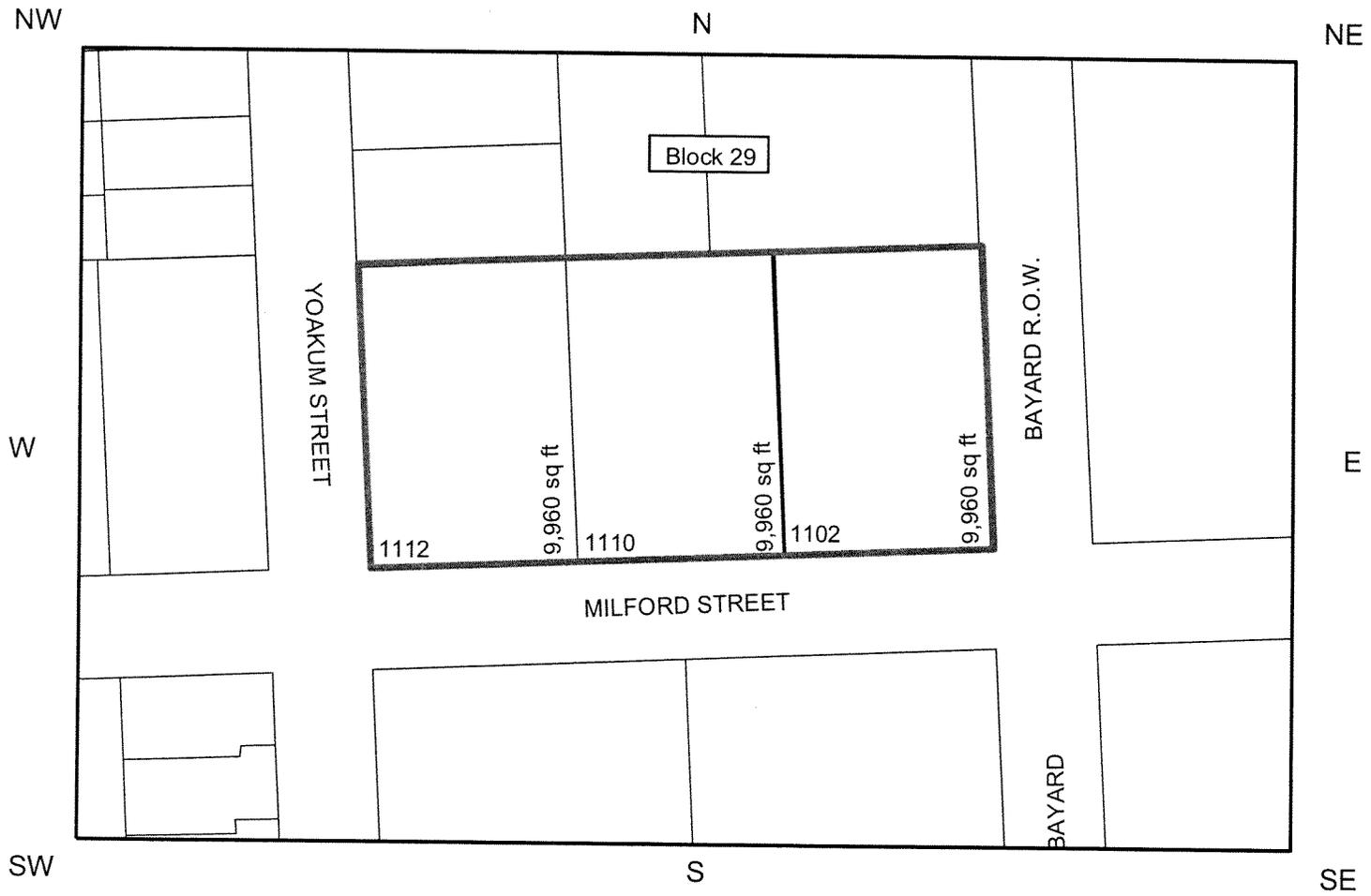
Print name:

Signature

Address

Telephone

TURNER N P ADDITION



9,960sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 212

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 900 block of W. 15 th 1/2 Street, north and south sides, between Dian Street and Dead End as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # <i>20</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 07/03/2007	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: H
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For additional information contact: Mina Gerall Phone:713.837.7858	Date and identification of prior authorizing Council action: N/A
--	---

RECOMMENDATION: (Summary) Approval of an ordinance designating the 900 block of W. 15th 1/2 Street, north and south sides, between Dian Street and Dead End as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	F & A Budget:
--------------------------------------	--------------------------

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Tracts 3A and 4, Block 2, of the Shady Acres Annex Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 59% of the area. Notification was mailed to the eighteen (18) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Two (2) written protests were filed. The Houston Planning Commission considered the protest on June 21, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 7,366 sf.

MLG:jh

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest Letters

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

F & A Director:	Other Authorization:	Other Authorization:
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Crinejo, Marta - MYR

From: Holoubek, Jason - PD
Sent: Thursday, July 19, 2007 2:04 PM
To: Crinejo, Marta - MYR
Subject: Protest letters for minimum lot size application 228 (west 15 1/2)

12/04/2006 16:20

7136815672

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PAGE 01

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Attention: JASON HOLOUBEK Date: 11/04/06
CITY OF HOUSTON
 Company: PLANNING & DEV. DEPT From: FLOYD LUSK
 Phone: (713) 837-7869 Company: _____
 Fax: (713) 837-7703 Phone: (713) 864-2263 686-8048

Comments:
 I currently do not favor the Minimum Lot
 Size Requirement Application 900 Block of
 West 15 1/2 Street north and south sides, between
 Dean Street and dead end.

FLOYD E. LUSK
 930 West 15 1/2 Street
 HOUSTON, TX 77008
 TRS 1 + 2 BLK 2
 SHADY ACRES ANNEX

Send Local \$1.00 Send Long Distance \$1.50 Send Int'l 1st Page \$4.99 Send Int'l Add'l Pages \$2.99



Holoubek, Jason - PD

From: [REDACTED]
Sent: Wednesday, December 06, 2006 10:28 AM
To: jason.holoubek@cityofhouston.net
Cc: [REDACTED]
Subject: Protest to keep lot size

As per our conversation, my brother, Fred Caton and I, Colleen Symmank would like to protest the application to keep the lot size the same for the neighborhood in the 900 block of 15 1/2 St. We are the owners of 933 West 15 1/2 St., TR 14A BLK1, Shady Acres Annex.

Thank You for You Attention to this Matter.

12/19/2006

Jason Holoubek, Senior Planner

**Special Minimum Lot Size Area No. 228
Planning Commission Approval**

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 900 block of W. 15th 1/2 Street, north and south sides.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 59% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 7,366 sq ft exists on eighteen (18) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1947. The houses originate from the 1950's. The establishment of a 7,366 sq ft minimum lot size will preserve the lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Eighteen (18) out of eighteen (18) lots (representing 100% of the application area) are at least 7,366 square feet in size.</p>		

The Special Minimum Lot Size Area meets the criteria.

Carol Anne Lewis 6/28/07
 Carol Lewis, Chair Date
 or

 Mark A. Kilkenny, Date
 Vice-Chair

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

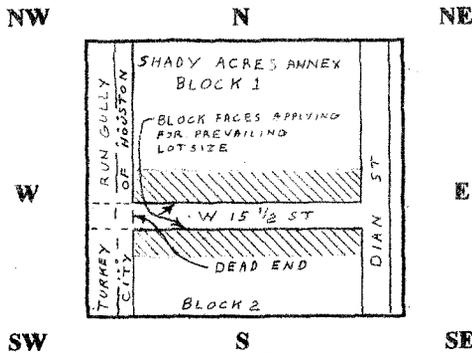
PREVAILING LOT SIZE APPLICATION

COMPLETED
10/5/2006

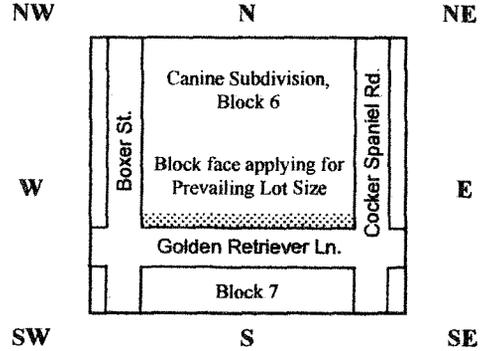
To expedite this application, please complete entire application form.

Staff will complete shaded items.

LOCATION



LOCATION EXAMPLE



1. BOUNDARY:

Block no.: 1 & 2

Lot nos.: Blk 1, Tracts 8-14A; Blk 2, Tracts 1A-7A

Subdivision name: Shady Acres Annex

Street name & side: N & S sides of W 15 1/2 ST

Lot(s) Address: 900 Address Block W 15 1/2 ST

Odd/Even Addresses: Odd & Even Addresses

BOUNDARY EXAMPLE:

Block 6

Lots 1-5

Canine Subdivision

North side of Golden Retriever Ln.

800 Address Block Golden Retriever Ln.

Odd Addresses

2. PROJECT INFO.:

File no.:

Lambert:

Key Map:

S Neigh:

TIRZ:

Census Tract:

Zip Code: 77008

School Dist.: H15D

City Council Dist.: H

Co. Comm. Prct.: 4

3. CONTACTS:

Applicant: John Olden johnd@ix.netcom.com
 Address: 922 W 15 1/2 ST Phone: 713-864-0305 Fax: _____
 City: Houston State: TX Zip: 77008

Other: _____
 Address: _____ Phone: _____ Fax: _____
 City: _____ State: _____ Zip: _____

4. SUBMITTAL REQUIREMENTS

PVLS

- Completed application form
- Map or sketch showing the address and land use of all lots within boundary
- Data showing the actual size of each lot
- Signed petition
- Evidence of support from the property owners within the boundary

PREVAILING LOT SIZE

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

PETITION

October 4, 2006

I, John M. Olden, owner of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Block 2, Tracts 3A and 4, of Shady Acres Annex, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing blockface(s) for Block 1, Tracts 8, 8A & 9, 9A & 10, 10A & 11, 11A, 11B & 12, 12A & 13, 13A & 14, and 14A, and Block 2, Tracts 1A, 1& 2, 2A & 3, 3A & 4, 4A, 4B & 5, 5A & 6, 6A & 7, and 7A in Shady Acres Annex through the application of and creation of a special minimum lot size requirement area.

John M. Olden
Printed Name of Petitioner

John M. Olden
Signature of Petitioner

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Block 1, ^{Tracts} Lots 8, 8A & 9, 9A & 10, 10A & 11, 11A, 11B & 12, 12A & 13, 13A & 14, and 14A, and Block 2, ^{Tracts} Lots 1A, 1 & 2, 2A & 3, 3A & 4, 4A, 4B & 5, 5A & 6, 6A & 7, and 7A in Shady Acres Annex through the application of and creation of a special lot size.

By signing this evidence of support, I hereby represent: (1) that I am the owner or the owner's authorized agent of the property with respect to which I have affixed my signature, and (2) I support the petition of John M. Olden to create a special minimum lot size requirement area for Block 1, ^{Tracts} Lots 8, 8A & 9, 9A & 10, 10A & 11, 11A, 11B & 12, 12A & 13, 13A & 14, and 14A, and Block 2, ^{Tracts} Lots 1A, 1 & 2, 2A & 3, 3A & 4, 4A, 4B & 5, 5A & 6, 6A & 7, and 7A in Shady Acres Annex.

Miguel Ortega Librado ^{Tracts} *929 W 15 1/2*
MIGUEL ORTEGA LIBRADO 713-862-4817
Signature and Printed name Address Telephone

Jesus Garcia
Jesus Garcia *926 W 15th #1/2 st* 713 802-10-87
Signature and Printed name Address Telephone

Kenneth Coleman
Kenneth Coleman *925 W 15th 1/2 st* 713 868 5919
Signature and Printed name Address Telephone

Floyd Leek
Floyd Leek *930 W 15th 1/2 st* 713 686-8048
Signature and Printed name Address Telephone

Anne S. Olden *922 W 15 1/2* 713-864-0205
Anne S. Olden Address Telephone

John M. Olden *922 W 15 1/2 st* 713-864-0205
John M. Olden Address Telephone

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Block 1, ^{Tracts} Lots 8, 8A & 9, 9A & 10, 10A & 11, 11A, 11B & 12, 12A & 13, 13A & 14, and 14A, and Block 2, ^{Tracts} Lots 1A, 1 & 2, 2A & 3, 3A & 4, 4A, 4B & 5, 5A & 6, 6A & 7, and 7A in Shady Acres Annex through the application of and creation of a special lot size.

By signing this evidence of support, I hereby represent: (1) that I am the owner or the owner's authorized agent of the property with respect to which I have affixed my signature, and (2) I support the petition of John M. Olden to create a special minimum lot size requirement area for Block 1, ^{Tracts} Lots 8, 8A & 9, 9A & 10, 10A & 11, 11A, 11B & 12, 12A & 13, 13A & 14, and 14A, and Block 2, ^{Tracts} Lots 1A, 1 & 2, 2A & 3, 3A & 4, 4A, 4B & 5, 5A & 6, 6A & 7, and 7A in Shady Acres Annex.

Patricia D Wunderlich Patricia D Wunderlich 914 W 15th 1/2 St 713-864-
Signature and Printed name Address Houston TX 77008 8037
Telephone

Larry R Wunderlich Larry R Wunderlich 914 W 15th 1/2 St 713-864-
Signature and Printed name Address Houston, TX 77008 8037
Telephone

Roy H. Wunderlich Roy H. Wunderlich 914 W 15th 1/2 St 713-864-
Signature and Printed name Address Houston, TX 77008 8037
Telephone

John C. Roberts John C. Roberts 921 W. 15 1/2 St. Houston TX 713-869-6011
Signature and Printed name Address Telephone

Rafael Almazan Rafael Almazan 918 W. 15TH 1/2 ST 713-863-0261
Signature and Printed name Address Houston, TX 77008 Telephone

Tammy Jones Tammy Jones 901 W 15TH 1/2 ST 713-525-7618
Signature and Printed name Address Houston, TX 77008 Telephone

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Block 1, ^{Tracts} Lots 8, 8A & 9, 9A & 10, 10A & 11, 11A, 11B & 12, 12A & 13, 13A & 14, and 14A, and Block 2, ^{Tracts} Lots 1A, 1 & 2, 2A & 3, 3A & 4, 4A, 4B & 5, 5A & 6, 6A & 7, and 7A in Shady Acres Annex through the application of and creation of a special lot size.

By signing this evidence of support, I hereby represent: (1) that I am the owner or the owner's authorized agent of the property with respect to which I have affixed my signature, and (2) I support the petition of John M. Olden to create a special minimum lot size requirement area for Block 1, ^{Tracts} Lots 8, 8A & 9, 9A & 10, 10A & 11, 11A, 11B & 12, 12A & 13, 13A & 14, and 14A, and Block 2, ^{Tracts} Lots 1A, 1 & 2, 2A & 3, 3A & 4, 4A, 4B & 5, 5A & 6, 6A & 7, and 7A in Shady Acres Annex.

Benita M. Gonzalez
Benita M. Gonzalez 906 W. 15¹/₂ ST 713 869-1625
Signature and Printed name Address Telephone

Marc D. Isenberg
Marc D. Isenberg 910 W. 15¹/₂ ST 713 880-2390
Signature and Printed name Address Telephone

DELFINA G. RUIZ
Delfina Ruiz 902 W 15¹/₂ ST. 713 864 9181
Signature and Printed name Address Telephone

Wilson, Keith - PD

From: Holoubek, Jason - PD
Sent: Monday, July 02, 2007 10:30 AM
To: Wilson, Keith - PD
Subject: FW: FW: Intent to support Mr. Olden's petition for a minimum lot size

From: babak kalbasi [mailto:babakkg@gmail.com]
Sent: Tuesday, June 12, 2007 11:39 AM
To: Holoubek, Jason - PD
Subject: Re: FW: Intent to support Mr. Olden's petition for a minimum lot size

Dear Jason,
this is to confirm receiving your email. I am also confirming that I am the new owner of 909 W. 15th 1/2 Street. I am also aware of Mr. Olden's Petition and will be more than glad to participate in the petition and attend the meeting. Please keep me posted.

thanks,
Babak Kalbasi
BKG Enterprises.

On 6/5/07, **Holoubek, Jason - PD** <Jason.Holoubek@cityofhouston.net> wrote:

Mr. Babak,

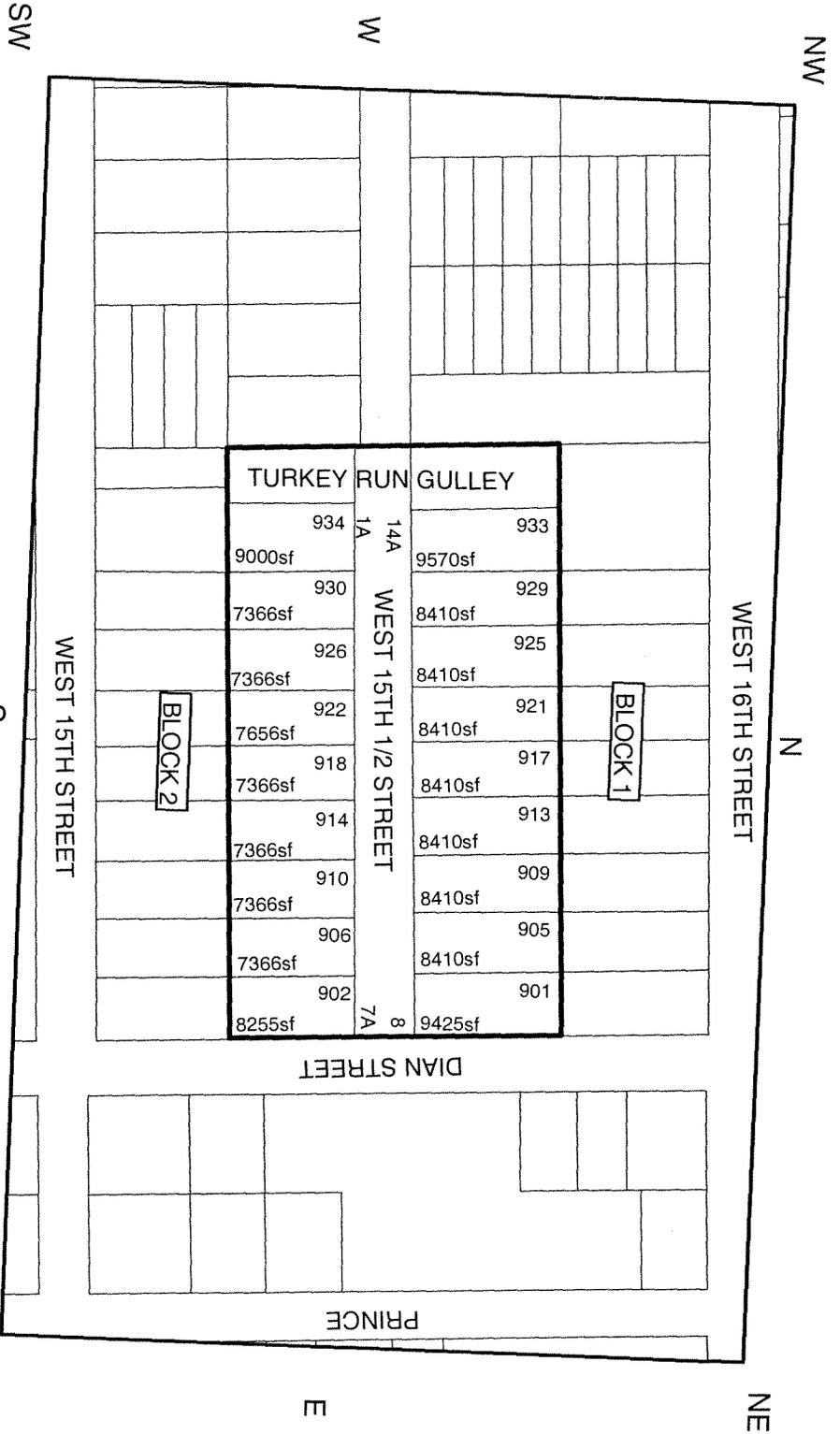
Per our phone conversation, this e-mail is to verify that you now are the owner of 909 West 15 1/2 Street, and that you wish to support Mr. Olden's support for the establishment of a 7,366 square foot minimum lot size for the 900 block of West 15 1/2 Street. If you would like to support Mr. Olden's application for a special minimum lot size, could you please reply to this e-mail and state that you are in favor of the petition? Thank you very much for your time and consideration.

Jason Holoubek, Senior Planner
Planning Services Division
Planning & Development Department
P.O. Box 1562
Houston, TX 77251-1562

Phone 713.837.7869
Fax 713.837.7923
jason.holoubek@cityofhouston.net

www.houstonplanning.com

SHADY ACRES ANNEX



7,366sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 228

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

SUBJECT: Ordinance designating the 1700 block of West Main Street, north and south sides, between Dunlavy and Woodhead Streets as a Special Minimum Lot Size Area	Category #	Page 1 of _____	Agenda Item # 21
--	-------------------	------------------------	-------------------------

FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 7/27/2007	Agenda Date SEP 19 2007
---	--------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: D
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For additional information contact: Mina Gerall Phone: 713.837.7858	Date and identification of prior authorizing Council action: N/A
---	---

RECOMMENDATION: (Summary) Approval of an ordinance designating the 1700 block of West Main Street, north and south sides, between Dunlavy and Woodhead Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	F & A Budget:
--------------------------------------	--------------------------

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 7 and Lot 9, Block 8, of the Lancaster Place Extn Sec 2 and Lancaster Place Extn Sec 3 Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 52% of the area. Notification was mailed to the 29 property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Four written protests were filed. The Houston Planning Commission considered the protests on July 5, 2007 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,250 sf.

MLG:mg:amm

Attachments: Planning Commission's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area, Protest Letters

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION		
F & A Director:	Other Authorization:	Other Authorization:

Special Minimum Lot Size Requirement Area No. 247

Planning Commission Approval

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1700 block of West Main Street, north and south sides.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>77% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 52% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 6,250 sq ft exists on twenty-five (25) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1923. The houses originate from the 1920's. The establishment of a 6,250 sf minimum lot size will preserve the single-family lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p style="text-align: center;">Twenty-five (25) out of thirty-one (31) lots (representing 91% of the application area) are at least 6,250 square feet in size.</p>		

The Special Minimum Lot Size Requirement Area meets the criteria.


7/09/07
 Carol Lewis, Chair Date
 or

 Mark A. Kilkenny, Date
 Vice-Chair

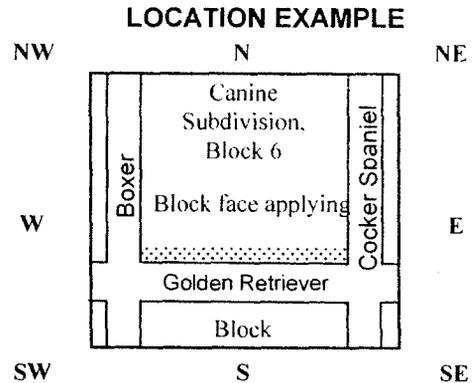
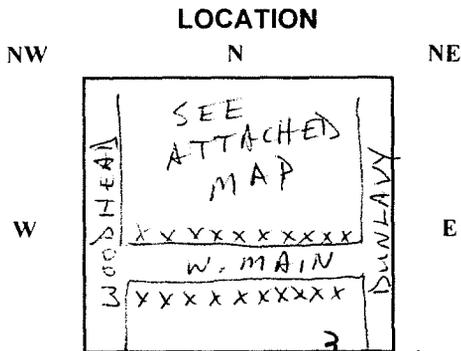
CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

SPECIAL MINIMUM LOT SIZE APPLICATION

To expedite this application, please complete entire application form.



1. BOUNDARY:

Block # 8, 7 SECT 2 SECT 3 AMEND SE SECT 3

Lot #'s 1-9 7-12 1B, 1C 2-6 LOTS

Subdivision Name LANCASTER PLACE, EXT 3

Street Name & Side NORTH & SOUTH SIDES
(s) OF WEST MAIN

Lot (s) Address 1700 BLOCK, W. MAIN

Odd/Even Addresses ODD + EVEN

BOUNDARY EXAMPLE:

Block 6

Lots 1-5

Subdivision Canine Subdivision

Street Name & Side SECTION 2 & 3, LANCASTER PLACE EXT 3
(s) NORTH SIDE OF GOLDEN RETRIEVER LN. AMENDMENT

Lot (s) Address 800 Block Golden Retriever Ln.

Odd/Even Addresses ODD ADDRESSES

2. CONTACTS:

Applicant GLADYS BEL Phone # 713-524-3221

Address 1736 W. MAIN E-mail gladysbel@earthlink.net Fax # _____

City HOUSTON TX 77098 State TX Zip 77098

Other James Wheeler Phone # 713-527-0431

Address 1701 W. Main E-mail WDC@my.com Fax # _____

City HOUSTON State TX Zip 77098

3. PROJECT INFORMATION (STAFF USE ONLY-DO NOT FILL IN):

File # MLS 247

Lambert # 5356

Key Map # 492V

Super Neighborhood 24

TIRZ _____

Census Tract 4108

City Council District D

PETITION

April 24, 2007

We, Gladys Bel and Jim Wheeler, owners of property within the proposed boundaries of the Special Minimum Lot Size Requirement Area, specifically,
Block 8, Lots 1-9 of Lancaster Place Extension, Section 2 AND *BLOCK 7, LOTS 1-9 / SECT. 2*
Block 8, Lots 7-12 of Lancaster Place Extension, Section 3 AND *BLOCK 7, LOTS 2-6 / SECT. 3*
Lots 1B and 1C of Lancaster Place Extension 3 Amendment

do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sections 42-194. With this petition and other required information, we request to preserve the character of the existing lot sizes for

Block 8, Lots 1-9 of Lancaster Place Extension, Section 2 AND *BLOCK 7, LOTS 1-9 / SECT. 2*
Block 8, Lots 7-12 of Lancaster Place Extension, Section 3 AND *BLOCK 7, LOTS 2-6 / SECT. 3*
Lots 1B and 1C of Lancaster Place Extension 3 Amendment

Through the application of and creation of a Special Minimum Lot Size Requirement Area.

Gladys Bel
signature of petitioner

James Wheeler
signature of petitioner

GLADYS BEL
printed name of petitioner

James Wheeler
printed name of petitioner

PETITIONER

PETITIONER

SPECIAL MINIMUM LOT SIZE DEED RESTRICTION STATEMENT

I have personal knowledge of the facts set forth in this deed restriction statement, each of which is true and correct.

Initial (1), (2), or (3) as applicable:

- 1. All properties in the proposed Special Minimum Lot Size Area do not have deed restrictions.
- 2. ✓ All of the properties have deed restrictions; however, the deed restrictions do not address minimum lot size (attach copy of Deed Restrictions).
- 3. Some, but not all, of the properties have deed restrictions (attach copy of Deed Restrictions).

Gladys Bel
Applicant's Signature

4/24/07
Date

GLADYS BEL
Applicant's Printed Name

1736 W. MAIN
Address

James Wheeler
OTHER APPLICANT'S SIGNATURE

4-24-2007
DATE

James Wheeler
OTHER APPLICANT'S PRINTED NAME

1701 W. MAIN, HOUSTON TX,
ADDRESS 77098

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Blocks 1700 BLOCK OF W. MAIN Lot(s) xx NORTH & SOUTH FACES in Lancaster Place, Section 2, 3; subdivision through the application of and creation of a special lot size. EXT LANCASTER PLACE EXT 3

SECT 2: BLOCK 8/LOTS 1-9 SECT 3: BLOCK 8/LOTS 7-12 AMENDMENT
A special minimum lot size is determined by the most frequently occurring lot size within a special minimum lot size area. The application data identifies lot sizes range from 2034 to 9345 sq. feet. The special minimum lot size shall be determined by the City Council by adopting an ordinance. LOTS 1B, 1C

By signing this evidence of support, I hereby represent:

(1) that I am the owner or the owner's authorized agent of the property with respect to which I have affixed my signature, and (2) I support the petition of GLADYS BEL

to create a special minimum lot size requirement area for Blocks 8/LOTS 1-9/SECT 2, LOTS BLOCK 8/LOTS 7-12/SECT 3 in Lancaster Place, Section 2, 3; subdivision.

- EXT LANCASTER PLACE EXT 3 AMENDMENT
LOTS 1B & 1C
- | | | |
|-------------------------|------------------------|---------------------|
| 1) <u>GLADYS BEL</u> | <u>1736 W. MAIN</u> | <u>713-524-3221</u> |
| Printed Name | Address | Telephone |
| <u>Gladys Bel</u> | | <u>4/1/07</u> |
| Signature | | Date |
| 2) <u>JOHN MCGARY</u> | <u>1736 W. MAIN</u> | <u>713-524-3221</u> |
| Printed Name | Address | Telephone |
| <u>John McGary</u> | | <u>4/1/07</u> |
| Signature | | Date |
| 3) <u>MICHELE ADAMS</u> | <u>1720 W. MAIN ST</u> | <u>713 408 1679</u> |
| Printed Name | Address | Telephone |
| <u>Michele Adams</u> | | <u>4/1/07</u> |
| Signature | | Date |
| 4) <u>STEVE ADAMS</u> | <u>1720 W. MAIN ST</u> | <u>713 408.1679</u> |
| Printed Name | Address | Telephone |
| <u>Steve Adams</u> | | <u>4-1-07</u> |
| Signature | | Date |

Signature _____ Date _____
5) ROSEMARY JONES 1702 WEST MAIN ST. 713-521-4668
Printed Name Address Telephone

Rosemary Jones _____ 4-1-2007
Signature Date

6) Sean Lawless 1746 West Main 713-526-4476
Printed Name Address Telephone

Sean Lawless _____ 4-1-07
Signature Date

7) Andrea Lawless 1746 West Main 713-526-4476
Printed Name Address Telephone

Andrea Lawless _____ 4-1-07
Signature Date

8) Orlando Jose Ortega Perez 1706 West Main St. 713-9421005
Printed Name Address Telephone

Orlando Jose Ortega Perez _____ 4-1-07
Signature Date

called Feb 27 3:10P
9) FRANK AQUINO 1740 WEST MAIN ST 713 270-8513
Printed Name Address Telephone

Frank Aquino _____ 4-2-07
Signature Date

10) ALAN WHITE 172 1/2 W. MAIN 713-522-1394
Printed Name Address Telephone

Alan White _____ 4/3/07
Signature Date

11) JEFF GRANT 1744 W. MAIN 713-522-3691
Printed Name Address Telephone

Jeff Grant _____ 4/21/07
Signature Date

12) _____
Printed Name Address Telephone

Signature Date

CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Blocks 1700 BLOCK OF W. MAIN Lot(s) xx NORTH & SOUTH FACES in Lancaster Place, Section 2, 3; subdivision through the application of and creation of a special lot size. EXT LANCASTER PLACE EXT 3

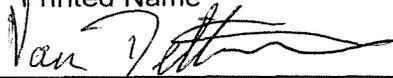
SECT 2: BLOCK 8/LOTS 1-9 SECT 3: BLOCK 8/LOTS 7-12 AMENDMENT -- LOTS
BLOCK 7/LOTS 1-9 BLOCK 7/LOTS 2-6 18, 1C
A special minimum lot size is determined by the most frequently occurring lot size within a special minimum lot size area. The application data identifies lot sizes range from 2034 to 9345 sq feet. The special minimum lot size shall be determined by the City Council by adopting an ordinance.

By signing this evidence of support, I hereby represent:

(1) that I am the owner or the owner's authorized agent of the property with respect to which I have affixed my signature, and (2) I support the petition of GLADYS BEL

to create a special minimum lot size requirement area for Blocks 8/LOTS 1-9/SECT 2,
lots BLOCK 8/LOTS 7-12/SECT 3 in Lancaster Place, Section 2, 3 subdivision.

and LANCASTER PLACE EXT 3 AMEND.
LOTS 18, 1C

- | | | | |
|----|---|------------------------|---------------------|
| 1) | <u>VAN PITTMER</u> | <u>1759 W MAIN</u> | <u>281.851.4881</u> |
| | Printed Name | Address | Telephone |
| |  | | <u>4/1/07</u> |
| | Signature | | Date |
| 2) | <u>Margaret Blackwell</u> | <u>1737 W. Main</u> | <u>713-523-8763</u> |
| | Printed Name | Address | Telephone |
| | <u>Margaret Blackwell</u> | | <u>4-1-07</u> |
| | Signature | | Date |
| 3) | <u>Faith Stank & Jim Wheeler</u> | <u>1701 W. Main St</u> | <u>7135270431</u> |
| | Printed Name | Address | Telephone |
| |  | | <u>4/1/07</u> |
| | Signature | | Date |
| 4) | <u>Dulie PALACIOS MARTINEZ</u> | <u>1723 W. MAIN</u> | <u>713-520 0804</u> |
| | Printed Name | Address | Telephone |
| | <u>Dulie Palacios</u> | | <u>4-1-07</u> |
| | Signature | | |

Signature _____ Date _____
5) SHIRLEY J. COLLETTE 1719 W. Main -77098
Printed Name Address Telephone
Shirley J Collette 4-1-2007
Signature Date

6) JOHN SMART 1745 W MAIN ST. 713-817-8822
Printed Name Address Telephone
John A Smart 4/15/07
Signature Date

7) GERALD MOORHEAD 1755 W. MAIN 713-529-0905
Printed Name Address Telephone
Gerald Moorhead 20 Apr 07
Signature Date

8) Khaterreh Rowshan 1751 W. Main 281-788-3251
Printed Name Address Telephone
Khaterreh Rowshan 4-21-07
Signature Date

9) _____
Printed Name Address Telephone
Signature Date

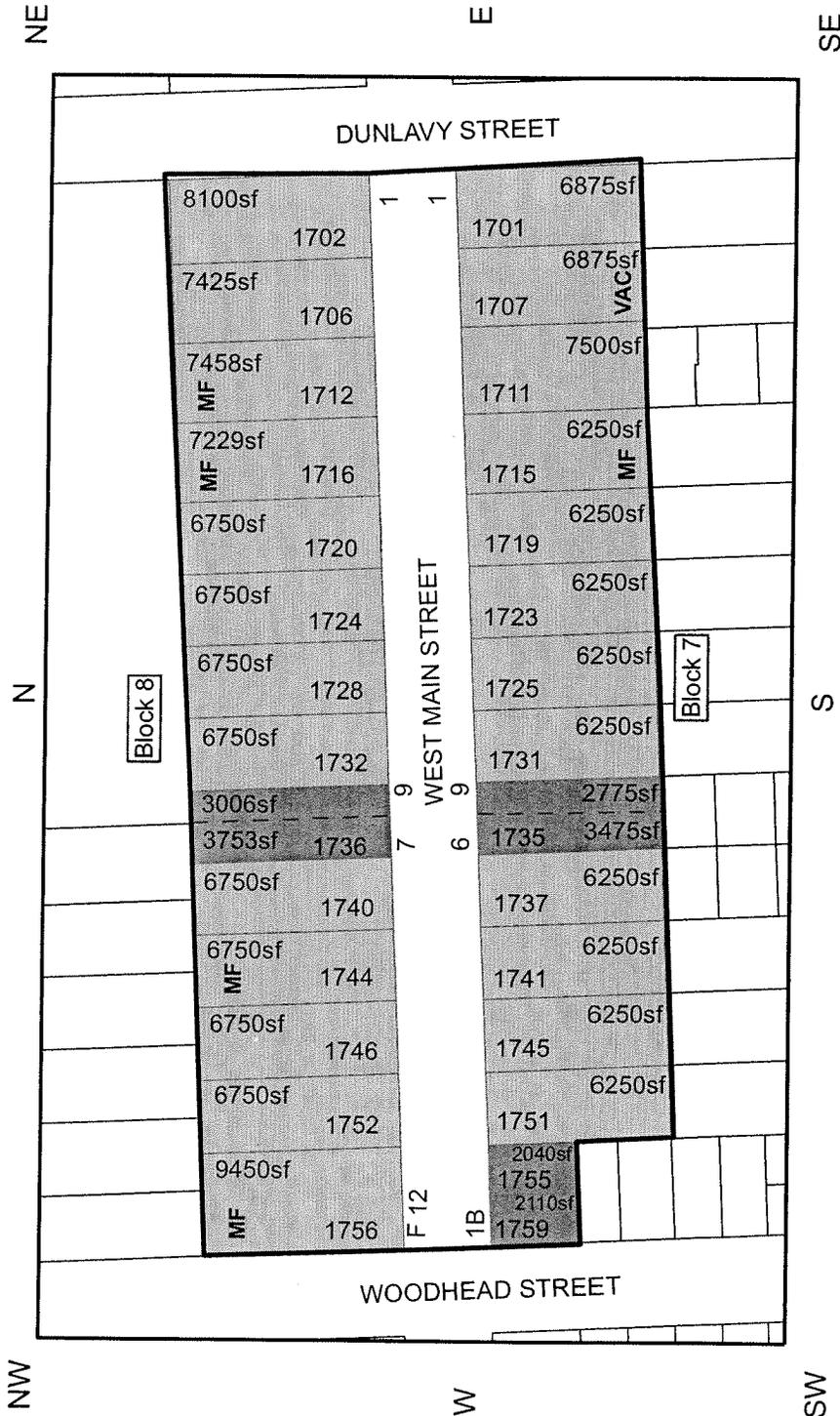
10) _____
Printed Name Address Telephone
Signature Date

11) _____
Printed Name Address Telephone
Signature Date

12) _____
Printed Name Address Telephone
Signature Date

called
3/2/07
@ 3:05P

LANCASTER PLACE EXTN SEC. 2
 LANCASTER PLACE EXTN SEC. 3
 LANCASTER PLACE EXTN SEC. 3 AMEND
 WEST LANCASTER PLACE



6,250sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 247

- Properties that meet the 6,250sf Special Minimum Lot Size
- Properties less than the 6,250sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

Athina Skandalis
1741 West Main
Houston, TX 77098
Ph: 713.269.1256

June 2, 2007

Subject: Protest Special Minimum Lot Size Application
1700 bock of W. Main Street, North and South sides,
Between Dunlavy and Woodhead Streets

Attn: Houston Planning and Development Department

This letter is being created to protest the special minimum lot size application. As a representative of the property owner at 1741 West Main we believe this restriction is not in the best interest of the property owners in the Lancaster Place subdivision.

Additionally, the application for the minimum lot size was restricted to one block within the Lancaster Place subdivision. We feel that if an application for such a restriction is to be made that it is unfair to single out one block within the subdivision.

In addition to the concerns over separate ordinances being created for individual blocks, we feel that with the overabundance of existing apartments and single structures with multiple dwelling that such an ordinance would prevent these bad elements of the Lancaster Place subdivision from ever being eliminated.

Please feel free to contact us at anytime to schedule the hearing:

Respectfully,

Alex Skandalis
713.291.5817

Constantinos Parlas
713.269.1256

COH doc

Date: June 1, 2007

Marlene L. Gafrick, Director
Planning and Development Department
P.O.Box 1562
Houston, Texas 77251-1562
611 Walker, 6th Floor
Houston, Texas 77002

Attention: Annette Mitchell

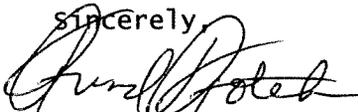
Subject: Special Minimum Lot Size Area Application
1700 block of W. Main, north and south sides,
between Dunlavy and Woodhead Streets
1658 West Main Street
1707 West Main Street
1711 West Main Street
1716 West Main Street
1724 West Main Street
1732 West Main Street
1752 West Main Street
1756 West Main Street

This is in response to your letter dated May 8, 2007 (copy attached) concerning your receipt of an application for the creation of a Special Minimum Lot Size area under Section 42-194 of the Code of Ordinances.

Please note that I am officially protesting said application and request that you schedule a hearing before the Houston Planning Commission as soon as possible.

If you have any questions, please call me.

Sincerely,



Fuad Foteh

3115 Stoney Brook
Missouri City 77459
Tel: 281-437-2108

Mitchell, Annette - PD

From: [REDACTED]
Sent: Thursday, June 07, 2007 4:23 PM
To: annette.mitchell@cityofhouston.net
Subject: 1725 W. Main St. - Special Minimum Lot Size Area

Dear Ms. Mitchell

Thank you very much for our phone conversation just now. As you requested, I am sending you this email as my formal written notice that I protest the application that will affect my property.

I spoke with my neighbor Mr. Ben Nass. He owns the homes located at 1731, 1733 and 1735 W. Main. He told me that he came to your office this morning and submitted his protest to this application.

If you need any additional information from me or Mr. Ben Nass, please do not hesitate to contact either of us. My cell number is 281-687-8429 and Mr. Ben Nass's number is 832-651-1046.

Thank you very much for your help in this matter.

Sincerely,

Ray Walker
1725 W. Main St.
Houston, Texas 77098
cell #281-687-8429
[REDACTED]

DEAR CITY OF HOUSTON
PLANNING AND DEVELOPMENT.

06.07.07

I AM SALEH BEN NASS OWNER OF
1733 AND 1735 W. MAIN HOUSTON TX 77098

I AM AGAINST A SPECIAL MINIMUM
LOT SIZE AREA UNDER SECTION 42-194
OF THE CODE OF ORDINANCES.

YOURS SINCERELY

Saleh Ben Nass

Tel. 713 521-0389

DEAR CITY OF HOUSTON PLANNING AND
DEVELOPMENT.

06.07.07

I AM SALEH BEN NASS OWNER OF

1731 W. MAIN HOUSTON TX 77098

I AM AGAINST A SPECIAL MINIMUM LOT SIZE
AREA UNDER SECTION 42-194 OF THE
CODE OF ORDINANCES.

YOURS SINCERELY

Saleh. Ben Nass

TEL. 713 521-0389

SUBJECT: Ordinance amending Ordinance No. 2007-0539, which established the boundaries of single member districts from which District Council members are elected.		Category #	Page 1 of 1	Agenda Item # 22
FROM (Department or other point of origin): Planning and Development Department		Origination Date Sept. 10, 2007	Agenda Date SEP 19 2007	
DIRECTOR'S SIGNATURE: MB <i>Margaret Wallace</i>		Council District affected: All		
For additional information contact: Margaret Wallace Phone: 713-837-7827		Date and identification of prior authorizing Council action: 2007-0539 5/2/07		
RECOMMENDATION: (Summary) That the City Council approve an ordinance re-establishing boundaries of the single member districts from which District Council members are elected.				
Amount of Funding: N/A		F & A Budget: N/A		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: On May 2, 2007, City Council passed Ordinance No. 2007-0539 establishing the boundaries of the single member districts from which District Council members are elected, based upon the federal census (the "2007 Redistricting"). Since that time, Harris County has made changes to the boundaries and/or numbering of several voting precincts within the city limits of the City. This action is to re-establish the boundaries of the single member districts from which District Council members are elected, based upon up-to-date voting precincts in the exact configuration they were for the November 2005 election. This action is necessary in order to rectify a situation created prior to the May 2007 At-Large election when Harris County inadvertently shifted the boundary of two voting precincts. The proposed ordinance will re-establish the City's single-member districts in the exact configuration they were prior to the May 2007 Ordinance. All population and territory will be as it was for the November 2005 single member district elections. Copy: Marty Stein, Agenda Director Arturo G. Michel, Legal Anna Russell, City Secretary K:\REDIST07\RDC3417				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:		Other Authorization:

MB
MS

SUBJECT: Ordinance approval for an Interlocal Agreement with the Houston-Harris County Immunization Registry for immunization reminder-recall activities for children within the City of Houston	Category # 9	Page 1 of 1	Agenda Item # 23
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FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	Origination Date 08/15/07	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: 	Council District affected: ALL
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For additional information contact: Kathy Barton Telephone: 713-794-9998 or 713-826-5801	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 Adopt ordinance approving Interlocal Agreement with the Houston-Harris County Immunization Registry for immunization reminder-recall activities for children within the City of Houston.

Amount of Funding: \$62,680.00 Federal State Local – Pass Through Fund (5030)	F&A Budget:
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SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)

SPECIFIC EXPLANATION:

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing an Interlocal Agreement with the Houston-Harris County Immunization Registry (HHCIR) for immunization reminder-recall activities for children within the City of Houston. The term of the agreement is from date of countersignature and will continue for one-year term from date of execution.

In 1995, the Texas Department of Health awarded Texas Children's Hospital and Baylor College of Medicine \$421,000 to work in collaboration with HDHHS and Harris County Public Health and Environmental Services to develop a countywide immunization registry for Houston and Harris County.

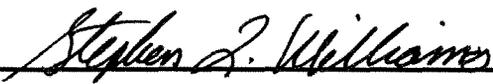
Through this contract, the City will : a) identify children residing in HDHHS' jurisdiction who are due for specific vaccines and implement reminder-recall activities; b) identify children who are one month late on specific vaccines and perform autodialer and letter-based recall functions to target parents/guardians of these children ; c) track non-responding telephone numbers and letters ; d) review National Immunization Survey, Imctrac and HHCIR to monitor immunization rates and determine trends and patterns in immunization compliance.

HHCIR is a confidential, computerized information system that collects immunization history for children living in the Houston-Harris County greater area.

cc: Finance & Administration
 Legal Department
 Agenda Director

REQUIRED AUTHORIZATION

F&A Director	Other Authorization:	Other Authorization:
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SUBJECT: An ordinance approving and authorizing Amendment No. 2 to a contract with the Houston Galveston Area Council (No. 235-07)		Category # 9	Page 1 of 1	Agenda Item # 24
FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services		Origination Date 08/27/07	Agenda Date SEP 19 2007	
DIRECTOR'S SIGNATURE: 		Council District affected: ALL		
For additional information contact: Kathy Barton Telephone: 713-794-9998 ; 713-826-5801		Date and identification of prior authorizing Council action: 10-04-06 ; 06-0999		
RECOMMENDATION: (Summary)				
Approval of an ordinance authorizing Amendment No. 2 of a contract with the Houston Galveston Area Council to extend the performance period to June 30 th 2008; add additional funds in the amount of \$499,940.00 and add additional services and the use of a health mobile unit.				
Amount of Funding: \$499,940.00 Federal State Local – Pass Through Fund (5030)			F&A Budget:	
SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)				
SPECIFIC EXPLANATION:				
The Houston Department of Health and Human Services (HDHHS) requests City Council approval to authorize amendment No. 2 of a contract from the Houston Galveston Area Council (HGAC) to: a) extend the performance period to June 30 th 2008; b) add additional funds in the amount of \$499,940.00 and c) add additional services plus the usage of a health mobile unit.				
HDHHS is requesting City Council authorize the Director of HDHHS to: 1) accept and expend approved funding as soon as awarded; 2) accept supplemental awards offered by the HGAC during the amended grant period.				
On October 4, 2006 City Council approved submission of an application for a grant to the Houston Galveston Area Council under Ordinance No. 06-0999 for an estimated project cost of \$1,507,429.00.				
Funding received will:				
<ol style="list-style-type: none"> 1. Provide case management, physical and mental health counseling, employment services and housing placement. 2. Create three on site Workforce Readiness Centers at selected apartment properties, one senior property and a Mobile Health Unit for physical health connections, employment readiness, retention and mental health services. 				
cc: Finance & Administration Legal Department Agenda Director				
REQUIRED AUTHORIZATION				
F&A Director	Other Authorization:		Other Authorization:	

SUBJECT: Ordinance amending ordinance No. 04-0185 to increase the maximum contract amount and authorize the first amendment to contract No. FC55742 with Neighborhood Centers, Inc.	Category # 9	Page 1 of 1	Agenda Item # 25
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FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	Origination Date 09/12/07	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: 	Council District affected: All
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For additional information contact: Kathy Barton Telephone: 713-794-9998 or 713-826-5801	Date and identification of prior authorizing Council action: 03-10-04; 04-0185
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RECOMMENDATION: (Summary)

Approval of an ordinance amending ordinance No. 04-0185 to increase the maximum contract amount and authorizing a first amendment to extend the term of services to a contract between the City of Houston and Neighborhood Centers, Inc. for elderly services.

Amount of Funding: Maximum contract amount: \$6,963,131.25 Total Contract Increase: \$ 1,392,626.25 Fund 5030 Federal State Local – Pass Through Fund	F&A Budget:
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SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)

SPECIFIC EXPLANATION:

The Houston Department of Health and Human Services (HDHHS) requests City Council to approve an ordinance amending ordinance No. 04-0185 to increase the maximum contract amount from \$5,570,505.00 to \$6,963,131.25 to a contract with Neighborhood Centers, Inc. for elderly services and authorizing the first amendment to extend the term of services from September 30, 2007 to September 30, 2008.

The City of Houston, as designated by the Texas Department of Aging and Disability Services, has full authority and responsibility for funds authorized under the Title III of the Older Americans Act of 1965, as amended. These funds are disbursed by the U.S. Department of Health and Human Services through the Texas Department of Aging and Disability Services and administered by the Department's Harris County Area Agency on Aging.

The contractor was selected through a request for proposal process. The contract was awarded March 10, 2004, under Ordinance No. 04-0185, effective on March 18, 2004 through September 30, 2004 with three one-year renewal periods in the original contract amount of \$5,570,505.00.

The first amendment will increase the Director's ability to add funds through the supplemental allocation process should additional funds be received and provide more respite care service to older adults during the extended term.

cc: Finance & Administration
Legal Department
Agenda Director

REQUIRED AUTHORIZATION NDT

F&A Director	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: 2007-2008 Mayor's After-School Achievement Program

Category #

Page 1 of 2

Agenda Item

26

FROM (Department or other point of origin):

Houston Parks and Recreation Department

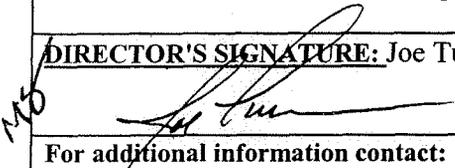
Origination Date:

September 6, 2007

Agenda Date

SEP 19 2007

DIRECTOR'S SIGNATURE: Joe Turner, Director

MS


Council District(s) affected:

A, E

For additional information contact: Doug Earle, 713-845-8075
Twonda Thompson, 713-845-1146
Dan Pederson, 713-845-1248

Date and Identification of prior authorizing Council Action: 2007-0977

RECOMMENDATION: (Summary):

Approval of contracts for the implementation of after-school programming through the Mayor's 2007-2008 After-School Achievement Program with **Clear Creek ISD and Spring Branch ISD.**

Amount of Funding: \$115,000.00 General Fund (1000)

F&A Budget:

SPECIFIC EXPLANATION:

HPARD recommends the approval of 2 contracts for the operation of 3 after-school sites for the 2007-2008 Mayor's After-School Achievement Program (ASAP). This will be the eleventh consecutive program year for ASAP.

- Schools receiving funding through the U.S. Department of Education's 21st Century Community Learning Centers (CLC) Program (which provide schools with more than \$100,000 annually for enrichment programming) are not eligible to apply. Schools with limited carryover funds (less than \$50,000) from a prior year of 21st Century CLC funding were eligible to apply for ASAP funds.
- The funding schedule provides sites with sufficient funds to increase the quality of service in order to operate a safe and successful program, while requiring all sites to commit Cash and In-Kind matching funds:

2007-2008 Maximum ASAP Grant Amounts, Cash and In-kind Match Requirements			
	ASAP Grant	Cash Match	In-Kind Match
Minimum Grant Amount	\$25,000	\$10,000	\$10,000
Maximum Grant Amount	\$45,000	\$10,000	\$10,000
Funding is determined based upon a \$1,000 per child rate with a minimum average daily attendance of 25 to 45 youth participants per site.			

A request for proposal was posted on the Parks and Recreation Department's website and mailed to area schools and non-profit organizations. Eight application workshops were conducted. Applications were due by 5:00 pm on April 23, 2007. A total of 80 applications were received. Of the 2 contracts (representing 3 sites) recommended for funding through this RCA, 2 are new sites and one is a renewing site (see list on page 2). Staff reviewed proposals for compliance with minimum standards and volunteer reviewers read and scored proposals based on review criteria included in the RFP. Council action to award an additional contract to Houston ISD (21 sites) will be forthcoming.

F&A Director:

Other Authorization:

Other Authorization:

LIST OF PARTICIPATING AGENCIES:

<u>Clear Creek ISD</u>	<u>Council District</u>	<u>Funding Amount</u>
Whitcomb Elementary School *	E	\$35,000.00
<u>Spring Branch ISD</u>		
Sherwood Elementary School	A	\$45,000.00
Spring Forest Middle School *	A	\$35,000.00

* Indicating new sites.

SUBJECT: Appropriate Funds for Issuance of a Purchase Order with Building Envelope Consultants, LLC. for Professional Consulting Services for Marston Roof Replacement WBS No. E-000038-0021-3	Page 1 of 1	Agenda Item 27
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FROM (Department or other point of origin): General Services Department	Origination Date 9/13/07	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. <i>[Signature]</i> 8/2/07	Council Districts affected: H
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For additional information contact: Jacquelyn L. Nisby <i>[Signature]</i> Phone: 713-247-1814	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Appropriate funds for the project.

Amount and Source Of Funding: \$ 24,200.00 Public Library Consolidated Construction Fund (4507)	F & A Budget: <i>[Signature]</i>
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SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council appropriate \$24,200.00 out of the Public Library Consolidated Construction Fund to fund the issuance of a purchase order to Building Envelope Consultants, LLC., for professional consulting services in connection with the replacement of the roof at the Marston Administration Building for the Houston Public Library (HPL).

GSD reviewed the qualifications of several firms from its departmental database of consultants and Building Envelope Consultants, LLC. was selected based on its professional experience and qualifications.

PROJECT LOCATION: 820 Marston St. (492M)

PROJECT DESCRIPTION: The scope of work includes professional consulting services necessary to provide construction documents and installation monitoring for replacement of the existing 20-year-old roof at the new HPL headquarters.

IZD:WTH:MCP:JLN:jb

c: Marty Stein, Jacquelyn L. Nisby, John Middleton, James Tillman IV, Velma Laws, File 507

REQUIRED AUTHORIZATION CUIC# 25WTH50

General Services Department: <i>[Signature: Wendy Teas Heger]</i> Wendy Teas Heger, AIA Chief of Design & Construction Division	Houston Public Library: NA <i>[Signature: Rhea Brown Lawson]</i> Rhea Brown Lawson, PhD. Director
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R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7439

Subject: Formal Bids Received for Bus and Van Rental Services for the Parks & Recreation Department S30-L22229

Category # 4

Page 1 of 2

Agenda Item

28-29

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

August 01, 2007

Agenda Date

SEP 19 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Daniel Pederson Phone: (713) 845-1248
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve ordinances awarding various contracts, as shown below, in a total amount not to exceed \$1,241,355.00 for bus and van rental services for the Parks & Recreation Department.

Estimated Spending Authority: \$1,241,355.00

F & A Budget

\$1,241,355.00 Park Special Revenue Fund (2100)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve ordinances awarding two two-year contracts, with three one-year options to extend, for a total five-year term, as shown below, in a total amount not to exceed \$1,241,355.00 for bus and van rental services for the Parks & Recreation Department. The City Purchasing Agent may terminate these contracts 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. Fifteen prospective bidders viewed the solicitation document on SPD's e-bidding website and three bids were received as outlined below:

Heights Transportation, Inc.: Award on its low bid for rental of school buses (Item Nos. 1, 5 and 6) in an amount not to exceed \$825,750.00.

<u>Company</u>	<u>Total Amount</u>
1. GBJ, Inc. dba AFC Transit	\$ 78,000.00 (Partial Bid)
2. Heights Transportation, Inc.	\$825,750.00

GBJ Inc. dba AFC Transit: Award on its low bid for rental of coach buses, mini-buses and vans (Item Nos. 13, 21, 29, 33, 34, 35) in an amount not to exceed \$415,605.00.

<u>Company</u>	<u>Total Amount</u>
1. Height Transit, Inc.	\$ 45,760.00 (Partial Bid)
2. GBJ, Inc. dba AFC Transit	\$415,605.00
3. Coach America	\$471,260.00

These contracts will be used to provide transportation for youth and senior citizens that will travel on field trips and to sports tournaments throughout Harris County and the surrounding region. The Department's community center programs utilizing these services include Afterschool and Summer Enrichment Program,

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

Date: 8/1/2007	Subject: Formal Bids Received for Bus and Van Rental Services for the Parks & Recreation Department S30-L22229	Originator's Initials RM	Page 2 of 2
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youth baseball and softball, youth basketball, junior golf, soccer, and flag football. The Department will also use these services to transport citizens to various events and venues such as Miller Outdoor Theatre, Houston metropolitan sport tournaments and special events, Street Olympics, Senior Health Fitness Event, Houston Zoological Gardens, Museum of Fine Arts, Museum of Natural Science, and the Houston Arboretum and Nature Center. Vans, mini-buses and school buses will be used to transport youth to community center-sponsored events and sport events. Motor coaches will be used to transport senior citizens and tournament participants. There is no other commercial transportation available for these types of activities, including Metro. School buses will be used for all other activities.

Item Nos. 2, 3, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 30, 31, and 32, will not be awarded.

M/WBE Subcontracting:

This invitation to bid was issued as a goal-oriented contract with an 11% M/WBE participation level.

Heights Transportation, Inc. has designated the following company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Alamo Bus Service	Bus Service	\$90,832.50

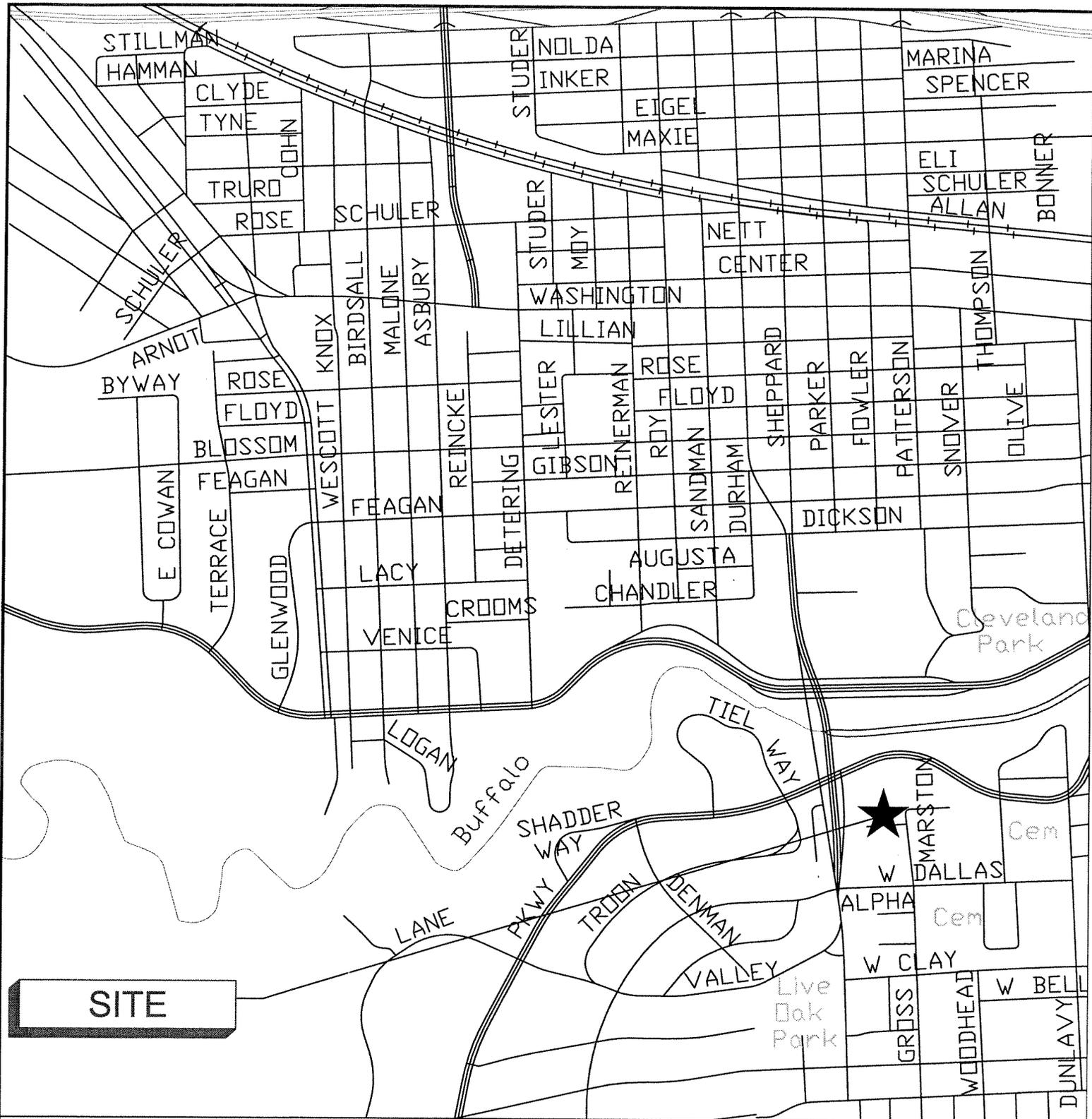
GBJ Inc. dba AFC Transit has designated the following company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Huerta Bus Service	Bus Service	\$45,716.55

The Affirmative Action Division will monitor this award.

Buyer: Richard Morris

Estimated Spending Authority			
Department	FY 2008	Out Years	Total
Parks & Recreation	\$100,000.00	\$1,141,355.00	\$1,241,355.00



Marston Library
820 Marston, Houston, TX

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7458

Subject: Approve an Ordinance Awarding a Professional Services Contract for Interpreter and Closed-Captioning Services for the Deaf or Hearing Impaired for the Houston Police Department
RFQ No. S30-L22317

Category #
4

Page 1 of 1

Agenda Item

30

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

August 08, 2007

Agenda Date

SEP 19 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a professional services contract to Nightingale Adult Day Center in an amount not to exceed \$150,000.00 for interpreter and closed-captioning services for the deaf or hearing impaired for the Houston Police Department.

Estimated Spending Authority: \$150,000.00

F & A Budget

\$150,000.00 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year professional services contract, with two one-year options to extend, for a total five-year contract term to Nightingale Adult Day Center in an amount not to exceed \$150,000.00 for interpreter and closed-captioning services for the deaf or hearing impaired for the Houston Police Department.

The scope of services requires the contractor to provide complete interpreter and closed-captioning services for the deaf or hearing impaired citywide, including at law enforcement settings/investigations. The contractor shall be required to provide Level II, IV and V State-certified qualified interpreters to respond 24 hours a day, 7 days a week, as required by the Department. The contractor shall also be required to attend two to five Positive Interaction Programs divisional/civic meetings each month to facilitate communication between HPD and the deaf and hearing-impaired community.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (4) of the Texas Local Government Code for exempt procurements.

Buyer: Richard Morris

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

Estimated Spending Authority

Department	FY 08	Out Years	Total
Police	\$30,000.00	\$120,000.00	\$150,000.00

REQUIRED AUTHORIZATION

NDT

F&A Director:

Other Authorization:

Other Authorization:

mgf



CITY OF HOUSTON

Interoffice

Finance & Administration Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: Richard Morris

Date: June 15, 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: zero

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

Solicitation Number: S30-L22317 Estimated Dollar Amount: \$150,000.00

Anticipated Advertisement Date: 2/9/2007 Solicitation Due Date: 2/23/2007

Goal On Last Contract: zero Was Goal met: Yes No

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

Name and Intent of this Solicitation:

PROFESSIONAL INTERPRETER & CLOSED CAPTIONING SERVICES FOR THE HOUSTON POLICE DEPARTMENT - The scope of work requires the Interpreter to interpret conversations between officers and deaf or hearing impaired at jail, accidents etc.

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

The Contractor shall provide Level III state certified Qualified Interpreters (DEAF) or above anywhere within the City of Houston, 24 hours a day, 7 days a week, as required by HPD. The conversational interpreter services performed for the Houston Police Department are confidential and require no breach of confidentiality. The three certified M/WBE's provide translation services, which requires one frozen language being translated to another frozen language (ie. to translate a book in English to Spanish for someone to read for court reporting), but do not have services for individuals to go and perform deaf interpretation for Police situations on a 24 hour call.

Concurrence:

SPD Initiator

Division Manager

FOR
Velma Laws, Director
*Affirmative Action

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7450

Subject: Approve an Ordinance Awarding a Professional Services Contract for Conversational Foreign Language Testing Services for the Police and Fire Departments
S30-L22250

Category #
4

Page 1 of 1

Agenda Item

31

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

August 08, 2007

Agenda Date

SEP 19 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a professional services contract to Berlitz Languages, Inc. in an amount not to exceed \$192,755.00 for conversational foreign language testing services for the Police and Fire Departments.

Estimated Spending Authority: \$192,755.00

F & A Budget

\$192,755.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year professional services contract with three one-year options to extend, for a total six-year term, to Berlitz Languages, Inc. in an amount not to exceed \$192,755.00 for conversational foreign language testing services for the Houston Police and Fire Departments.

Berlitz Languages, Inc. utilizes a similar method that has been used by the Departments to determine eligibility for bilingual pay compensation. The method developed is capable of testing in the various languages needed to support the City's bilingual population, while providing a more objective evaluation to the applicants being tested. The testing of the police officers and firefighters will be conducted at the Berlitz facility located at 520 Post Oak Boulevard.

The scope of services requires the contractor to provide complete conversational foreign language testing services in Spanish, Vietnamese, Korean and two dialects of Chinese (Mandarin and Cantonese). The Police Department estimates that it will test approximately 2,400 police officers and the Fire Department estimates it will test approximately 1,150 firefighters over the term of the contract.

Although this is an exempt procurement, the City issued a Request for Qualifications, and responses were received from Berlitz Languages, Inc., MasterWord Services, Inc., and International Resources Unlimited Language and Translation Services.

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

Buyer: Richard Morris

ESTIMATED SPENDING AUTHORITY			
DEPARTMENT	FY08	OUT YEARS	TOTAL
Police	\$25,000.00	\$125,000.00	\$150,000.00
Fire	\$ 5,600.00	\$ 37,155.00	\$ 42,755.00
Total	\$30,600.00	\$162,155.00	\$192,755.00

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

ADT

5-21-07

02



CITY OF HOUSTON

Interoffice

Finance & Administration Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: Richard Morris

Date: June 15, 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: _____

Solicitation Number: S30-L22250 Estimated Dollar Amount: \$400,000.00

Anticipated Advertisement Date: 2/2/2007 Solicitation Due Date: 2/23/2007

Goal On Last Contract: zero Was Goal met: Yes No

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

Name and Intent of this Solicitation:

FOREIGN LANGUAGE TESTING SERVICES FOR THE HOUSTON POLICE AND FIRE DEPARTMENTS -
The scope of work requires the contractor to provide conversational foreign language testing on officers and firefighters which shows they can interact with citizens in situations such as domestic disputes, traffic stops, accidents, fires or at crime scene investigations.

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

No certified, M/WBE's responded to the Request for Qualifications. The three City certified M/WBE's who provide foreign language testing do not have the capability or experience to provide conversational foreign language testing.

Concurrence:

SPD Initiator

Division Manager

For Velma Laws, Director
*Affirmative Action

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7540

Subject: Formal Bids Received for Sale of Street Millings for the Public Works & Engineering Department
S29-L22482

Category #
4

Page 1 of 2

Agenda Item

32

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

July 30, 2007

Agenda Date

SEP 19 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 revenue contract to Century Asphalt, Ltd. on its high bid for sale of street millings for the Public Works & Engineering Department.

Funding:

None Required (Revenue)

F & A Budget

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year revenue contract, with two one-year options to extend, for a total five term to Century Asphalt, Ltd. on its high bid for sale of street millings for the Public Works & Engineering Department. This contract will be used to remove and dispose of street millings, which are the by-product of the City's asphalt overlay operation. The City Purchasing Agent may terminate this contract at anytime upon 30-days written notice to the contractor.

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

Company	Commission Paid to City if Contractor Hauls Street Millings from City Sites	Commission Paid to City if City Delivers Street Millings to Contractor's Location
Century Asphalt, Ltd.	\$12.75 Per Ton	\$15.95 Per Ton
American Materials	\$6.75 Per Ton	\$9.75 Per Ton
Cherry Crushed Concrete	\$4.80 Per Ton	\$7.80 Per Ton

The scope of work requires the contractor to provide all supervision, labor, transportation, tools equipment and supplies to transport, receive and dispose of street millings. The contract requires compliance with all rules, regulations, statutes and directives of the Environmental Protection Agency and the Texas Commission on Environmental Quality. The Right-of-Way and Fleet Maintenance Division of the Public Works & Engineering Department will administer this contract.

M/WBE Subcontracting:

This invitation to bid was issued as a goal-oriented contract with a 1% M/WBE participation goal. Century Asphalt, Ltd. has designated the below-named company as its certified M/WBE subcontractor.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MDT

MS

MS

MDT

Date:
7/30/2007

Subject: Formal Bids Received for Sale of Street Millings for the
Public Works & Engineering Department
S29-L22482

Originator's
Initials
DM

Page 2 of 2

Name

L. O. Materials & Trucking, Inc.

Type of Work

Hauling

This contract will be monitored by the Affirmative Action Division.

Buyer: Douglas Moore

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Sole Source Contract to CheckFreePay Corporation for Automated Bill Collection and Processing Services for the Public Works & Engineering Department		Category #	Page 1 of 1	Agenda Item 33
FROM (Department or other point of origin): Michael S. Marcotte, P.E., DEE Public Works & Engineering Department		Origination Date 9/18/07	Agenda Date SEP 19 2007	
DIRECTOR'S SIGNATURE: <i>MS Marcotte MS 9/20/07</i>		Council District affected: All		
For additional information contact: Karen Leback Phone: (713) 371-1136 Gary Norman Phone: (713) 837-7425		Date and Identification of prior authorizing Council action: Motion 2007-0342 dated 04-04-07		
RECOMMENDATION: (Summary) Approve an Ordinance awarding a sole source contract to CheckFreePay Corporation in an estimated amount not to exceed \$1,500,000.00 for Automated Bill Collection and Processing Services for the Public Works and Engineering Department				
Amount of Funding: FY2008: Out Years: \$1,500,000.00 \$70,000.00 \$1,430,000.00			F&A Budget: <i>Budy</i>	
SOURCE OF FUNDING: () General Fund () Grant Fund (X) Enterprise Fund Fund: 8300 Water and Sewer Operating Fund () Other (Specify) <i>PER</i>				
SPECIFIC EXPLANATION: The Director of Public Works & Engineering Department recommends that City Council approve an ordinance authorizing a sole source contract for a 60-month period to CheckFreePay Corporation for Automated Bill Collection and Processing Services in an estimated amount not to exceed \$1,500,000.00. This computerized bill processing system is used by Utility Customer Service Branch to collect payments for water and wastewater bills at the customer service counters of over 300 Houston area grocery stores, including Fiesta, Foodarama, HEB, Kroger, Rice Epicurean and Randall's locations. Approximately 80,000 payments representing \$5,000,000.00 in revenues monthly are processed by CheckFreePay. The City pays a fee of \$0.31 for each transaction. Other utility billings for Reliant Energy, Center Point Energy and TXU are processed through the same area grocery stores in an exclusive arrangement between these utilities and CheckFreePay Corporation. CheckFreePay Corporation is the sole source provider of bill and payment processing services at area grocery stores. In 2004, CheckFreePay Corporation purchased American Payment Systems, Inc., who had been the city's sole source contractor for these services since 1997. The current contract with CheckFreePay Corporation expired on March 11, 2007 and was extended until October 8, 2007 via purchase order, Council Motion 2007-0242. Contract negotiations took longer than anticipated to complete due to indemnification issues and compliance issues with the USA Patriot Act and Bank Secrecy Act and other federal regulations. This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (7) of the Texas Local Government Code for exempted procurements.				
M/WDBE PARTICIPATION: M/WDBE Zero Percent Goal Document approved by the Affirmative Action Division.				
REQUIRED AUTHORIZATION 205B14				
F&A Director:	Other Authorization:	Other Authorization: <i>W. Ramsey</i>		



CITY OF HOUSTON

Public Works and Engineering
Department

Interoffice

Correspondence

To: Velma Laws
Director

From: Assistant Director
Materials Management Branch
Resource Management Division

Date: September 10, 2007

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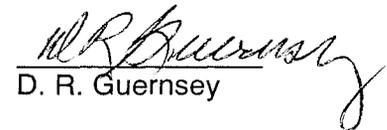
Subject **WAIVER of M/WDBE PARTICIPATION
CHECKFREEPAY CORPORATION**

The Department of Public Works and Engineering, Utility Customer Service (UCS) is seeking a waiver of M/WDBE participation for a contract for the collection of water and sewer bills through local merchants. This is a computerized bill processing system in over 300 Houston area grocery stores. CheckFreePay Corporation provides all hardware, software and maintenance for their proprietary systems to merchants who contract with them to provide the service.

The previous contracts did not contain a M/WDBE element.



Velma Laws



D. R. Guernsey

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, and other services for various street projects.	Category #7	Page 1 of 2	Agenda Item # 34
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/13/07		Agenda Date SEP 19 200
DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director, PW&E	Council District affected: All		
For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director	Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) Approve an ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, and other services for various street projects.			

Amount and Source of Funding: \$4,480,000.00 Street and Bridge Consolidated Construction Fund 4506, N-00663A-00RE-2-01
Pr/12 08/07/07 **F & A Budget:** *MSL*

SPECIFIC EXPLANATION:
The Department of Public Works and Engineering is submitting an ordinance appropriating funds, and approving and authorizing payments for land acquisition costs, appraisal fees, and other services for the following projects:

WBS No.	Project	Council District	Key Map
N-000475-0001-2-01	Pinemont Paving: T.C. Jester to Shepherd	A	451H,452E,F,G,H
N-00530B-0002-2-01	Fuqua Grade Separation at Mykawa	E	574V
N-000592-0001-2-01	Yale Paving: Tidwell To Parker	H	452D,412Z
N-000597-0001-2-01	Brittmoore Paving: Hammerly to Tanner	A	449C,G,L,Q
N-000625-0001-2-01	Mercury Drive Paving: South US 90 to Wallisville	I	456W,496A
N-00663A-00RE-2-01	Miscellaneous Land Acquisition	ALL	
N-000686-0001-2-01	Greens Road Paving: John Fitzgerald Kennedy to Aldine-Westfield	B	373R,374N,P
N-000689-0001-2-01	Ley Road Paving: Mesa to Grade Separation at HB & TRR	B	455J,K,L
N-000705-0001-2-01	Hughes Road Rehabilitation: Beltway 8 to City Limit (Blackhawk)	E	576Y,616A,B,C
N-000711-0001-2-01	Monroe Paving: Fuqua to Beltway 8	E	575U,Y
N-000713-0001-2-01	Homestead Grade Separation @ UPRR	B	454H
N-000717-0001-2-01	Sampson Paving: Navigation to Polk	H,I	494N,R,S
N-000724-0001-2-01	Yale Rehabilitation: IH-10 to IH-610	H	452R,V,Z,492D,H
N-000780-0001-2-01	Hayes Street Paving: Westheimer to Wilcrest	G	489T
N-000784-0001-2-01	Buffalo Speedway Paving: Holmes Rd. to Airport	D	532X,572A,E
N-000787-0001-2-01	Clinton Dr. Reconst.: South Wayside to East of City Limits	I	495N,T,U,Y

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CUIC #20BSM01

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization: <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division
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DATE	SUBJECT: An ordinance appropriating funds, and approving and authorizing payments for land acquisition costs and appraisal fees for various street projects.	ORIGINATOR'S INITIALS	PAGE <u>2</u> OF <u>2</u>
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Therefore, it is recommended that a blanket appropriation ordinance be passed appropriating \$4,480,000.00 from the Street and Bridge Consolidated Construction Fund 4506, finding a public necessity for the projects listed above, and authorizing payments for the costs of land purchases/condemnations, appraisal fees, title policy premiums and/or other services in connection with negotiations to settle purchases, recording fees, and court costs and expert witness fees associated with condemnations for the projects listed above. Parcels with a consideration that exceed the spending authority threshold set by State law will be submitted to City Council as they are negotiated. Additional appropriations will be made as needed until all parcels have been acquired. The same appropriation ordinance will apply to all acquisitions made using these funds. This will expedite the process of acquiring land in support of the listed capital improvements projects.

PRN:NPC:DW:dem
cc: Marty Stein
Harish Jajoo, P.E.

7/31/2007

FY08 STREET AND BRIDGE APPROPRIATION

WBS	PROJECT	PROPOSED AMOUNT
N-000475-0001-2-01	Pinemont Paving: T.C. Jester to Shepherd	\$ 20,000.00
N-00530B-0002-2-01	Fuqua Grade Separation at Mykawa	\$ 500,000.00
N-000592-0001-2-01	Yale Paving: Tidwell To Parker	\$ 130,000.00
N-000597-0001-2-01	Brittmoore Paving: Hammerly to Tanner	\$ 55,000.00
N-000625-0001-2-01	Mercury Drive Paving: South US 90 to Wallisville	\$ 400,000.00
N-00663A-00RE-2-01	Miscellaneous Land Acquisition	\$ 500,000.00
N-000686-0001-2-01	Greens Road Paving: John Fitzgerald Kennedy to Aldine-Westfield (CL)	\$ 50,000.00
N-000689-0001-2-01	Ley Road Paving: Mesa to Grade Separation at HB & TRR	\$ 400,000.00
N-000705-0001-2-01	Hughes Road Rehabilitation: Beltway 8 to City Limit (Blackhawk)	\$ 50,000.00
N-000711-0001-2-01	Monroe Paving: Fuqua to Beltway 8	\$ 100,000.00
N-000713-0001-2-01	Homestead Grade Separation @ UPRR	\$ 1,000,000.00
N-000717-0001-2-01	Sampson Paving: Navigation to Polk	\$ 50,000.00
N-000724-0001-2-01	Yale Rehabilitation: IH-10 to IH-610	\$ 50,000.00
N-000780-0001-2-01	Hayes Street Paving: Westheimer to Wilcrest	\$ 25,000.00
N-000784-0001-2-01	Buffalo Speedway Paving: Holmes Rd. to Airport	\$ 950,000.00
N-000787-0001-2-01	Clinton Dr. Reconst.: South Wayside to East of City Limits	\$ 200,000.00
	TOTAL	\$ 4,480,000.00

SUBJECT: Professional Construction Management and Inspection Services Contract between the City and ESPA CORP. for Edloe Storm Drainage Improvements Project, Segment 1. (WBS No. M-000253-0001-4).	Page 1 of 2	Agenda Item # <i>35</i>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date <i>9/13/07</i>	Agenda Date <i>SEP 19 2007</i>
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DIRECTOR'S SIGNATURE: <i>[Signature]</i> Michael S. Marcotte, P.E., DEE., Director	Council District affected: <i>C & G</i>
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For additional information contact: <i>[Signature]</i> J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approve Professional Construction Management and Inspection Services Contract with ESPA CORP. and appropriate funds.

Amount and Source of Funding: \$648,640.61 from Drainage Improvement Commercial Paper Series F, Fund No. 4030. <i>Practice 07/31/07</i>	F&A Budget: <i>[Signature]</i>
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SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project is part of the Storm Water Capital Improvement Program (CIP) and will upgrade storm water drainage in the area.

DESCRIPTION/SCOPE: The contract provides construction management and inspection services for the Construction Branch of the Department of Public Works and Engineering in connection with the construction of Edloe Storm Drainage Improvements Project, Segment 1. The project was designed by Turner Collie & Braden, Inc. Construction management and inspection services will also be provided for the Rustling Oaks and Fonn Villas Subdivision Storm Sewer Improvements with this contract.

LOCATION: The project is generally bounded to the east by Buffalo Speedway, to the west by Edloe, to south by Brays Bayou, and to the north by Underwood. The Project is located in the Key Map 532 J, K & P.

SCOPE OF CONTRACT AND FEE: This is a Work Order Contract that will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, providing site representation and closeout documentation, and performing other tasks requested by the Director.

This initial appropriation will fund construction management and inspection services and contingencies by ESPA CORP. in the amount of \$648,640.61 on a lump sum basis for the Edloe Storm Drainage Improvements Project, Segment 1. Subsequent appropriations in FY08 will fund the Rustling Oaks and Fonn Villas Subdivision Storm Sewer Improvements.

REQUIRED AUTHORIZATION 20JAK601

F&A Director:	Other Authorization:	Other Authorization: <i>[Signature]</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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M/WBE PARTICIPATION:

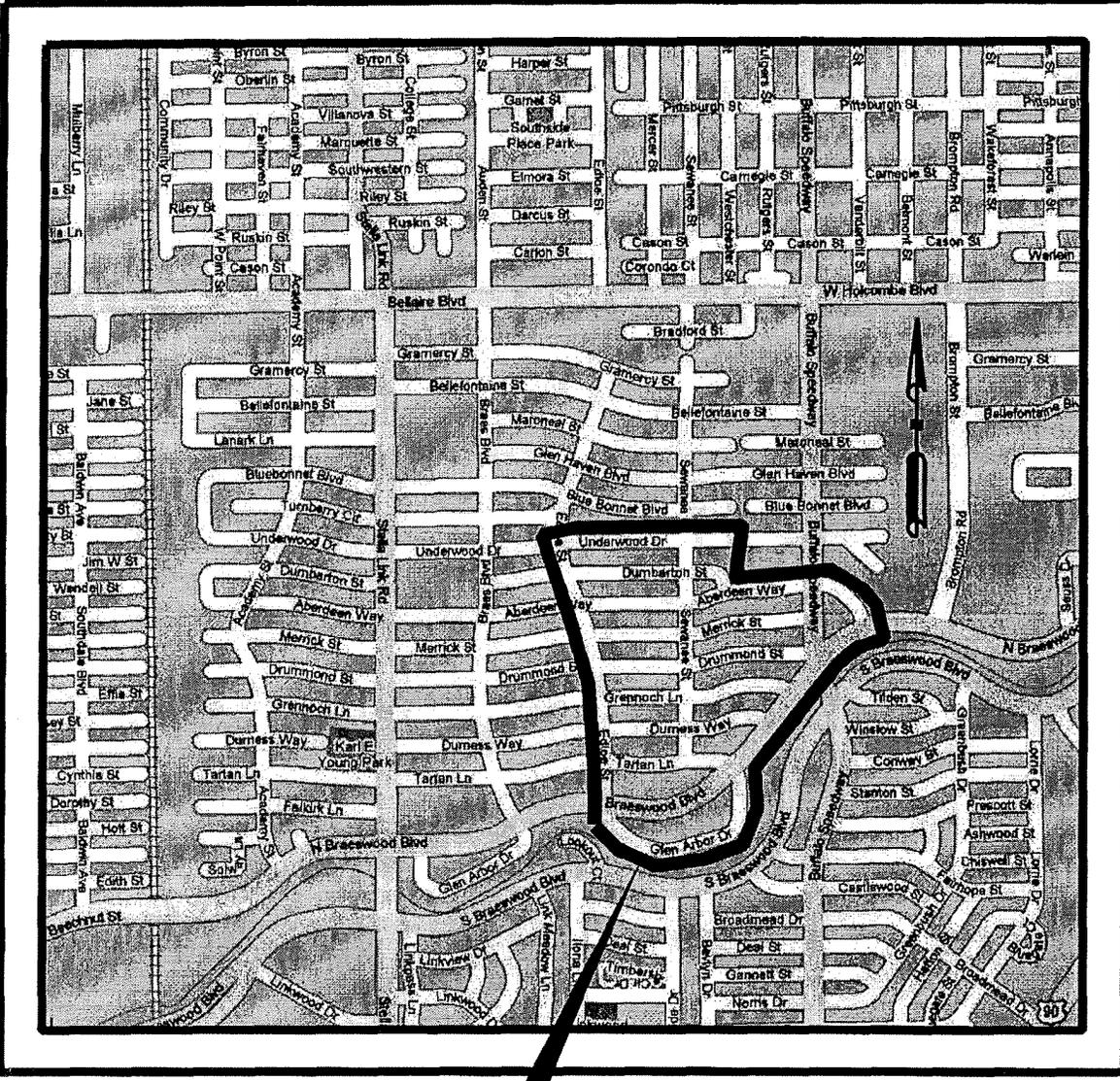
The consultant has submitted the following proposed M/WBE participation to satisfy the 24% goal for this project

<u>Name of Firm</u>	<u>Work Description</u>	<u>Percentage</u>
(1) Omega Engineers, Inc.	Inspection Services	12%
(2) Menendez-Donnell & Associates	Inspection Services	12%

MSM:DWK:JTL:JAK:ce

S:\constr\Admin\CONST\Consultants\SW CM\ESPA\ESPA-CM-RCA\RCA

- cc: Daniel W. Krueger, P.E.
Velma Laws
Marty Stein
Susan Bandy
Waynette Chan
Gary Norman
Michael Ho, P.E.
Craig Foster
File No. Admin. SB9100-02



PROJECT LOCATION

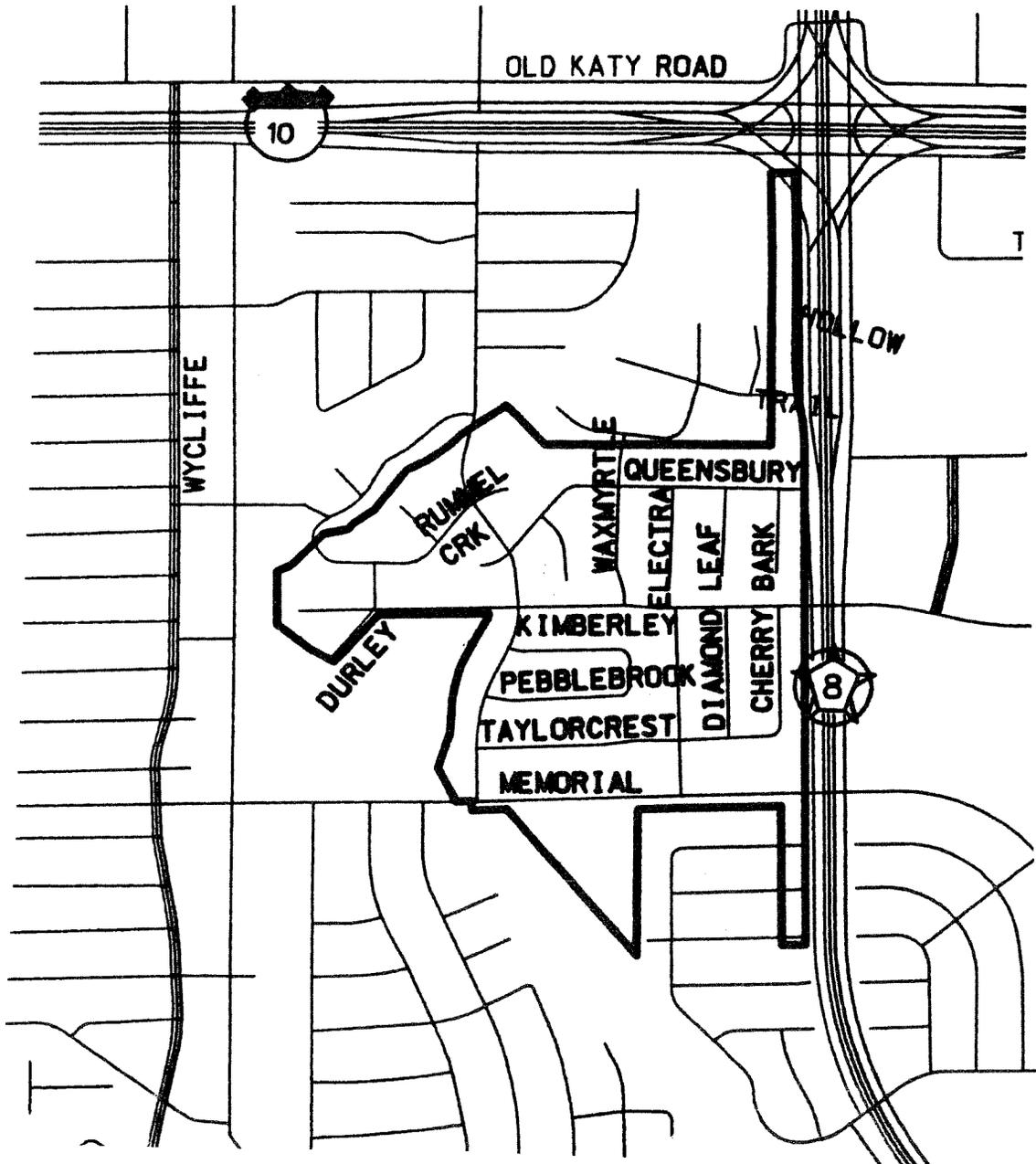
VICINITY MAP

EDLOE STORM SEWER IMPROVEMENTS
 PROJECT SEGMENT I
 WBS # M-000253-0001-4
 KEYMAP # 532 K, J, P
 GIMS MAP # 5254 A, B, 5255 C, D



TCB | AECOM

TCB INC.
 5757 WOODWAY, SUITE 101 WEST
 HOUSTON, TEXAS 77057-1599
 WWW.TCB.AECOM.COM



Rustling Oaks Storm Sewer Project

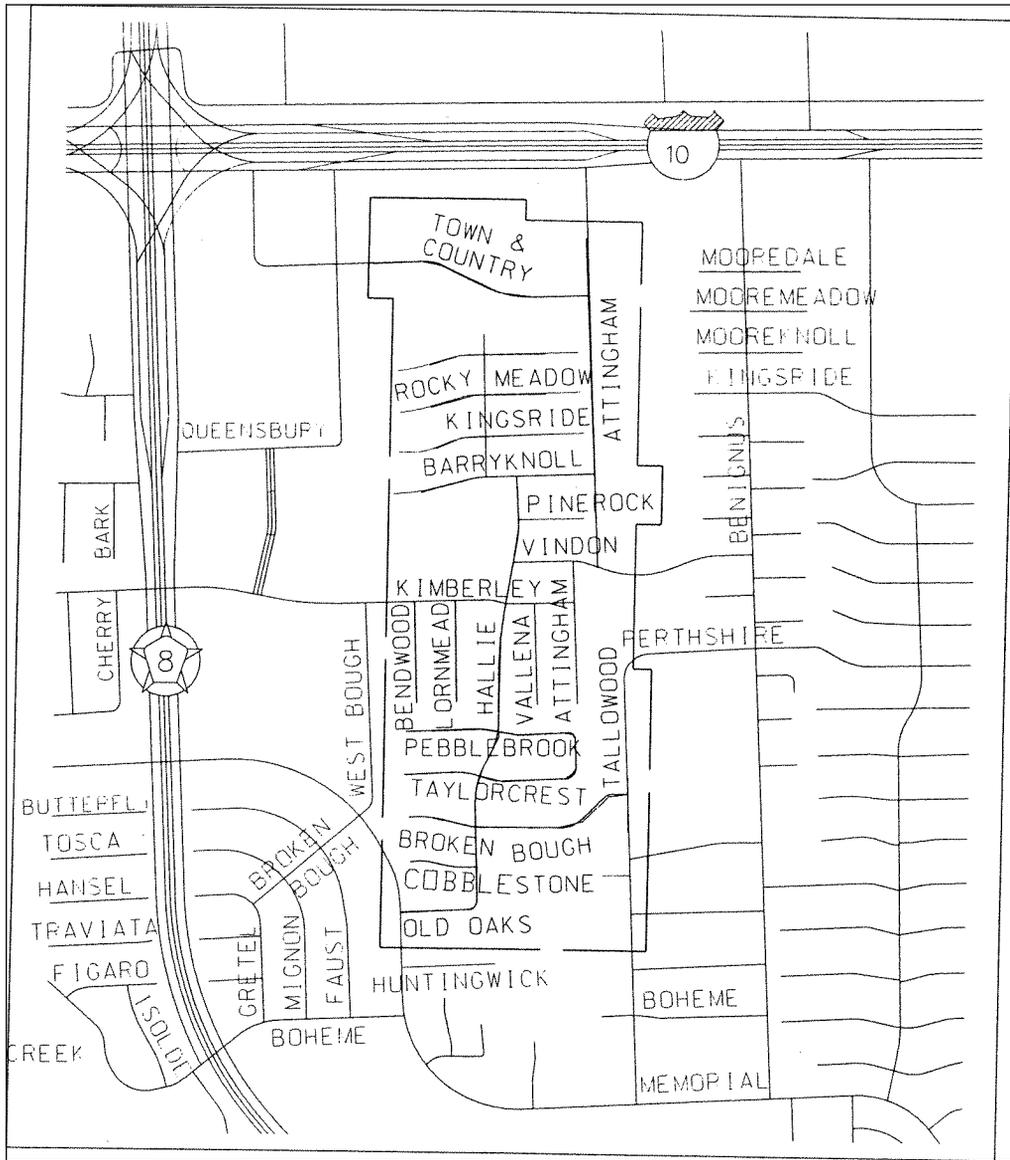
Key Map 489 C&G

GIMS Map 4957a & 4958c

Council District G



N.T.S.



PROJECT NAME: STORM DRAINAGE IMPROVEMENTS IN FONN VILLAS SUBDIVISION
 PROJECT LOCATION: 489D & 489H
 COUNCIL DISTRICT G
 GIMS MAP: 4957A 4957B 4958C 4958D

VanDeWiele Engineering Incorporated	Consulting Engineers
<small>2925 Briarpark, Suite 275 Houston, Texas 77042-3778 713 782-0042 www.vandewiele-eng.com</small>	
CITY OF HOUSTON <small>DEPARTMENT OF PUBLIC WORKS AND ENGINEERING</small>	
STORM DRAINAGE IMPROVEMENTS IN THE FONN VILLAS SUBDIVISION WBS NO. M-000249-0002-4 VICINITY MAP	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City and Cobb Fendley & Associates, Inc. for Technical Assistance for Interagency Project Reviews. W.B.S. No. N-000668-0011-3	Page 1 of 2	Agenda Item # 36
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/13/07	Agenda Date SEP 19 2007
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DIRECTOR'S SIGNATURE: <i>MS Michael S. Marcotte 9/13/07</i> Michael S. Marcotte, P.E. DEE, Director	Council District affected: A,C,D,G,H,I
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For additional information contact: <i>Reid K. Mrsny</i> Reid K. Mrsny, PE. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance No. 2007-0028, 1/3/07
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RECOMMENDATION: (Summary)
Appropriate additional funds to supplement the Engineering Services Contract with Cobb Fendley & Associates, Inc.

Amount and Source of Funding: \$ 440,000.00 from the Street & Bridge Consolidated Construction Fund No. 4506.
Previous appropriation of \$506,000.00 from Street & Bridge Consolidated Construction Fund No. 4506 *SL*

DESCRIPTION/SCOPE: This project is part of the Street & Bridge program and consists of the provision of technical assistance in review and evaluation of infrastructure project submittals for projects in the Right of Way impacting public facilities undertaken by other governmental entities to specifically include METRO under the METRO Solutions program.

LOCATION: Citywide

SCOPE OF CONTRACT AND FEE: City Council approved the original contract by Ordinance No. 2007-0028 on January 3, 2007. Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Engineering, and Additional Services. Preliminary Engineering services include an initial review, data collection, inventory and assessment of existing City facilities within the project limits. The Additional Services include work orders for technical reviews of submittals. For METRO Solutions the following milestones are reviewed for each of the METRO Solutions corridors: 15% Preliminary Engineering, 30% Preliminary Engineering, 50% Design Submittal, 90% Design Submittal and Final Design Submittal/Approval.

Previous appropriations had provided services in the last fiscal year for reviews through the 30% Preliminary Engineering for the following transit corridors: Harrisburg, Uptown, Southeast, North, and Intermodal Terminal. Supplementary appropriations are being requested to provide services in this fiscal year to continue the final design reviews for the four guideway rapid transit corridors, Intermodal Terminal in addition to preliminary and final design reviews for the University line. The total additional appropriation for the effort is \$440,000.00 and to be appropriated as follows: \$400,000.00 for Contract services and \$40,000.00 for City's salary recovery/project management. Reimbursement by METRO of costs for reviews will be addressed in conjunction with future negotiation of the consent agreement for use of right-of-way for transit projects.

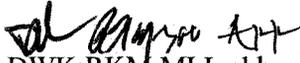
REQUIRED AUTHORIZATION CUIC ID #20MLL50A NDT

F&A Budget: <i>Michael S. Marcotte</i>	Other Authorization:	Other Authorization: <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City and Cobb Fendley & Associates, Inc. for Technical Assistance for Interagency Project Reviews. W.B.S. No. N-000668-0011-3	Originator's Initials MLL	Page 2 of 2
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M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The original contract amount of \$460,000.00 was approved for this project. The Consultant has been paid \$205,118.31 to date (44.59%). The M/WBE sub-consultant has been paid \$65,556.00 to date (31.96%). With approval of this additional appropriation, the contract amount will be increased to \$860,000.00. The Consultant has proposed the following firms to achieve this goal.

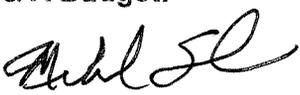
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Prior M/WBE Work	Civil Engineering Support	\$65,556.00	7.62%
2. Entech Civil Engineers, Inc.	Civil Engineering Support	<u>\$140,844.00</u>	<u>16.38%</u>
	TOTAL	\$206,400.00	24.00%



MSM:DWK:RKM:MLL:ahh

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8/16/07

- c:
- Marty Stein
 - Daniel W. Krueger, P.E.
 - Susan Bandy
 - Velma Laws
 - Craig Foster

SUBJECT: Developer Participation Contract between City of Houston and GARC Enterprises, Ltd., for the construction of water, sanitary sewer and storm sewer lines. S-000800-0106-4/ R-000800-0106-4/ M-000800-0106-4		Page 1 of 2	Agenda Item # 37
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/13/07	Agenda Date SEP 19 2007
DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., DEE, Director		Council District affected: E	
For additional information contact: Jun Chang, P.E. Phone: (713) 837-0433		Date and identification of prior authorizing Council action:	
Recommendation: (Summary) Approve a Developer Participation Contract between the City and GARC Enterprises, Ltd., for the City to pay 70% of the cost to construct approximately 3,530 linear feet of water line, 3,710 linear feet of sanitary sewer line and 100% of the cost to construct 3,944 linear feet of storm sewer line in Southridge Crossing Section Two, and appropriate funds.			
Amount & Source of Funding: \$380,731.00 Water & Sewer System Consolidated Construction Fund No. 8500 \$321,000.00 Homeless & Housing Consolidated Fund 4501 \$701,731.00 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. GARC Enterprises, Ltd., proposes to construct approximately 3,530 linear feet of water line, 3,710 linear feet of sanitary sewer line and 3,944 linear feet of storm sewer line in Southridge Crossing Section Two. The maximum amounts to be reimbursed are as follows:			
Required Authorization:		CUIC# 20JZC283 NDT	
F & A Budget: 	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning & Development Services	

Date:	Subject: Developer Participation Contract between City of Houston and GARC Enterprises, Ltd., for the construction of water, sanitary sewer and storm sewer lines.	Originator's Initials	Page 2 of 2
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Water

70% of construction cost (including interest & 5% contingency):	\$84,706.81
design cost:	<u>\$15,927.75</u>
total:	\$100,634.56

Wastewater

70% of construction cost (including interest & 5% contingency):	\$235,764.69
design cost:	<u>\$44,331.75</u>
total:	\$280,096.44

Storm Sewer (Including appropriate detention)

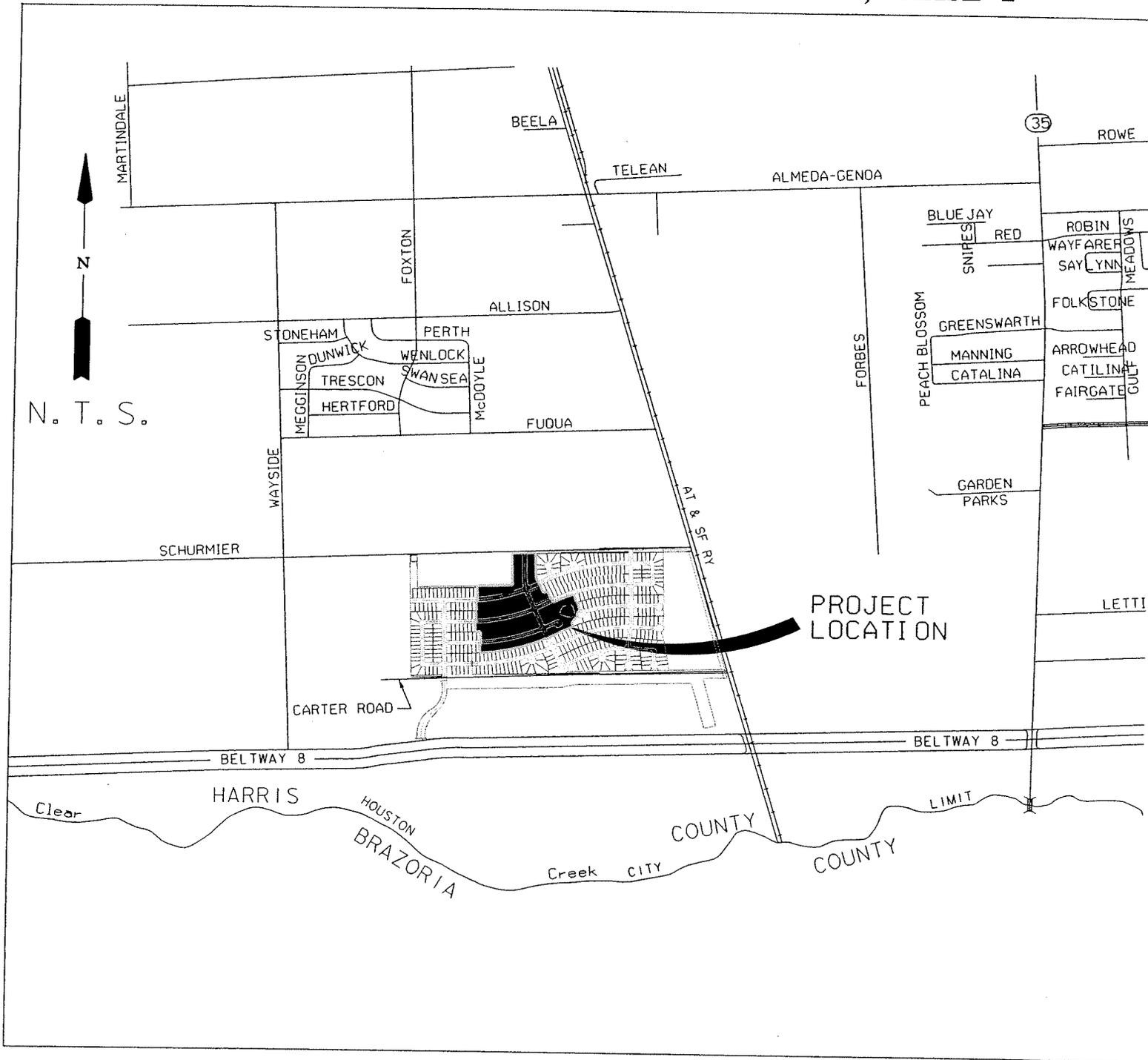
100% of construction cost (including interest & 5% contingency):	\$272,850.00
design cost:	<u>\$48,150.00</u>
total:	\$321,000.00

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

SOUTHRIDGE CROSSING DETENTION POND, PHASE 2



VICINITY MAP

HARRIS COUNTY KEY MAP #574U,574Y,574V,574Z

GIMS MAP #5551D

ZIP CODE 77048

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#

38-39 | ~~44-48~~ | ~~31-32~~

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration

Origination Date

August 23, 2007 **12, 2007**

Agenda Date

~~SEP 05 2007~~

~~SEP 12 2007~~

DIRECTOR'S SIGNATURE:

Judy Gray Johnson

Council Districts affected:

SEP 19 2007

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. TNT Waste Container Service
2. Mayfield Trucking, LLC

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.

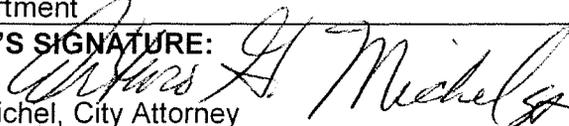
REQUIRED AUTHORIZATION

F&A Director:

ms

mye

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending the Code of Ordinances, Houston, Texas, relating to game rooms	Category	Page 40	Agenda Item #8
FROM (Department or other point of origin): Legal Department	Origination Date: September 6, 2007		Agenda Date: SEP 12 2007
DIRECTOR'S SIGNATURE:  Arturo G. Michel, City Attorney	Council District affected: ALL		SEP 19 2007
For additional information contact: Kuruvilla Oommen 713-247-2736	Date and identification of prior authorizing Council action:		

RECOMMENDATION:
Adopt ordinance amending the Code of Ordinances relating to game rooms.

Amount and source of funding: N/A **F&A Budget:**

EXPLANATION:

The proposed ordinance amends various provisions of the current City Code relating to game rooms and adds new provisions relating to game rooms with amusement redemption machines. Amusement redemption machines are defined as game machines that provide the user with an opportunity to receive something of value other than a right of replay.

Specifically, the proposed Ordinance:

- Increases the annual license fee for game rooms from \$6.00 to \$60.00;
- Adds new provisions relating to game rooms with amusement redemption machines that:
 1. Provides unrestricted access to and authority to inspect such game rooms by law enforcement officers;
 2. Requires certain signage (four inch or larger block lettering that is legible and visible at all times);
 3. Requires doors be unlocked during business hours;
 4. Requires transparent, uncovered windows; and
- Increases the civil penalty for failure to pay the tax on a coin-operated machine from \$25 to \$250.

The Council Committee on Regulation, Development and Neighborhood Protection discussed the proposed revisions on August 20, 2007. The committee voted to recommend the revisions to City Council.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
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Sec. 5-172. License fee--Levied; amount.

There shall be levied and collected from every person operating, maintaining or managing, or causing to be operated, maintained or managed, any room or place in the city for the purpose set out in section 5-171 of this Code an annual license fee of \$60.00 per annum for each separate establishment used or maintained; provided, licenses may be taken out after January of any year and shall be paid for on the basis of ~~\$0.50~~ 5.00 per month for the remaining months of the year, including the month of issuance. All moneys received hereunder shall be the property of the city.

* * *

DIVISION 3. GAME ROOMS WITH AMUSEMENT REDEMPTION MACHINES

Sec. 5-181. Definitions.

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

Amusement redemption machine means a recreational machine that provides the user with an opportunity to receive something of value other than a right of replay.

Game room means a building, facility, or other place that contains one or more amusement redemption machines.

Game room owner means an individual who has an ownership interest in a game room.

Sec. 5-182. Unrestricted access by law enforcement officer.

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room, a portion of a game room, or an amusement redemption machine, to provide any law enforcement officer, with immediate unrestricted access during business hours to all areas of the game room and to all amusement redemption machines located in the game room.

Sec. 5-183. Inspection by law enforcement officer.

(a) Any law enforcement officer may inspect a game room or an amusement redemption machine located in the city to determine whether the game room or operational amusement redemption machine complies with this division and state law.

Sec. 44-85. Display and issuance of decal evidencing payment; penalties for noncompliance.

(a) The decal issued by the tax assessor-collector to evidence payment of the tax levied herein shall be securely attached with its own adhesive to be a fixed, noninterchangeable part of the coin-operated machine so as to be easily seen by the public. This decal shall be of such a nature that the word "void" will appear if one attempts to remove it.

(b) During the period commencing on December fifteenth and ending on December thirty-first of each year, owners shall pay the occupation tax, register the machines taxed, and thereby receive a decal for each coin-operated machine to be within the city on January first. At the same time, owners may also pay taxes and receive decals for unregistered machines, up to ten percent over the number registered. As a decal is placed on an additional machine, the owner shall notify the tax assessor-collector of each machine's make, model, and serial number, thereby registering it.

(c) If, during each calendar year, an owner desires to secure more decals than the additional ten percent which may be obtained during the period from December fifteenth through December thirty-first, such decals shall be issued upon payment of the tax applicable to the calendar quarter in which such decals are obtained.

(d) It shall be unlawful for an owner to permit to be exhibited or displayed for commercial use any coin-operated machine which does not have properly attached thereto a decal evidencing payment of the applicable occupation tax.

(e) The owner of a coin-operated machine on which the tax has not been paid or which does not have a decal thereon evidencing payment shall forfeit to the city as a penalty the sum of \$25.00-\$250.00. The penalty, if not paid, shall be recovered in a suit by the city attorney in a court of competent jurisdiction. A penalty assessed under this subsection is in addition to any other remedy authorized under this division.

(b) An owner, manager, or employee of a game room or other person who does not allow a law enforcement officer to inspect a game room or amusement redemption machine commits an offense.

Sec. 5-184. Game room sign required.

(a) A game room owner shall mark each entrance to a game room with a sign that:

(1) States "GAME ROOM" in one and one-half four inch or larger block letters; and

(2) Is legible and visible at all times from a distance of 25 feet.

(b) Any signage required by this section shall be in conformance with the *Sign Code*.

Sec. 5-185. Egress doors.

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide egress doors that are readily openable from the egress side without the use of a key or special knowledge or effort during business hours, in conformance with the *Construction Code* and *Fire Code*.

Sec. 5-186. Transparent, uncovered windows required.

(a) It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide transparent glass in each game room window.

(b) It shall be unlawful for any person to cover or tint a game room window or otherwise block or obscure the view of any amusement redemption machine through a game room window.

Sec. 5-187. Illegal machines.

This division shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any machine that is prohibited by the constitution of this state or Chapter 47 of the Texas Penal Code.

* * *

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO GAME ROOMS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

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

Section 1. That Section 5-172 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 5-172. License fee--Levied; amount.

There shall be levied and collected from every person operating, maintaining or managing, or causing to be operated, maintained or managed, any room or place in the city for the purpose set out in section 5-171 of this Code an annual license fee of \$60.00 per annum for each separate establishment used or maintained; provided, licenses may be taken out after January of any year and shall be paid for on the basis of \$5.00 per month for the remaining months of the year, including the month of issuance. All moneys received hereunder shall be the property of the city."

Section 2. That Article VI of Chapter 5 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Division 3 to read as follows:

"DIVISION 3. GAME ROOMS WITH AMUSEMENT REDEMPTION MACHINES

Sec. 5-181. Definitions.

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

Amusement redemption machine means a recreational machine that provides the user with an opportunity to receive something of value other than a right of replay.

Game room means a building, facility, or other place that contains one or more amusement redemption machines.

Game room owner means an individual who has an ownership interest in a game room.

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It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room, a portion of a game room, or an amusement redemption machine, to provide any law enforcement officer, with immediate unrestricted access during business hours to all areas of the game room and to all amusement redemption machines located in the game room.

Sec. 5-183. Inspection by law enforcement officer.

(a) Any law enforcement officer may inspect a game room or an amusement redemption machine located in the city to determine whether the game room or amusement redemption machine complies with this division and state law.

(b) An owner, manager, or employee of a game room or other person who does not allow a law enforcement officer to inspect a game room or amusement redemption machine commits an offense.

Sec. 5-184. Game room sign required.

(a) A game room owner shall mark each entrance to a game room with a sign that:

- (1) States "GAME ROOM" in four inch or larger block letters; and
- (2) Is legible and visible at all times from a distance of 25 feet.

(b) Any signage required by this section shall be in conformance with the *Sign Code*.

Sec. 5-185. Egress doors.

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide egress doors that are readily openable from the egress side without the use of a key or special knowledge or effort during business hours, in conformance with the *Construction Code* and *Fire Code*.

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(a) It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide transparent glass in each game room window.

(b) It shall be unlawful for any person to cover or tint a game room window or otherwise block or obscure the view of any amusement redemption machine through a game room window.

Sec. 5-187. Illegal machines.

This division shall not be construed to authorize or permit the keeping, exhibition, operation, display, or maintenance of any machine that is prohibited by the constitution of this state or Chapter 47 of the Texas Penal Code."

Section 3. That Subsection (d) of Section 44-85 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) It shall be unlawful for an owner to permit to be exhibited or displayed for commercial use any coin-operated machine which does not have properly attached thereto a decal evidencing payment of the applicable occupation tax.

(e) The owner of a coin-operated machine on which the tax has not been paid shall forfeit to the city as a penalty the sum of \$250.00. The penalty, if not paid, shall be recovered in a suit by the city attorney in a court of competent jurisdiction. A penalty assessed under this subsection is in addition to any other remedy authorized under this division."

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 application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or

fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 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 shall be passed finally on such date and shall take effect at 12:01 a.m. on the ninetieth day next following the date of its passage and approval by the Mayor.

PASSED AND APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

Prepared by Legal Dept.

KO:asw 09/06/2007

Requested by Council Committee on Regulation, Development, and Neighborhood Protection

L.D. File No. 0080700001001

Shirvella Ommen

Assistant City Attorney

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Food and Beverage Managing Agent Agreement – Amendment No. 4 – JDDA SSP - George Bush Intercontinental Airport/Houston (IAH)	Category #	Page 1 of 2	Agenda Item # 41 36
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FROM (Department or other point of origin): Houston Airport System	Origination Date September 7, 2007	Agenda Date SEP 19 2007 SEP 19 2007
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DIRECTOR'S SIGNATURE: <i>Kae</i> <i>Jan</i>	Council District affected: B
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For additional information contact: Janet Schafer Phone: 281/233-1796 Randy Goodman <i>RG</i> 281/233-1822	Date and identification of prior authorizing Council action: 1/10/90 - Ordinance No. 90-8 12/11/91 - Ordinance No. 91-1753 6/30/98 - Ordinance No. 98-552 3/1/00 - Ordinance No. 2000-0150
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AMOUNT & SOURCE OF FUNDING: REVENUE	Prior appropriations:
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RECOMMENDATION: (Summary)
Enact an Ordinance approving and authorizing the execution of Amendment No. 4 to the Managing Agent Agreement for Food and Beverage Services between the City of Houston and JDDA SSP at George Bush Intercontinental Airport/Houston.

SPECIFIC EXPLANATION:

The Managing Agent Agreement for Food and Beverage Services ("Agreement") between the City of Houston and JDDA Concession Management, Inc. at George Bush Intercontinental Airport will expire June 30, 2008. JDDA Concession Management, Inc. is entering into a joint venture agreement with Creative Host Services, Inc. Under this joint venture (JDDA SSP), JDDA Concession Management, Inc. will hold 51% equity and Creative Host Services, Inc. will hold 49% for the purpose of operating and managing the facilities. Amendment No. 4 will also assign the Agreement to JDDA SSP.

The Houston Airport System desires to enter into this Amendment No. 4 to restate the Agreement. The pertinent terms and conditions of this Amendment are as follows:

- The concessionaire will pay the City a Minimum Guarantee fee per enplaned passenger or a percentage fee of gross sales, whichever is greater. The following fees will apply:
 - \$0.20 per enplaned passenger during concessionaire's facility remodel
 - \$0.30 per enplaned passenger after facility remodel
 OR
 - 12% of branded food gross sales
 - 14% of non-branded food gross sales
 - 15% of alcoholic beverage gross sales

Current fees to the City are 10% on all food gross sales and 13.50% on alcoholic beverage gross sales.

REQUIRED AUTHORIZATION		NOT
F&A Budget:	Other Authorization:	Other Authorization:

Date 9/11/2007	Subject: Food and Beverage Managing Agent Agreement – Amendment No. 4 – JDDA SSP – George Bush Intercontinental Airport/Houston (IAH)	Originator's Initials	Page 2 of 2
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2. Concessionaire agrees to expend a minimum of \$10,500,000.00 on improvements to the facilities.
3. Amendment No. 4 will provide an extension of seven (7) years with one, two-year option period. If the option period is granted, Concessionaire shall expend a minimum of \$75.00 per square foot for upgrades and renovations to the facilities.
4. Concessionaire will collect no more than 3.50% of gross sales from its subtenants for administrative fees. 0.25% of this fee will be used for marketing and promoting the facilities at the airport and 0.25% of this fee will be used for common area renovations.
5. Amendment No. 4 will provide the Houston Airport System the ability to assess liquidated damages in the event the Concessionaire fails to operate in accordance to the agreement requirements. These include:
 - Hours of operations
 - Product approval and pricing
 - Janitorial and maintenance
 - Adequate and appropriately trained staff
 - Remodel and build out schedule for the facilities
6. The ACDBE Goal on this agreement will increase from 25% to 35%. Concessionaire will meet this goal through business arrangements with the following DBE certified individuals and companies:
 - A separate Joint Venture between Creative Host Services and an entity owned by Mr. Jason Yoo, Mr. Aaron Smith, Mr. Harlon Brooks and the Molina Group (Creative JDDA)
 - Subcontract locations to LaTrelle's Management, Inc. (Mr. Kenneth James and Mr. Wally James)
 - Subcontract locations to On the Mark Food Service Management, Inc. (Ms. Toni Burns)
 - Subcontract locations to Tail Winds Express, Inc. (Mr. Charles Bush)

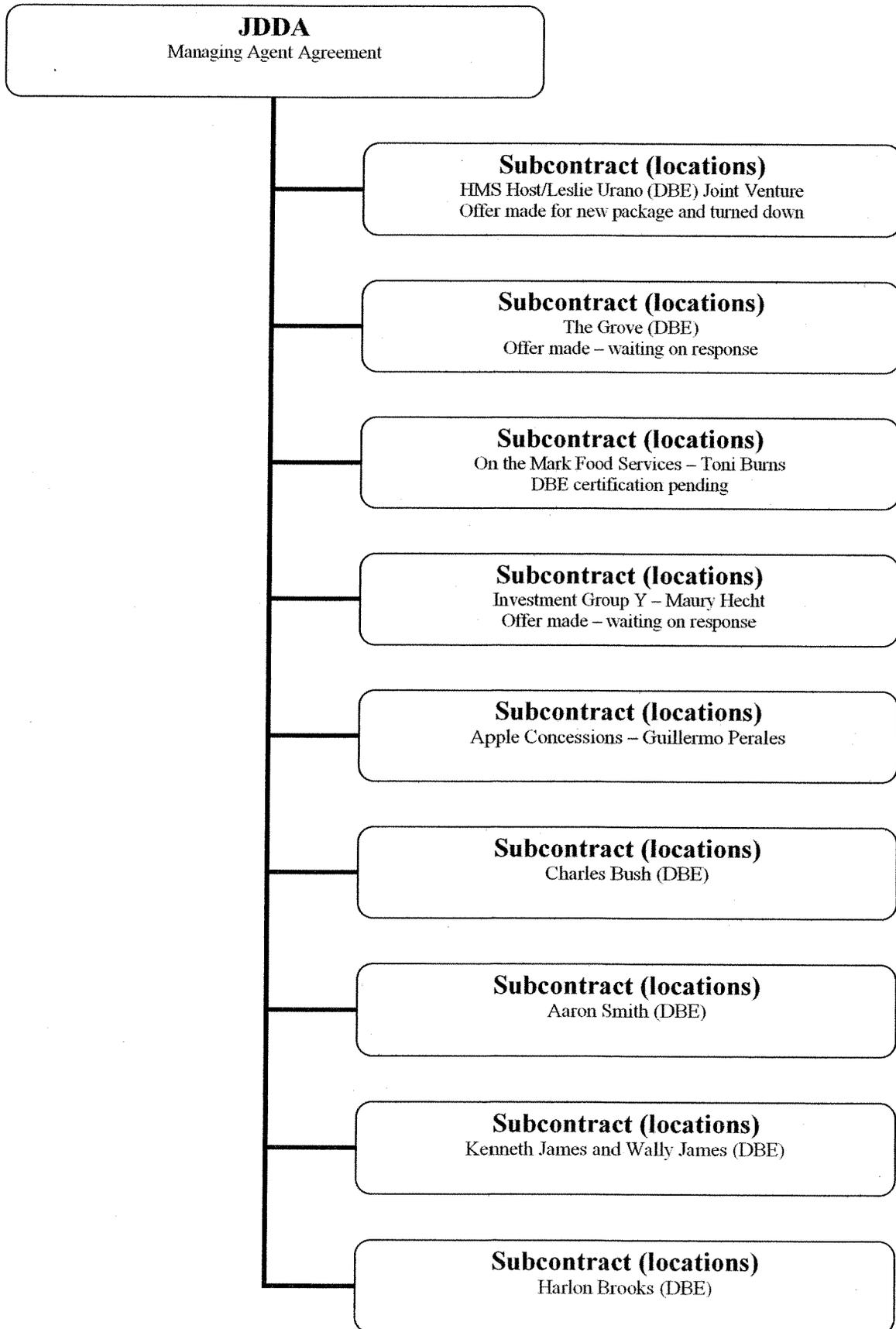
<u>DBE</u>	<u>DBE %</u>		<u>DBE Status</u>
JDDA	14.5%	Asian	pending
Molina Group	3.2%	Hispanic	pending
Harlon Brooks	3.2%	African-American	certified
Aaron Smith	3.2%	African-American	pending
LaTrelle's Management, Inc.	13.8%	African-American	certified
On the Mark Food Service	2.7%	Woman	pending
Tail Winds Express, Inc.	2.7%	African-American	certified
Total	43.5%		

7. Concessionaire will provide a performance security in the amount of \$1,500,000.00.

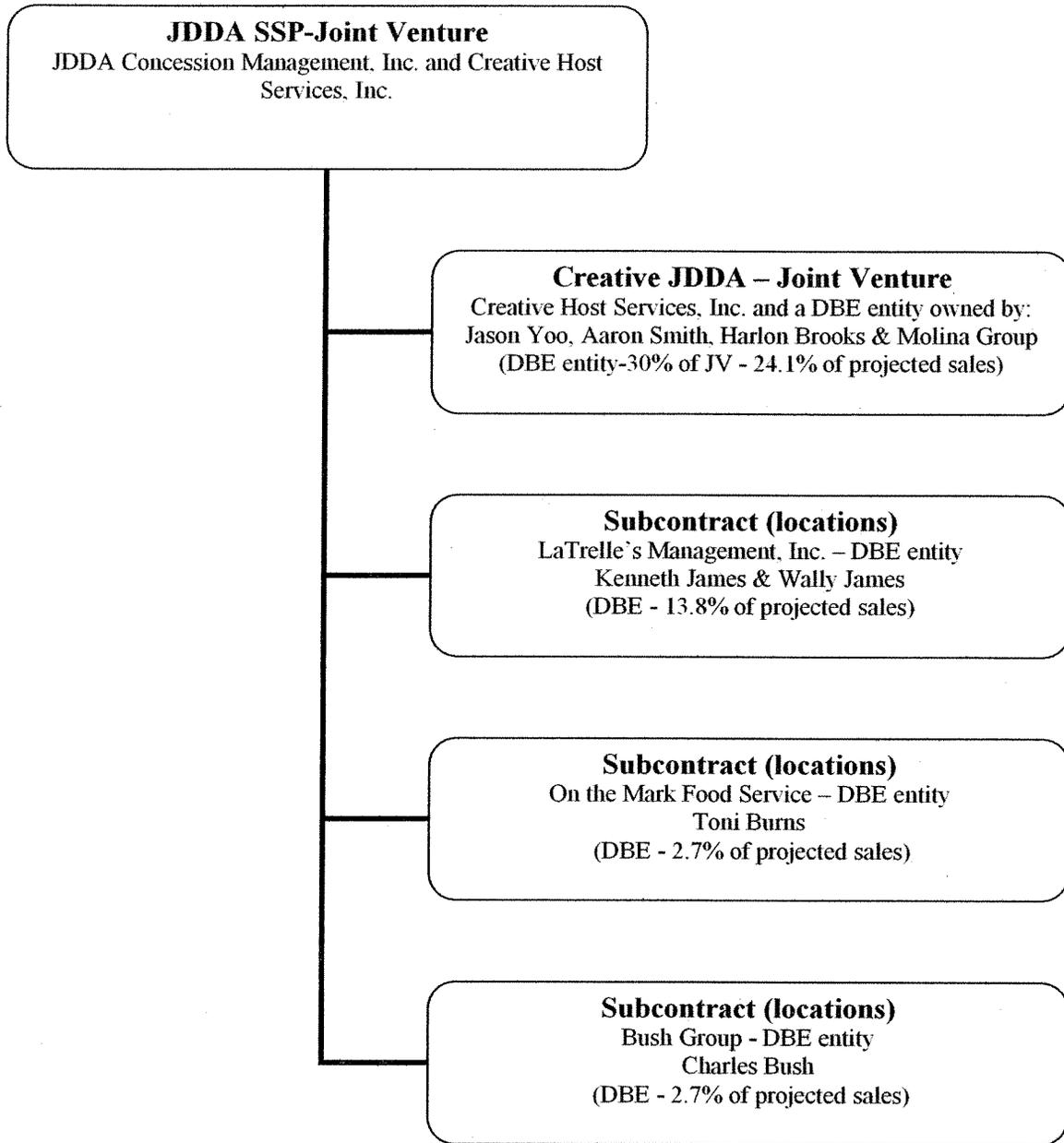
RMV: rwg
Attachments

Current DBE Structure effective through June 30, 2008

36
9-11-07



Proposed DBE Structure effective July 1, 2008



42

SEP 19 2007

MOTION NO. 2007 0938

MOTION by Council Member Lawrence that the following item be postponed for one week:

Item 53 - Motion by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance and Administration Department to award to Central Turf Farms, Inc., for St. Augustine Sod Blocks for Department of Public Works and Engineering \$997,864.80 - Enterprise Fund

Seconded by Council Member Garcia and carried.

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

PASSED AND ADOPTED this 12th day of September, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 18, 2007.

City Secretary

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7493

Subject: Formal Bids Received for St. Augustine Sod Blocks for the Public Works & Engineering Department
S08-S22315

Category # 4	Page 1 of 2	Agenda Item
	42	53-9

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

August 16, 2007

Agenda Date

~~SEP 18 2007~~
~~SEP 05 2007~~
SEP 19 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 Central Turf Farms, Inc. on its low bid in an amount not to exceed \$997,864.80 for St. Augustine sod blocks for the Public Works & Engineering Department.

Estimated Spending Authority: \$997,864.80

F & A Budget

\$997,864.80 - PWE Water & Sewer System Operation Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Central Turf Farms, Inc. on its low bid in an amount not to exceed \$997,864.80, for St. Augustine sod blocks for the Public Works & Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of approximately 631,560 square yards of St. Augustine sod blocks to be used by the Department to replace existing grass that has been damaged during underground water/sewer system repairs and installations citywide.

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

	<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1.	Central Turf Farms, Inc.	\$ 997,864.80
2.	Saddlebrook, Inc.	\$1,105,230.00
3.	Landscape Cooperative	\$1,130,492.40
4.	JSB & Associates	\$1,326,276.00
5.	VOT Sod, L.P.	\$1,831,524.00

M/WBE Subcontracting:

This bid was issued with an 11% goal for M/WBE participation. **Central Turf Farms, Inc.** has designated the below-named company as its certified M/WBE subcontractor:

<u>Company</u>	<u>Scope of Service</u>	<u>Amount</u>
Oil Products Distribution, Ltd.	Provide Diesel Fuel	\$109,765.13

The Affirmative Action Division will monitor this award.

Buyer: Laura Marquez

REQUIRED AUTHORIZATION

NDT

F&A Director:	Other Authorization:	Other Authorization:
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Date:
8/16/2007

Subject: Formal Bids Received for St. Augustine Sod Blocks for the
Public Works & Engineering Department
S08-S22315

Originator's
Initials
AD

Page 2 of 2

ESTIMATED SPENDING AUTHORITY:

DEPARTMENT	FY2008	OUT YEARS	TOTAL
Public Works & Engineering	\$199,572.96	\$798,291.84	\$997,864.80



CITY OF HOUSTON

Office of the Mayor

Back up
~~# 53 + 57~~
9-12-07
Interoffice

Correspondence
Affirmative Action and
Contract Compliance
Division

To: Council Member Toni Lawrence
Through
Marty Stein, Agenda Director

From: Velma Laws, Director

Date: September 11, 2007

Subject: Agenda Items 53 and 57

Agenda Item Number 53 shows Central Turf Farms, Inc., as the Prime Contractor and Oil Products Distribution, LTD., as the Sub-contractor. Here are the answers to questions raised on agenda item number 53.

- Question – How long has the City of Houston been using the Sub-contractor?
- Answer – Oil Products, which is owned by Imran Charania (Male, Asian-American), has been certified by the COH since July 16, 1998. We do not know how long Oil Products has been working for the City because the City's contract is with the Prime and not the Sub-contractor.
- Question – What are the names of the owners?
- Answer – Mr. Imran Charania
- Question – What are the performance ratings received by the Sub-contractor?
- Answer – Our office assigns performance ratings only to the Prime Contractors because they are the ones who submit their monthly utilization reports, which lists their Sub-contractors and utilization of each of their subs.
- Question – How does the proposed services apply to the contract?
- Answer – Oil Products will provide diesel fuel for the trucks, owned by Central Turf Farms that will deliver the St. Augustine sod.
- Question – Did the Prime Contractor have a choice on which Sub-contractors it could choose to satisfy the M/W/DBE requirements?
- Answer – Yes. Our office provides Prime Contractors with access to our M/W/BE Directory. We do not dictate or suggest to the Prime Contractors which Sub-contractors to choose. After the Prime Contractors access our M/W/BE Directory, the Prime Contractors select whichever Sub-contractors they wish to use, according to their work needs, capabilities and scope of services.

Agenda Item Number 57 shows Spring Equipment Company as the Prime Contractor and Earth Material Services, El Dorado Paving Company, Paradigm Outsourcing Services and Paradigm Outdoor Supply as Sub-contractors.

Answers to your questions regarding Agenda Item Number 57 are as follows:

- Question – How long has the City of Houston been using the Sub-contractors?
- Answer – As stated above, the City's contract is with the Prime Contractor, not with the Sub-contractors. Therefore, our office only maintains records on Prime Contractors. However, we do keep certification files on all the Sub-contractors and we found that Earth Material Services has been certified since June 2, 1998. El Dorado paving has been certified since November 21, 1986. Paradigm Outsourcing Services has been certified since May 25, 2001 and Paradigm Outdoor Supply has been certified since May 31, 2001.

- Question – What are the names of the owners?
- Answer – Earth Material is owned by Ms. Gayle Seale; El Dorado Paving is owned by Ms. Karen Patterson; Paradigm Outsourcing/Paradigm Outdoor Supply are owned by Ms. Amythyst Peterson

- Question – What are the performance ratings received by the Sub-contractors?
- Answer – As stated above, the City's contract is with the Prime therefore we only rate the Prime Contractors, not the Sub-contractor.

- How does the proposed services apply to the contract?
- Answer – The commercially useful function that Earth Material Services will perform is hauling of concrete debris removed from each work location; El Dorado Paving will provide paving services as needed for this contract; Paradigm Outsourcing Services will provide certified flagmen and general labor and Paradigm Outdoor Supply will provide concrete and plastic pipes for sanitary and storm sewers, paving supplies, materials and barricades, as needed. These Sub-contractors are certified to perform those commercially useful functions, as listed above.

- Question – Did the Prime Contractor have a choice on which Sub-contractors it could choose to satisfy the M/W/D/BE requirements?
- Answer – Our office provides Prime Contractors with access to our M/W/BE Directory. We do not dictate or suggest to the Prime Contractors which Sub-contractors to choose. After the Prime Contractors access our M/W/BE Directory, the Prime Contractors select whichever Sub-contractors they wish to use, according to their work needs, capabilities and scope of services.

Please call or e-mail me if you need additional information. I can be reached at 713.837.9015.



MOTION NO. 2007

WRITTEN Motion by Council Member Holm to amend the proposed Ordinance amending Section 20-22 of the Code of Ordinances, Houston, Texas, relating to Mobile Food Units and Commissaries, as follows:

I move to amend Section 20-22, subsection (c), section (6) to read as follows:

- (6) **Signage.** Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon no more than two sides of the unit, in letters not less than three inches in height and not to exceed eight inches in height. Each sign must not exceed nine square feet in area and must be and remain in compliance with all standards set in the Sign Code.

Council Members Khan and Berry absent

On 9/12/07 the above motion was tagged by Council Members Garcia and Alvarado.

cr

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

SUBJECT: Ordinance amending Section 20-22 of the code of Ordinances, Houston, Texas, relating to the operation of mobile food units and commissaries

Category #	Page	Agenda Item
	43A	55-12

FROM (Department or other point of origin):

Houston Department of Health and Human Services

Origination Date
August 27, 2007

Agenda Date
~~SEP 05 2007~~
~~SEP 12 2007~~

DIRECTOR'S SIGNATURE

Stephen L. Williams

Stephen L. Williams, M.Ed., M.P.A., Director

Council District affected:

All

SEP 19 2007

For additional information contact:

Kathy Barton 713-794-9998 or 713-826-5801

Date and identification of prior authorizing Council action:

RECOMMENDATION:

Approval of an ordinance amending Chapter 20 of the Code of Ordinances, Houston, Texas, relating to the operation of mobile food units and commissaries

Amount and Source of Funding: N/A

F & A Budget:

SPECIFIC EXPLANATION:

The proposed ordinance amends Section 20-22 to enhance the regulation of mobile food units ("MFU") and commissaries as follows:

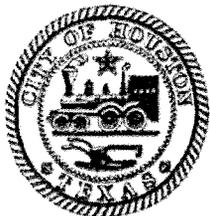
- Section 20-22(a) is amended to provide definitions of terms used in this section;
- Section 20-22(b) is amended by clarifying that this section is enforceable by any peace or health officer;
- Section 20-22(c) is amended by clarifying the requirements for a MFU operator to obtain a medallion for operation which include the following:
 - Requiring the operator to provide the Department a list of locations where his MFU will be in operation and to provide written notice at least two business days prior to beginning operations at or relocating to any location not currently included on the list of active locations submitted to the department;
 - Requiring the operator to display the consent to operate on private property in plain view of the public at all times. It also provides that the MFU operator must immediately cease operations and remove the MFU from property upon receipt of a citation for violation of this provision;
 - The operator must prove that a flushable toilet located in a business establishment is located with 500 feet of where the MFU is in operation for more than one hour. A copy of a notarized statement of consent from the owner of the business must be displayed in the MFU in plain view of the public at all times. The MFU operator who receives a citation for violating this provision must immediately cease operations and remove the MFU from that location;
 - An operator must demonstrate mobility if requested by peace officer or health officer;
- Section 20-22(d) is amended by providing enhanced sanitation regulations regarding water system, water tanks, and garbage and refuse storage facilities. It also prohibits attaching or setting up other devices or equipment to or around the MFU, such as, providing or allowing a canopy or awning that is not attached to the unit, or a dining area or portable toilet facility within 100 feet of the MFU. Section 20-22(d) is further amended by specifying that quick-connect electrical and telephone services must be in full compliance with the Electrical Code, and by requiring the exterior surfaces of MFUs to be weather-resistant and in compliance with all applicable laws;
- Section 20-22(e) is amended by specifying how often each type of MFU must receive commissary services and specifying that MFU operators must maintain servicing records for a period of one year and commissaries must maintain records for a period of two years. It also provides that it is unlawful to falsify servicing records.
- Section 20-22(f) is amended by clarifying that commissaries servicing MFUs must be approved and permitted food establishments and specifying that generally, the use of liquid waste transport vehicles to remove and dispose of liquid waste from MFUs is prohibited. It also provides that it is the commissary operator's duty to observe or perform servicing on each MFU and properly complete a servicing record.
- Section 20-22(j) is added to establish the penalties for violating this article, which include immediate cessation of operations, the suspension or revocation of the MFUs medallion or the food dealer's permit for the commissary, the issuance of a citation for a class C misdemeanor, filing of a criminal charge under Sec. 37.10, Texas Penal Code, for Tampering with a governmental record, or the filing of an injunction.
- Section 20-22(k) is added to make it unlawful to tamper with the electronic technology system.

REQUIRED AUTHORIZATION

F & A Director

Other Authorization:

Other Authorization:



CITY OF HOUSTON

Legal Department

Interoffice

Correspondence

To: Toni Lawrence
Council Member, District A

From: Arturo G. Michel 
City Attorney

Date: September 13, 2007

Subject: Applicability of HB 3138 to the City
of Houston

This is in response to your inquiry regarding whether House Bill ("HB") 3138 is applicable to the City. HB 3138 pertains to the authority to operate a mobile food unit, roadside food vendor, or temporary food service establishment on private property. HB 3138 requires that an operator obtain written authorization from the property owner. It further specifies that the authorization must be notarized, must indicate that the vendor has the property owner's permission to operate on that property, and must be prominently displayed in plain view in the unit at all times.

HB 3138 is only applicable to counties with a population of more than 3.3 million. Since Harris County does have a population of more than 3.3 million, it is applicable to Harris County. Additionally, because the City is within Harris County, and there is no language in HB 3138 to suggest otherwise, it is applicable to the portions of the City located within Harris County as well. Please note that generally, when City ordinances parallel state law provisions, the City ordinances may be more restrictive than the state law, however they cannot be less restrictive. Thus, the City must, at a minimum, comply with the requirements of HB 3138 relating to the written authorization that a property owner must provide.

Please advise if you have any further questions or concerns regarding this matter.

AGM:MNA 

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H.B. No. 313

AN ACT

relating to the authority to operate a mobile food unit, roadside food vendor, or temporary food service establishment in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 437.009, Health and Safety Code, is amended to read as follows:

Sec. 437.009. INSPECTIONS. Authorized agents or employees of the department, a county, or a public health district may enter the premises of a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment under the department's, county's, or district's jurisdiction during normal operating hours to conduct inspections to determine compliance with:

- (1) state law, including a requirement to hold and display written authorization under Section 437.021;
- (2) rules adopted under state law; ~~and~~
- (3) orders adopted by the department, county, or district.

SECTION 2. Chapter 437, Health and Safety Code, is amended by adding Section 437.021 to read as follows:

Sec. 437.021. AUTHORITY TO OPERATE ON CERTAIN PROPERTY. A person operating a mobile food unit, roadside food vendor, or temporary food service establishment in a county with a population of more than 3.3 million shall acquire written authorization from the owner of the property on which the unit, vendor, or establishment is operating. The written authorization must:

- (1) be notarized;
- (2) provide that the operator has the property owner's permission to operate the unit, vendor, or establishment on the property; and
- (3) be prominently displayed in the unit, vendor, or establishment in plain view of the public at all times.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 3138 was passed by the House on April 27, 2007, by the following vote: Yeas 133, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3138 was passed by the Senate on May 17, 2007, by the following vote: Yeas 31, Nays 0.

APPROVED: _____
Date

Governor

Secretary of the Senate

FOOD ORDINANCE 2007 REFERENCE CHART

~~#65~~

9/12/07

Description of Item Number	COH Item #	TFER Reference	Recommended By	Justification/Remarks
Mobile food service--definitions	20-22(a)	NA	Neighborhood Protection & Development Committee for Clarification Purposes	Consolidation of definitions from various locations pertaining to this section
Mobile food service--general	20-22(b)	NA	Recommended by the Houston Department of Health & Human Services (HDHHS)	Amended by clarifying that this section is enforceable by any peace or health officer.
Mobile food service--property owner's permission	20-22(c)(4)	NA	Recommended by HDHHS	Reworded to require unrestricted mobile food service operator to have notarized written statement from the property owner if the mobile food unit operates for more than 1 hour at a given location. This approval must be displayed in plain view in the mobile food unit.
Mobile food service--access to restrooms	20-22(c)(5)	NA	Recommended by HDHHS	New sub-item: requires mobile food units (except restricted mobile food units, park vending, or fixed location mobile food units) to provide restrooms for employees within 500 feet of each location where the mobile unit will be for more than one hour; a notarized written letter of approval by the property owner is required. This approval must be displayed in plain view in the mobile food unit.
Mobile food service--mobility	20-22(c)(7)		Compliance with TFER	New sub-item added to state that a mobile food unit must be able to demonstrate mobility at any reasonable time.
Mobile food service--water systems	20-22(d)(2) & (3)	229.166(i)(6)(G-N)	Compliance with TFER	New sub-item added to include specific requirements regarding mobile food units water tanks, hoses, flushing, and pumps. Mobile food units are particularly vulnerable to environmental contamination if soiled hoses are coupled to the fresh water inlet.
Mobile food service--garbage and rubbish	20-22(d)(5)	NA	Recommended by HDHHS	Reworded to specifically include insect and rodent-proof containers for customers' use
Mobile food service--operation capacity limited	20-22(d)(7)(a-e)	NA	Recommended by HDHHS	Sub-item expanded to clarify: storage of brooms/mops/equipment; prohibited dining area; and use of canopies/awnings; banners and signs.
Mobile food service--utility connections	20-22(d)(8)	NA	Recommended by HDHHS	Reworded to state that all electrical services shall be in full compliance with the electrical code
Mobile food service--exterior surfaces	20-22(d)(9)	NA	Recommended by HDHHS	New sub-item to state that exterior surfaces shall be of weather-resistant materials.
Mobile food service--servicing records	20-22(e)(2)-(6)	NA	Recommended by HDHHS	Reworded to require servicing records to be available including any "peace officer". Servicing records to be kept and maintained for 2 years at the commissary. Changed length of period a mobile food unit is to maintain and keel service records from 2 years to 1 year. Added that it is unlawful to present or fraudulently use commissary records.
Mobile food service--servicing area and operations; water systems	20-22(f)(4)(a & b)	229.166(i)(6)(A-E)	Compliance with TFER	Reworded for clarity: bottom of the water tank must be sloped to allow complete drainage and to prevent retention of water or solutions after cleaning. Access port must be constructed to prevent the opening from becoming a source of contamination. Tank vent filters protect against the entry of insects and vermin.
Mobile food service--enforcement of rules	20-22(j)	NA	Recommended by HDHHS and compliance with HB 3672	Consolidation of penalty provisions from various existing locations for clarity. Added a Penal Code violation pursuant to HB 3672
Mobile food service--tampering with electronic tracking device	20-22(k)	NA	Recommended by HDHHS	New sub-item to state that is shall be unlawful to remove, disable or otherwise tamper with any electronic technology installed to facilitate or monitor compliance with these requirements.

Redline of § 20-22

Sec. 20-22. Mobile food service units and commissaries.

(a) Definitions. When used in this subsection, the following words, terms and phrases shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning:

Catering establishment shall have the meaning ascribed in section 20-18 of this Code.

Commissary shall have the meaning ascribed in section 20-18 of this Code.

Fixed location mobile food unit shall mean a mobile food unit that is restricted to operation on the premises of a permitted food establishment that serves as the commissary for the fixed location unit. A fixed location unit must be easily movable and maneuverable by one person when the unit is fully loaded.

Food service establishment shall have the meaning ascribed in section 20-18 of this Code.

Licensed park vendor shall mean a mobile food unit used by a vendor licensed under article IX of Chapter 32 of this Code.

Mobile food unit shall have the meaning ascribed in section 20-18 of this Code.

Restricted operations mobile food unit shall mean a mobile food unit that serves no food other than: (1) food that was prepared and packaged in individual servings at an approved commissary and transported and stored under conditions meeting the requirements of this article; (2) beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment; (3) potentially hazardous beverages such as individual servings of milk, milk products and coffee creams that have been packaged at a pasteurizing plant; and (4) prepackaged individual serving frozen dessert items including, without limitation, frozen ice and ice cream novelty bars, cones and serving cups that have been packaged at a pasteurizing plant or other approved facility.

(b) General. All mobile food units shall comply with all applicable laws, including the requirements of this article, except as otherwise provided in this section. The health officer may impose additional requirements to protect against health hazards related to the conduct of mobile food units and may prohibit the sale of potentially hazardous foods. The provisions of this section shall be enforceable by any peace officer or health officer.

(c) Issuance of medallions for operation of mobile food units.

(1) Medallions. All mobile food units shall obtain a medallion from the department prior to operating. Operation of a mobile food unit without a medallion is prohibited.

(2) Submission of plans. Prior to the issuance of a medallion, the operator of a mobile food unit, other than a restricted operations mobile food unit, shall provide the following to the department:

a. A written standard operating procedure for each mobile food unit that must include provisions for:

[1] Food unit's waste water disposal site and process; and

[2] Other servicing operations details; and

- b. Two sets of drawings that must clearly specify and address the proposed layout, surface finish schedule, arrangement and construction material of the mobile food unit, and that must include, without limitation, the proposed layout, arrangement and sizes of plumbing fixtures and connections.

The provisions of this item (2) shall not be applicable to renewals, provided that the applicant certifies in writing to the health officer that the previously provided procedures and plans are still valid.

- (3) ***Locations of operation.*** Prior to the issuance of any initial or renewal medallion, the operator of a mobile food unit, other than a restricted operations mobile food unit, shall submit to the department a list of locations where the mobile food unit will be in operation. The operator shall also give written notice at least two business days prior to beginning operations at or relocating operations to any location not currently previously included on the list of active locations submitted to the department.
- (4) ***Operation on private property.*** Prior to the issuance of a medallion or renewal, ~~the operator of a mobile food unit other than a restricted operations mobile food unit, a licensed park vending unit or a fixed location mobile food unit, to that will~~ be operated on private property for more than one hour in a single day shall submit to the department proof of his ownership of the private property or a signed and notarized written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the mobile food unit at the proposed location ~~where the mobile food unit will be in operation~~. If the property owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or officers ~~one of the principals~~ prior to issuance of any initial or renewal medallion. A copy of the statement shall be displayed in the mobile food unit in plain view of the public at all times. The operator of a mobile food unit shall immediately cease operations and remove the mobile food unit from said property upon receipt of a citation for a violation of this subsection.
- (5) ***Access to toilets.*** Prior to the issuance of a medallion or renewal, the operator of a mobile food unit, other than a restricted operations mobile food unit, a licensed park vending unit or a fixed location mobile food unit, to be operated on private property shall submit to the department proof of availability of restrooms with flushable toilets located in a business establishment within 500 feet of each location where the mobile food unit will be in operation for more than 1 hour in any single day. Proof of availability of adequate facilities shall be in the form of a signed and notarized written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting permission for use of the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or officers. A copy of the statement shall be displayed in the mobile food unit in plain view of the public at all times. The operator of a mobile food unit shall immediately cease operations and remove the mobile food unit from said property upon receipt of a citation for a violation of this subsection.
- (f) (6) ~~Identification of mobile food units~~ ***Signage.*** Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon at least two sides of the unit, in letters not less than three inches in height.
- (7) ***Mobility.*** A mobile food unit must demonstrate mobility at any reasonable time if requested by any peace officer or health officer.

- (8) ~~Special requirements for u~~ ***Use of LP-gas in mobile food units.*** In addition to complying with the applicable requirements of this chapter, ~~the~~ operator of a mobile food unit in, on or in conjunction with which LP-gas is used to cook or otherwise prepare food shall obtain from the fire department a permit for the use of LP-gas and LP-gas equipment for each mobile food unit and shall make the permit available for inspection and/or copying upon the request of any peace officer, fire department employee, or health officer.

(d) ~~Items of s~~***Sanitation.*** In addition to complying with the requirements of this section, all mobile food units shall comply with the following items of sanitation:

- (1) ~~Item 1.~~ ***Single-service articles.*** Mobile food units shall provide only single-service articles for use by the consumer.

- (2) ~~Item 2.~~ ***Water systems.*** A mobile food unit, other than a restricted operations mobile food unit, shall have a potable water system under pressure. All water used in connection with the mobile food unit shall be from sources approved by the health officer. The water system shall include a potable water tank of not less than 30 gallons capacity for conventional mobile food units and not less than 5 gallons capacity for units used by a vendor licensed under chapter 32, article IX of this Code and for fixed location mobile food units. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitization, and hand-washing, in accordance with the requirements of this article. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing and potable water tanks shall be constructed of materials meeting standards established by an American National Standards Institute (ANSI) or other approved accredited certification program and installed according to the requirements of this article. Connection to a water system at an operational location is prohibited. The water system shall comply with the following additional items:

a. *Tank design and construction.* A mobile food unit's water tank shall be enclosed from the filling inlet to the discharge outlet and sloped to an outlet that allows complete drainage of the tank.

b. *Tank inspection and cleaning port, protected and secured.* If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:

[1] Flanged upward at least 13 mm (one-half inch);

[2] Equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place; and

[3] Flanged to overlap the opening and sloped to drain.

c. *'V' type threads, use limitation.* A fitting with 'V' type threads on water tank inlets or outlets shall be allowed only when a hose is permanently attached.

d. *Tank vent, protected.* If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

[1] A screen of 16 mesh to one inch or equivalent when the vent is in a protected area; or

[2] A protective filter when the vent is in an area that is not protected from wind blown dirt and debris.

e. Protective cover or device. A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for each water inlet, outlet, and hose.

(3) **Mobile food establishment water tanks, when required.** Materials that are used in the construction of a mobile food unit water tank and appurtenances shall be safe, durable, corrosion-resistant, and nonabsorbent, and finished to have an easily cleanable surface.

a. Tank hose, construction and identification. A hose used for conveying drinking water from a water tank shall be safe, durable, corrosion-resistant, and nonabsorbent; resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition; finished with a smooth interior surface; and clearly and durably identified as to its use if not permanently attached.

b. Tank filter, compressed air. A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and the drinking water system when compressed air is used to pressurize the water tank system.

c. Mobile food unit tank inlet. A mobile food unit water tank inlet shall be 19.1 mm (three-fourths inch) in inner diameter or less and provided with a hose connection of the size or type that will prevent its use for any other service.

d. Operation and maintenance system flushing. A water tank, pump, and hoses shall be flushed and sanitized at an approved commissary before being placed in service after construction, repair, modification, and periods of nonuse.

e. Using a pump and hoses; backflow prevention. An individual shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

f. Protecting inlets, outlets, and hose fittings. If not in use, a water tank and hose inlet and outlet fittings shall be protected using a cover or device as specified in sub-item g below.

g. Tank, pump, and hoses; dedication. A water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose. Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

(3)(4) **Item 3. Waste retention.** If liquid waste results from operation of a mobile food unit, it shall be stored in permanently installed vented retention tanks that are at least 15 percent larger than the water supply tank. A mobile food unit waste retention tank shall be sloped to an outlet that allows complete drainage of the tank during servicing operations. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion or at an operational location. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the food unit. The waste connection shall be located below the water connection to preclude contamination of the potable water system. Connection to a sewerage system at an operational location is prohibited.

(4)(5) **Item 4. Garbage and refuse.** A mobile food unit shall have adequate and approved garbage and refuse storage facilities for the operator's use and shall have garbage and refuse storage facilities attached to the exterior of the mobile food unit that are insect and rodent-proof for customers' use. Disposal shall be in accordance with section 20-21.20 of this Code.

- (5)(6) **Item 5. Damage report.** Any accident involving a mobile food unit shall be reported within 24 hours of the time the accident occurred if the accident results in damage to the water system, waste retention tank, food service equipment, or any facility that may result in the contamination of the food being carried or any damage that results in a violation of this section. Reports shall be made by the holder of the mobile food unit medallion.
- (6)(7) **Item 6. Operation capacity limited.** The owner/operator of a mobile food unit shall prepare, serve, store and display food and beverages on or in the mobile food unit itself and shall not attach, set up or use any other device or equipment intended to increase selling, serving, storage, or display capacity of the mobile food unit. It shall be unlawful for the operator of a mobile food unit to:
- a. Allow items, such as but not limited to brooms, mops, hoses, equipment, containers and boxes or cartons, to remain adjacent to or beneath the mobile food unit;
 - b. Provide or allow any sign or banner to remain that is not attached to and solely supported by the mobile food unit;
 - c. Provide or allow any canopy, awning or other covering that is not attached to and solely supported by the mobile food unit to remain over any part of the mobile food unit or over any area within 100 feet of the mobile food unit, except that any awning or covering provided by others and primarily used for other purposes and only incidentally or coincidentally used by the mobile food unit shall not be considered a violation of this subsection;
 - d. Provide or allow any portable toilet facility within 100 feet of the mobile food unit; and
 - e. Provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, within 100 feet of the mobile food unit. Dining areas or seating areas adjacent to fixed location mobile food units operating inside of an enclosed space such as a mall or lobby or park vending units where the seating is provided by someone other than the mobile food unit operator and only incidentally or coincidentally used by the patrons of the mobile food unit are acceptable if approved by the health officer.
- (7)(8) **Item 7. Utilities-Utility connections.** Utility connections, if any, shall be limited to quick-connect electrical and telephone services and shall be in full compliance with the Electrical Code. Utility connections for water, sewerage and gas are prohibited.
- (9) **Exterior surfaces.** Exterior surfaces of mobile food units shall be of weather-resistant materials and shall comply with all applicable laws.
- (e) Servicing of mobile food units by commissaries; servicing records.
- (1) **Servicing by commissaries.** Mobile food units, other than restricted service mobile food units, shall operate from a commissary approved by the health officer and shall report to such location for supplies, cleaning, and servicing operations as follows:
- a. Fixed location mobile food units shall return to the commissary at least once per day of operation for the performance of all servicing operations.
 - b. Licensed park vendor mobile food units shall return to the commissary at least once per day of operation for the performance of all servicing operations.

- c. All other mobile food units shall return to the commissary for the performance of all servicing operations within the 24-hour period preceding operations.
- (2) **Servicing records.** It shall be unlawful for an operator of a mobile food unit, other than a restricted service mobile food unit, to be in operation without a valid servicing record in his possession.
- (3) **Servicing records to be kept by mobile food unit operators.** The operator of a mobile food unit, other than a restricted operations mobile food unit, shall keep and maintain servicing records on the mobile food unit for a period of one year from the date of servicing. The servicing records must be immediately available to any peace officer or health officer for inspection and copy at the mobile food unit during the mobile food unit's hours of operation.
- (4) **Servicing records to be kept by commissaries.** The commissary from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit in a manner and form prescribed by the health officer. The permit holder, person in charge, employee, or representative of any commissary shall keep and maintain servicing records at the commissary for a period of two years from the date of servicing or until retrieved by the health officer, whichever comes first. Servicing records maintained at the commissary shall be immediately available to any peace officer or health officer for inspection and copying during normal business hours.
- (5) **Falsification of servicing records.** It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary to issue a servicing record without first verifying that the mobile unit has complied with all servicing requirements. It shall be unlawful for any owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to knowingly present or issue any false, fraudulent, or untruthful servicing record for the purpose of demonstrating compliance with this subsection.
- (6) **Maintenance of servicing records.** The health officer may promulgate rules and procedures regarding maintenance of the servicing records by the commissaries and mobile food units. The health officer may require the use of electronic or other technology to facilitate or monitor compliance with the requirements of this chapter.

~~(g) *Commissary; general.* Mobile food units shall operate from a commissary or other fixed food service establishment that is constructed and operated in compliance with the requirements of this article and other applicable laws. Using a private residence as a commissary for a mobile food unit is prohibited. Only those food establishments that initially and continually meet the requirements of this subsection and subsection 20.22(c) and (h) applicable to commissary operations shall be approved by the health officer to service mobile food units.~~

~~The commissary servicing any mobile food unit other than a restricted operations mobile food unit shall be an approved and permitted food establishment at which the mobile food unit is supplied with fresh water, emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink.~~

~~Each mobile food unit other than a restricted operations mobile food unit, a licensed park vending unit or a fixed location mobile food unit shall return to the commissary at least once per each day of operation for the performance of all servicing operations. Licensed park vending units and fixed location mobile food units shall return to the commissary at least once per each day of operation for the performance of all servicing operations. The use of liquid waste transport vehicles, otherwise known as vacuum trucks, for the removal and disposal of liquid waste resulting from mobile food unit operations is~~

prohibited. ~~Provided, however, that a fixed location mobile food unit operating exclusively in a permanent nonresidential building that is primarily used for other purposes, such as a retail shopping mall, office atrium, or hospital lobby, may utilize other means to fill water tanks and to drain and flush wastewater tanks if approved by the health officer.~~

(f) Commissaries.

(1) **Permitting of commissaries as food establishments.** A commissary servicing any mobile food unit, other than a restricted service mobile food, unit shall be an approved and permitted food establishment at which the mobile food unit is supplied with fresh water, emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink.

(2) **Permitting of commissaries as food dealers.** A commissary shall acquire and maintain a valid food dealer's permit and meet all requirements of this article including, but not limited to:

a. Maintenance of proper structures pursuant to section 20-21.28 of this Code;

b. Issuance and maintenance of servicing records and maintenance of equipment pursuant to subsection 20-22(c) and (h) of this Code; and

c. Compliance with all other applicable rules and operational guidelines as may be promulgated by the health officer.

(3) **Private residences.** Use of a private residence as a commissary is prohibited.

(4) **Commissary servicing area and operations.**

a. An enclosed service building separated from commissary operations shall be provided for supplying and maintaining mobile food units. The servicing area shall be at an approved location and constructed and operated in compliance with the requirements of this article. Fixed location mobile food units authorized under this article and mobile food units licensed under article IX of Chapter 32 of this Code shall be stored in the servicing area except while in operation for food service and during transport to and from the service building. A fixed location mobile food unit that does not fully meet the foregoing storage requirements and ~~is permitted~~ was first operated under a medallion on or before February 13, 2000, shall be exempt from this requirement provided that the operation continues under the same ownership and the medallion is continuously renewed without lapse or termination and provided that the permit holder uses alternative storage arrangements that are approved by the health officer.

(2) b. **Servicing operations.**

a.[1] Potable water-servicing equipment shall be stored and handled in a way that protects the water and equipment from contamination.

b.[2] The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system in accordance with section 20-21.16 of this Code. The flushing and draining area for liquid wastes shall be separate from the area used for loading and unloading of food and related supplies.

- e- [3] Vehicle cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization shall be done with potable water and shall be done in a manner that will not contaminate the vehicle's food storage or food preparation areas or equipment. If hoses are used in the cleaning process, they shall be food-grade and kept off the floor or pavement, on racks or by other approved suitable means, and the system shall meet the requirements of section 20-21.17 of this Code. All cleaning areas shall be paved with a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt, which is sloped to drain toward an approved catch basin or floor drain where the liquid waste can be disposed of in accordance with the requirements of section 20-21.16 of this Code.

- d- [4] The use of liquid waste transport vehicles, otherwise known as vacuum trucks, for the removal and disposal of liquid waste resulting from mobile food unit operations is prohibited. Provided, however, that a fixed location mobile food unit operating exclusively in a permanent nonresidential building that is primarily used for other purposes, such as a retail shopping mall, office atrium, or hospital lobby, may utilize other means to fill water tanks and to drain and flush wastewater tanks if approved by the health officer.

- e- [5] Servicing operations may be performed by the commissary operator or by the mobile food unit operator. It shall be the commissary operator's responsibility to observe or perform servicing on each mobile food unit and properly complete a servicing record as prescribed by the health officer. It is the responsibility of the mobile food unit operator to confirm that the requirements of this section are fulfilled prior to resuming operations.

††(g) Special requirements for mobile food units operated by licensed park vendors. In addition to complying with the other applicable requirements of this chapter, a mobile food unit operated by a vendor licensed under article IX of chapter 32 of this Code, must meet the following requirements:

- (1) ***Item 1.*** A unit shall not exceed four feet in width, eight feet in length and eight feet in height including the unit's shade umbrella. In the event of an emergency, the unit must be easily movable, controllable, and maneuverable by one person when the unit is fully loaded. A unit shall have at least two operable rubber or rubber-like wheels that are less than eight inches in diameter. The bottom of the unit shall be at least one foot from the ground. The unit shall be non-motorized.

- (2) ***Item 2.*** Each unit shall have protective glass guards and a roof or a shade umbrella to protect against exposure to insects, rodents, dust, or other contamination. Each unit shall have ample space available on the sides of the unit to display the prices of food, the name and street address of the vendor, and the medallion issued under section 20-37 of this Code.

- (3) ***Item 3.*** Each unit shall have a litter receptacle attached to the unit available, clearly marked, and maintained for patron use. This litter receptacle shall have not less than a twenty-gallon capacity and shall be composed of a leak-proof, nonabsorbent material.

- (4) ***Item 4.*** The interior of a unit shall be equipped with cabinet units or compartments. All food-contact surfaces shall be smooth, easily accessible and cleanable. Unfinished or painted wood shall not be used as a food-contact surface. Units that will dispense

beverages must be equipped to do so from a closed carbonation system or bulk dispensing units or to distribute packaged beverages.

~~(k)~~(h) *Special requirements for fixed location mobile food units.* A mobile food unit that does not meet all criteria applicable to the permitting of a conventional mobile food unit may be permitted on a fixed location only basis, provided:

- (1) The unit complies with the same criteria stated in items (1), (2), (3) and (4) of subsection (g) above for units operated by licensed park vendors;
- (2) The unit shall be restricted to operation on the premises of one food establishment that holds a valid permit under this article, and the commissary serving the unit shall be located in that establishment; and
- (3) The commissary shall meet all applicable requirements of state law and city ordinances.

A fixed location mobile food unit that does not fully meet the requirements of item (1) of subsection (g) above and is ~~permitted~~ was first operated under a medallion on or before February 13, 2000, shall be exempt from the requirements of item (1) of subsection (j) above provided that the operation continues under the same ownership and the ~~permit and~~ medallion is continuously renewed without lapse or termination.

If the operator of the unit is not the operator of the food establishment, then the operator shall be required to furnish written proof of permission of the person who operates the food establishment premises to utilize the unit and commissary on the premises. In the event that the permit issued under this article for the food establishment on whose premises the unit and its commissary are situated expires without timely renewal or is revoked or suspended, the unit's medallion shall automatically be suspended until and unless the permit for the food establishment is restored to valid status.

(i) *Alternatives; waivers.* The director of health and human services or any assistant or deputy director may authorize alternatives to particular requirements of this section or any other provisions of this article with respect to a mobile food unit. Any authorization shall be considered only upon written request, which shall set forth the provision for which an alternative is sought and the nature of the proposed alternative. Approval for the alternative shall be granted if it is determined that, for the purpose intended, the alternative proposed is at least equivalent to the requirement otherwise specified in this article with respect to safety, sanitation and related purposes. The burden of demonstrating compliance with the foregoing standard shall be upon the requestor. Consistent with the foregoing procedures and standards, the director of health and human services or any assistant or deputy director may waive any requirement of this article upon demonstration that it has no applicability for the purposes intended herein to the operation of the mobile food unit. An approval issued under this section shall be valid only if issued in writing and shall be limited in scope as provided therein.

(j) Enforcement of this article. Failure by a mobile food unit or a commissary to comply with the requirements set forth in this article or rules promulgated by the health officer shall be unlawful and may result in one or more of the following penalties:

- (1) Immediate cessation of operations;
- (2) The suspension or revocation of the mobile food unit's medallion or the food dealer's permit for that commissary pursuant to sections 20-41 and 20-42 of this Code;
- (3) The issuance of a citation for a class C misdemeanor pursuant to subsection 20-19(c) of this Code for every day of noncompliance;
- (4) The filing of a criminal charge under Section 37.10 of the Texas Penal Code for the offense of Tampering with Governmental Record; and

(5) The filing of a suit in district court by the city attorney to enjoin a food service establishment from operating without a permit or a medallion if a permit or medallion is required.

(k) *Additional offense.* It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to remove, disable or otherwise tamper with any electronic technology installed to facilitate or monitor compliance with the requirements of this chapter.

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING SECTION 20-22 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO MOBILE FOOD UNITS AND COMMISSARIES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFOR; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

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

Section 1. That Section 20-22 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 20-22. Mobile food units and commissaries.

(a) *Definitions.* When used in this subsection, the following words, terms and phrases shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning:

Catering establishment shall have the meaning ascribed in section 20-18 of this Code.

Commissary shall have the meaning ascribed in section 20-18 of this Code.

Fixed location mobile food unit shall mean a mobile food unit that is restricted to operation on the premises of a permitted food establishment that serves as the commissary for the fixed location unit. A fixed location unit must be easily movable and maneuverable by one person when the unit is fully loaded.

Food service establishment shall have the meaning ascribed in section 20-18 of this Code.

Licensed park vendor shall mean a mobile food unit used by a vendor licensed under article IX of Chapter 32 of this Code.

Mobile food unit shall have the meaning ascribed in section 20-18 of this Code.

Restricted operations mobile food unit shall mean a mobile food unit that serves no food other than: (1) food that was prepared and

packaged in individual servings at an approved commissary and transported and stored under conditions meeting the requirements of this article; (2) beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment; (3) potentially hazardous beverages such as individual servings of milk, milk products and coffee creams that have been packaged at a pasteurizing plant; and (4) prepackaged individual serving frozen dessert items including, without limitation, frozen ice and ice cream novelty bars, cones and serving cups that have been packaged at a pasteurizing plant or other approved facility.

(b) *General.* All mobile food units shall comply with all applicable laws, including the requirements of this article, except as otherwise provided in this section. The health officer may impose additional requirements to protect against health hazards related to the conduct of mobile food units and may prohibit the sale of potentially hazardous foods. The provisions of this section shall be enforceable by any peace officer or health officer.

(c) *Issuance of medallions for operation of mobile food units.*

- (1) **Medallions.** All mobile food units shall obtain a medallion from the department prior to operating. Operation of a mobile food unit without a medallion is prohibited.
- (2) **Submission of plans.** Prior to the issuance of a medallion, the operator of a mobile food unit, other than a restricted operations mobile food unit, shall provide the following to the department:
 - a. A written standard operating procedure for each mobile food unit that must include provisions for:
 - [1] Food unit's waste water disposal site and process; and
 - [2] Other servicing operations details; and
 - b. Two sets of drawings that must clearly specify and address the proposed layout, surface finish schedule, arrangement and construction material of the mobile food unit, and that must include, without limitation, the proposed layout, arrangement and sizes of plumbing fixtures and connections.

The provisions of this item (2) shall not be applicable to renewals, provided that the applicant certifies in writing to the health officer that the previously provided procedures and plans are still valid.

- (3) **Locations of operation.** Prior to the issuance of any initial or renewal medallion, the operator of a mobile food unit, other than a restricted operations mobile food unit, shall submit to the department a list of locations where the mobile food unit will be in operation. The operator shall also give written notice at least two business days prior to beginning operations at or relocating operations to any location not currently included on the list of active locations submitted to the department.
- (4) **Operation on private property.** Prior to the issuance of a medallion or renewal, the operator of a mobile food unit that will be operated on private property for more than one hour in a single day shall submit to the department proof of ownership of the property or a signed and notarized written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the mobile food unit at the proposed location. If the property owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or officers. A copy of the statement shall be displayed in the mobile food unit in plain view of the public at all times. The operator of a mobile food unit shall immediately cease operations and remove the mobile food unit from said property upon receipt of a citation for a violation of this subsection.
- (5) **Access to toilets.** Prior to the issuance of a medallion or renewal, the operator of a mobile food unit, other than a restricted operations mobile food unit, a licensed park vending unit or a fixed location mobile food unit, to be operated on private property shall submit to the department proof of availability of restrooms with flushable toilets located in a business establishment within 500 feet of each location where the mobile food unit will be in operation for more than 1 hour in any single day. Proof of availability of adequate facilities shall be in the form of a signed and notarized written statement from the owner or owner's agent, including the name, address and telephone number of the property owner or authorized agent, and the type of business and hours of operation, granting

permission for use of the facilities. If the business owner is a partnership or corporation, the statement shall include the name, address, and telephone number of one of the partners or officers. A copy of the statement shall be displayed in the mobile food unit in plain view of the public at all times. The operator of a mobile food unit shall immediately cease operations and remove the mobile food unit from said property upon receipt of a citation for a violation of this subsection.

- (6) **Signage.** Every mobile food unit must be readily identifiable by business name, printed, permanently affixed, and prominently displayed upon at least two sides of the units, in letters not less than three inches in height.
- (7) **Mobility.** A mobile food unit must demonstrate mobility at any reasonable time if requested by any peace officer or health officer.
- (8) **Use of LP-gas.** The operator of a mobile food unit in, on or in conjunction with which LP-gas is used to cook or otherwise prepare food shall obtain from the fire department a permit for the use of LP-gas and LP-gas equipment for each mobile food unit and shall make the permit available for inspection and/or copying upon the request of any peace officer, fire department employee, or health officer.

(d) **Sanitation.** In addition to complying with the requirements of this section, all mobile food units shall comply with the following items of sanitation:

- (1) **Single-service articles.** Mobile food units shall provide only single-service articles for use by the consumer.
- (2) **Water systems.** A mobile food unit, other than a restricted operations mobile food unit, shall have a potable water system under pressure. All water used in connection with the mobile food unit shall be from sources approved by the health officer. The water system shall include a potable water tank of not less than 30 gallons capacity for conventional mobile food units and not less than 5 gallons capacity for units used by a vendor licensed under chapter 32, article IX of this Code and for fixed location mobile food units. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitization, and hand-

washing, in accordance with the requirements of this article. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing and potable water tanks shall be constructed of materials meeting standards established by an American National Standards Institute (ANSI) or other approved accredited certification program and installed according to the requirements of this article. Connection to a water system at an operational location is prohibited. The water system shall comply with the following additional items:

- a. Tank design and construction. A mobile food unit's water tank shall be enclosed from the filling inlet to the discharge outlet and sloped to an outlet that allows complete drainage of the tank.
- b. Tank inspection and cleaning port, protected and secured. If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and:
 - [1] Flanged upward at least 13 mm (one-half inch);
 - [2] Equipped with a port cover assembly that is provided with a gasket and a device for securing the cover in place; and
 - [3] Flanged to overlap the opening and sloped to drain.
- c. 'V' type threads, use limitation. A fitting with 'V' type threads on water tank inlets or outlets shall be allowed only when a hose is permanently attached.
- d. Tank vent, protected. If provided, a water tank vent shall terminate in a downward direction and shall be covered with;
 - [1] A screen of 16 mesh to one inch or equivalent when the vent is in a protected area; or

- [2] A protective filter when the vent is in an area that is not protected from wind blown dirt and debris.
- e. Protective cover or device. A cap and keeper chain, closed cabinet, closed storage tube, or other approved protective cover or device shall be provided for each water inlet, outlet, and hose.
- (3) **Mobile food establishment water tanks, when required.** Materials that are used in the construction of a mobile food unit water tank and appurtenances shall be safe, durable, corrosion-resistant, and nonabsorbent, and finished to have an easily cleanable surface.
- a. Tank hose, construction and identification. A hose used for conveying drinking water from a water tank shall be safe; durable, corrosion-resistant, and nonabsorbent; resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition; finished with a smooth interior surface; and clearly and durably identified as to its use if not permanently attached.
- b. Tank filter, compressed air. A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and the drinking water system when compressed air is used to pressurize the water tank system.
- c. Mobile food unit tank inlet. A mobile food unit water tank inlet shall be 19.1 mm (three-fourths inch) in inner diameter or less and provided with a hose connection of the size or type that will prevent its use for any other service.
- d. Operation and maintenance system flushing. A water tank, pump, and hoses shall be flushed and sanitized at an approved commissary before being placed in service after construction, repair, modification, and periods of nonuse.
- e. Using a pump and hoses; backflow prevention. An individual shall operate a water tank, pump, and hoses so that backflow and other contamination of the water supply are prevented.

- f. *Protecting inlets, outlets, and hose fittings.* If not in use, a water tank and hose inlet and outlet fittings shall be protected using a cover or device as specified in sub-item g below.
 - g. *Tank, pump, and hoses: dedication.* A water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose. Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.
- (4) ***Waste retention.*** If liquid waste results from operation of a mobile food unit, it shall be stored in permanently installed vented retention tanks that are at least 15 percent larger than the water supply tank. A mobile food unit waste retention tank shall be sloped to an outlet that allows complete drainage of the tank during servicing operations. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion or at an operational location. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the food unit. The waste connection shall be located below the water connection to preclude contamination of the potable water system. Connection to a sewerage system at an operational location is prohibited.
- (5) ***Garbage and refuse.*** A mobile food unit shall have adequate and approved garbage and refuse storage facilities for the operator's use and shall have garbage and refuse storage facilities attached to the exterior of the mobile food unit that are insect and rodent-proof for customers' use. Disposal shall be in accordance with section 20-21.20 of this Code.
- (6) ***Damage report.*** Any accident involving a mobile food unit shall be reported within 24 hours of the time the accident occurred if the accident results in damage to the water system, waste retention tank, food service equipment, or any facility that may result in the contamination of the food being carried or any damage that results in a violation of this section. Reports shall be made by the holder of the mobile food unit medallion.

- (7) **Operation capacity limited.** The operator of a mobile food unit shall prepare, serve, store and display food and beverages on or in the mobile food unit itself and shall not attach, set up or use any other device or equipment intended to increase selling, serving, storage, or display capacity of the mobile food unit. It shall be unlawful for the operator of a mobile food unit to:
- a. Allow items, such as but not limited to brooms, mops, hoses, equipment, containers and boxes or cartons, to remain adjacent to or beneath the mobile food unit;
 - b. Provide or allow any sign or banner to remain that is not attached to and solely supported by the mobile food unit;
 - c. Provide or allow any canopy, awning or other covering that is not attached to and solely supported by the mobile food unit to remain over any part of the mobile food unit or over any area within 100 feet of the mobile food unit, except that any awning or covering provided by others and primarily used for other purposes and only incidentally or coincidentally used by the mobile food unit shall not be considered a violation of this subsection;
 - d. Provide or allow any portable toilet facility within 100 feet of the mobile food unit; and
 - e. Provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, within 100 feet of the mobile food unit. Dining areas or seating areas adjacent to fixed location mobile food units operating inside of an enclosed space such as a mall or lobby or park vending units where the seating is provided by someone other than the mobile food unit operator and only incidentally or coincidentally used by the patrons of the mobile food unit are acceptable if approved by the health officer.
- (8) **Utility connections.** Utility connections, if any, shall be limited to quick-connect electrical and telephone services and shall be in full compliance with the Electrical Code. Utility connections for water, sewerage and gas are prohibited.

- (9) **Exterior surfaces.** Exterior surfaces of mobile food units shall be of weather-resistant materials and shall comply with all applicable laws.
- (e) *Servicing of mobile food units by commissaries; servicing records.*
- (1) **Servicing by commissaries.** Mobile food units, other than restricted service mobile food units, shall operate from a commissary approved by the health officer and shall report to such location for supplies, cleaning, and servicing operations as follows:
- a. Fixed location mobile food units shall return to the commissary at least once per day of operation for the performance of all servicing operations.
 - b. Licensed park vendor mobile food units shall return to the commissary at least once per day of operation for the performance of all servicing operations.
 - c. All other mobile food units shall return to the commissary for the performance of all servicing operations within the 24-hour period preceding operations.
- (2) **Servicing records.** It shall be unlawful for an operator of a mobile food unit, other than a restricted service mobile food unit, to be in operation without a valid servicing record in his possession.
- (3) **Servicing records to be kept by mobile food unit operators.** The operator of a mobile food unit, other than a restricted operations mobile food unit, shall keep and maintain servicing records on the mobile food unit for a period of one year from the date of servicing. The servicing records must be immediately available to any peace officer or health officer for inspection and copy at the mobile food unit during the mobile food unit's hours of operation.
- (4) **Servicing records to be kept by commissaries.** The commissary from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit in a manner and form prescribed by the health officer. The permit holder, person in charge, employee, or representative of any

commissary shall keep and maintain servicing records at the commissary for a period of two years from the date of servicing or until retrieved by the health officer, whichever comes first. Servicing records maintained at the commissary shall be immediately available to any peace officer or health officer for inspection and copying during normal business hours.

(5) ***Falsification of servicing records.*** It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary to issue a servicing record without first verifying that the mobile unit has complied with all servicing requirements. It shall be unlawful for any owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to knowingly present or issue any false, fraudulent, or untruthful servicing record for the purpose of demonstrating compliance with this subsection.

(6) ***Maintenance of servicing records.*** The health officer may promulgate rules and procedures regarding maintenance of the servicing records by the commissaries and mobile food units. The health officer may require the use of electronic or other technology to facilitate or monitor compliance with the requirements of this chapter.

(f) *Commissaries.*

(1) ***Permitting of commissaries as food establishments.*** A commissary servicing any mobile food unit, other than a restricted service mobile food, unit shall be an approved and permitted food establishment at which the mobile food unit is supplied with fresh water, emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the mobile food unit utensil-washing sink.

(2) ***Permitting of commissaries as food dealers.*** A commissary shall acquire and maintain a valid food dealer's permit and meet all requirements of this article including, but not limited to:

a. Maintenance of proper structures pursuant to section 20-21.28 of this Code;

- b. Issuance and maintenance of servicing records and maintenance of equipment pursuant to subsection 20-22(c) and (h) of this Code; and
 - c. Compliance with all other applicable rules and operational guidelines as may be promulgated by the health officer.
- (3) ***Private residences.*** Use of a private residence as a commissary is prohibited.
- (4) ***Commissary servicing area and operations.***
- a. An enclosed service building separated from commissary operations shall be provided for supplying and maintaining mobile food units. The servicing area shall be at an approved location and constructed and operated in compliance with the requirements of this article. Fixed location mobile food units authorized under this article and mobile food units licensed under article IX of Chapter 32 of this Code shall be stored in the servicing area except while in operation for food service and during transport to and from the service building. A fixed location mobile food unit that does not fully meet the foregoing storage requirements and was first operated under a medallion on or before February 13, 2000, shall be exempt from this requirement provided that the operation continues under the same ownership and the medallion is continuously renewed without lapse or termination and provided that the permit holder uses alternative storage arrangements that are approved by the health officer.
 - b. *Servicing operations.*
 - [1] Potable water-servicing equipment shall be stored and handled in a way that protects the water and equipment from contamination.
 - [2] The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal system in accordance with section 20-

21.16 of this Code. The flushing and draining area for liquid wastes shall be separate from the area used for loading and unloading of food and related supplies.

- [3] Vehicle cleaning and in-place cleaning of nonfood-contact surfaces of equipment not requiring sanitization shall be done with potable water and shall be done in a manner that will not contaminate the vehicle's food storage or food preparation areas or equipment. If hoses are used in the cleaning process, they shall be food-grade and kept off the floor or pavement, on racks or by other approved suitable means, and the system shall meet the requirements of section 20-21.17 of this Code. All cleaning areas shall be paved with a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt, which is sloped to drain toward an approved catch basin or floor drain where the liquid waste can be disposed of in accordance with the requirements of section 20-21.16 of this Code.
- [4] The use of liquid waste transport vehicles, otherwise known as vacuum trucks, for the removal and disposal of liquid waste resulting from mobile food unit operations is prohibited. Provided, however, that a fixed location mobile food unit operating exclusively in a permanent nonresidential building that is primarily used for other purposes, such as a retail shopping mall, office atrium, or hospital lobby, may utilize other means to fill water tanks and to drain and flush wastewater tanks if approved by the health officer.
- [5] Servicing operations may be performed by the commissary operator or by the mobile food unit operator. It shall be the commissary operator's responsibility to observe or perform servicing on each mobile food unit and properly complete a servicing record as prescribed by the health officer. It is the responsibility of the mobile food

unit operator to confirm that the requirements of this section are fulfilled prior to resuming operations.

(g) *Special requirements for mobile food units operated by licensed park vendors.* In addition to complying with the other applicable requirements of this chapter, a mobile food unit operated by a vendor licensed under article IX of chapter 32 of this Code, must meet the following requirements:

- (1) A unit shall not exceed four feet in width, eight feet in length and eight feet in height including the unit's shade umbrella. In the event of an emergency, the unit must be easily movable, controllable, and maneuverable by one person when the unit is fully loaded. A unit shall have at least two operable rubber or rubber-like wheels that are less than eight inches in diameter. The bottom of the unit shall be at least one foot from the ground. The unit shall be non-motorized.
- (2) Each unit shall have protective glass guards and a roof or a shade umbrella to protect against exposure to insects, rodents, dust, or other contamination. Each unit shall have ample space available on the sides of the unit to display the prices of food, the name and street address of the vendor, and the medallion issued under section 20-37 of this Code.
- (3) Each unit shall have a litter receptacle attached to the unit available, clearly marked, and maintained for patron use. This litter receptacle shall have not less than a twenty-gallon capacity and shall be composed of a leak-proof, nonabsorbent material.
- (4) The interior of a unit shall be equipped with cabinet units or compartments. All food-contact surfaces shall be smooth, easily accessible and cleanable. Unfinished or painted wood shall not be used as a food-contact surface. Units that will dispense beverages must be equipped to do so from a closed carbonation system or bulk dispensing units or to distribute packaged beverages.

(h) *Special requirements for fixed location mobile food units.* A mobile food unit that does not meet all criteria applicable to the permitting of a conventional mobile food unit may be permitted on a fixed location only basis, provided:

- (1) The unit complies with the same criteria stated in items (1), (2), (3) and (4) of subsection (g) above for units operated by licensed park vendors;
- (2) The unit shall be restricted to operation on the premises of one food establishment that holds a valid permit under this article, and the commissary serving the unit shall be located in that establishment; and
- (3) The commissary shall meet all applicable requirements of state law and city ordinances.

A fixed location mobile food unit that does not fully meet the requirements of item (1) of subsection (g) above and was first operated under a medallion on or before February 13, 2000, shall be exempt from the requirements of item (1) of subsection (j) above provided that the operation continues under the same ownership and the medallion is continuously renewed without lapse or termination.

If the operator of the unit is not the operator of the food establishment, then the operator shall be required to furnish written proof of permission of the person who operates the food establishment premises to utilize the unit and commissary on the premises. In the event that the permit issued under this article for the food establishment on whose premises the unit and its commissary are situated expires without timely renewal or is revoked or suspended, the unit's medallion shall automatically be suspended until and unless the permit for the food establishment is restored to valid status.

(i) *Alternatives; waivers.* The director of health and human services or any assistant or deputy director may authorize alternatives to particular requirements of this section or any other provisions of this article with respect to a mobile food unit. Any authorization shall be considered only upon written request, which shall set forth the provision for which an alternative is sought and the nature of the proposed alternative. Approval for the alternative shall be granted if it is determined that, for the purpose intended, the alternative proposed is at least equivalent to the requirement otherwise specified in this article with respect to safety, sanitation and related purposes. The burden of demonstrating compliance with the foregoing standard shall be upon the requestor. Consistent with the foregoing procedures and standards, the director of health and human services or any assistant or deputy director may waive any requirement of this article upon demonstration that it has no applicability for the purposes intended herein to the operation of the mobile food unit. An approval issued under this section shall be valid only if issued in writing and shall be limited in scope as provided therein.

(j) *Enforcement of this article.* Failure by a mobile food unit or a commissary to comply with the requirements set forth in this article or rules promulgated by the health officer shall be unlawful and may result in one or more of the following penalties:

- (1) Immediate cessation of operations;
- (2) The suspension or revocation of the mobile food unit's medallion or the food dealer's permit for that commissary pursuant to sections 20-41 and 20-42 of this Code;
- (3) The issuance of a citation for a class C misdemeanor pursuant to subsection 20-19(c) of this Code for every day of noncompliance;
- (4) The filing of a criminal charge under Section 37.10 of the Texas Penal Code for the offense of Tampering with Governmental Record; and
- (5) The filing of a suit in district court by the city attorney to enjoin a food service establishment from operating without a permit or a medallion if a permit or medallion is required.

(k) *Additional offense.* It shall be unlawful for an owner, permit holder, person in charge, employee, or representative of any commissary or mobile food unit to remove, disable or otherwise tamper with any electronic technology installed to facilitate or monitor compliance with the requirements of this chapter."

Section 2. That the various former ordinance provisions that are amended in **Section 1** of this Ordinance are saved from repeal for the limited purpose of their continuing application to any violation committed before the effective date of this Ordinance, as applicable. For this purpose, a violation is deemed to have been committed before the effective date of this Ordinance, as applicable, if any element of the offense was committed prior to the effective date of this Ordinance, as applicable.

Section 3. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for

any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the sixtieth day next following the date of its passage and approval by the Mayor.

PASSED AND APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

Prepared by Legal Dept. *Michelle Gresh* *SH*
MNA:asw 08/20/2007 Assistant City Attorney
Requested by Stephen L. Williams, Director, Health and Human Services Department
L.D. File No. _____

44

SEP 19 2007

MOTION NO. 2007 0939

MOTION by Council Member Lawrence that the following item be postponed for one week:

Item 56 - Ordinance appropriating \$949,709.06 out of Airports Improvement Fund and approving and authorizing agreement for Professional Architectural/Engineering Services between the City of Houston and AAC Designers Builders, Inc., d/b/a Austin Aecom at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; (Project No. 516C; WBS A-000138-0018-3-01)

Seconded by Council Member Garcia and carried.

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

PASSED AND ADOPTED this 12th day of September, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 18, 2007.

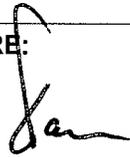
City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Architectural/Engineering Services Agreement with AAC Designers Builders, Inc. dba Austin AECOM for Job Order Contracting (JOC) Support at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; Project No. 516C; WBS # A-000138-0018-3-01.	Category # 9	Page 1 of 2	Agenda Item #
	44		5619

FROM (Department or other point of origin): Houston Airport System	Origination Date July 31, 2007	Agenda Date SEP 05 2007 SEP 18 2007 SEP 19 2007
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DIRECTOR'S SIGNATURE: 	Council District affected: B, E & I
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For additional information contact: Eric R. Potts  Phone: 281-233-1999 John S. Kahl  Phone: 281-233-1941	Date and identification of prior authorizing Council action: None
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AMOUNT & SOURCE OF FUNDING: CIP No. A-0138.48.2 \$933,375.00 Airports Improvement Fund (8011) CIP No. A-0422.63.2 \$ 16,334.06 Airports Improvement Fund (8011) Total.....\$949,709.06 	Prior appropriations: None
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RECOMMENDATION: (Summary)
Enact an ordinance to approve a Professional Architectural/Engineering Services Agreement with AAC Designers Builders, Inc. dba Austin AECOM and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION:

An Architectural/Engineering (A/E) has been selected to provide A/E Services required to support the Job Order Contracting (JOC) Program. The selection process consisted of a random selection of four (4) qualified firms from the City's Pre-qualified List. All four (4) firms, (ArcTec Associates, Inc., MLB & Associates, Molina Walker Architects, and AAC Designers Builders, Inc. dba Austin AECOM), were interviewed by a committee composed of Houston Airport System management. The committee concluded that Austin AECOM was best suited to provide these services.

A Professional Architectural/Engineering Services Agreement has now been prepared with Austin AECOM for JOC Support at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field. These services will provide minor construction, repair and rehabilitation of projects that may be required at all three airports.

The services to be performed by Austin AECOM include:

1. Preparation of detailed scope statements, plans, specifications and cost estimating;
2. Periodic construction site observations, participation in construction progress meetings, response to contractors' request for information, review and approval of submittals, and written reports.

Basic Services fees are \$933,375.00. This project is an "Eligible Project" for the Civic Art Program under Ordinance No. 99-1351, and a Civic Art appropriation of \$16,334.06 (1.75% of Basic Services) is therefore being made. This contract will remain in effect until work on all projects to be assigned under this contract is completed, or until all available funds are exhausted.

REQUIRED AUTHORIZATION		
F&A Budget: 	Other Authorization:	Other Authorization: 

Date July 31, 2007	Subject: Professional Architectural/Engineering Services Agreement with AAC Designers Builders, Inc. dba Austin AECOM for Job Order Contracting (JOC) Support at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; Project No. 516C; WBS # A-000138-0018-3-01.	Originator's Initials LS	Page 2 of 2
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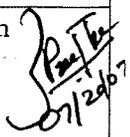
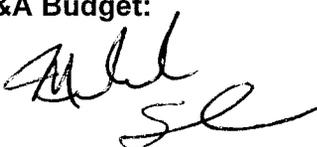
M/WBE PARTICIPATION:

The Office of Affirmative Action and Contract Compliance has established a 24% M/WBE goal for this project. Due to the on-call nature of the work to be performed under this contract, the M/WBE firms will be identified as the scope of the projects evolves.

RMV: ERP: JSK: LS: JDW

Attachments

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

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. S-000800-0102-4/ R-000800-0102-4/ M-000800-0102-4		Page 1 of 2 45	Agenda Item # 58-28
FROM: (Department or other point of origin) Department of Public Works & Engineering	Origination Date: 8-17-07	Agenda Date: SEP 05 2007 SEP 12 2007 SEP 19 2007	
Director's Signature:  Michael S. Marcotte, P.E. DEE	Council District affected: E		
For additional information contact: Jun Chang, P.E. <i>jc</i> (713) 837-0433	Date and identification of prior authorizing Council action: Ordinance #: 05-0198 Dated: 3/9/05		
Recommendation: (Summary) Approve an Interlocal Cost Sharing Contract between the City and Harris County Municipal Utility District No. 410 and appropriate funds.			
Amount & Source of Funding:		Water & Sewer System Consolidated Construction Fund No. 8500	
\$176,452.00		Drainage Improvement CPaper Series F Fund No. 4030	
\$128,477.00		Total Appropriation	
\$304,929.00			
Specific Explanation: 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 9, 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 2,270 linear feet of water line, 2,550 linear feet of sanitary sewer line and 920 linear feet of storm sewer line to serve the 58-lot subdivision, Clearview Village Section 4. The maximum amounts to be reimbursed are as follows:			
REQUIRED AUTHORIZATION: 20JZC254			
F&A Budget: 	Other Authorization:		Other Authorization:  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):	\$72,154.00
design cost:	<u>\$8,640.00</u>
total:	\$80,794.00

Wastewater

70% of construction cost (including interest & 5% contingency):	\$85,428.00
design cost:	<u>\$10,230.00</u>
total:	\$95,658.00

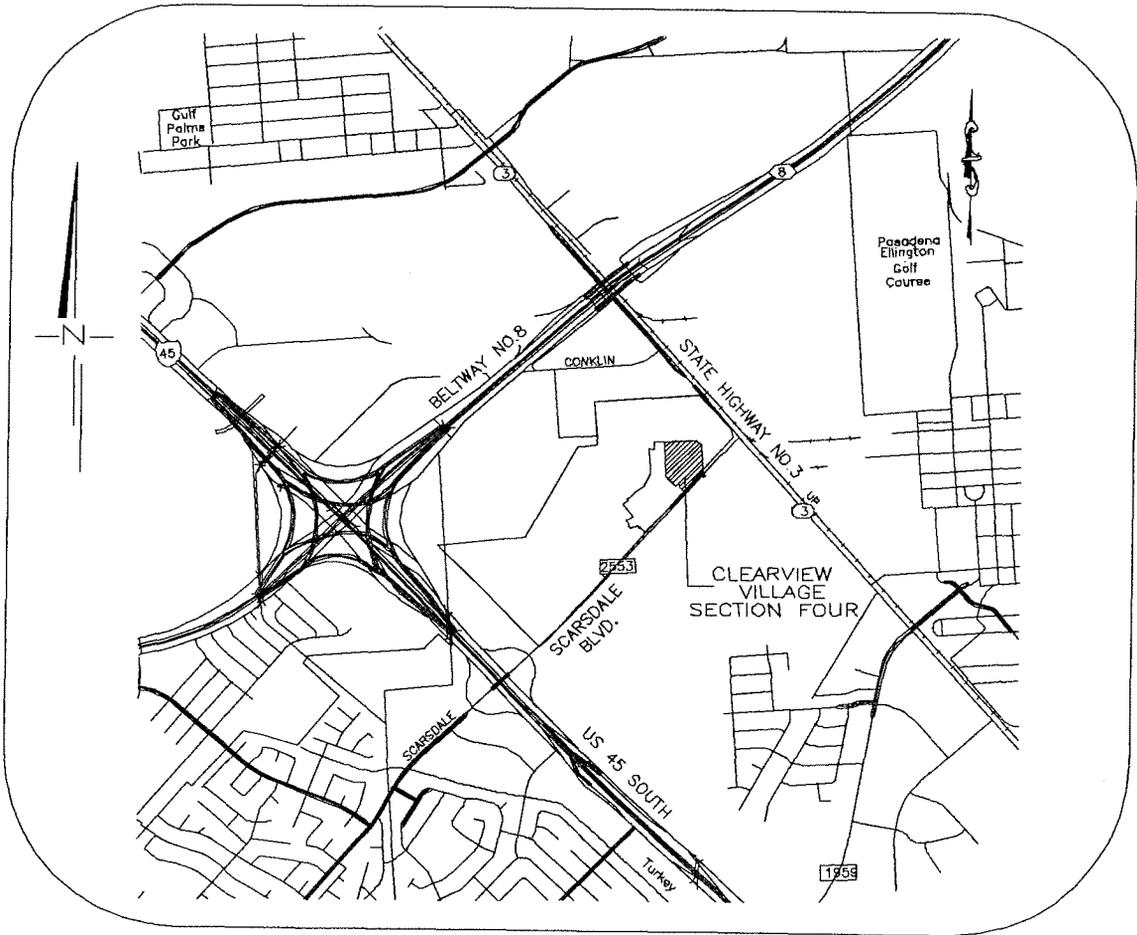
Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	\$123,684.00
design cost:	<u>\$4,793.00</u>
total:	\$128,477.00

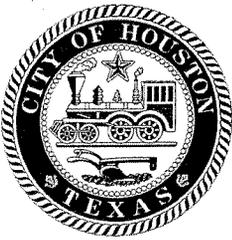
Upon approval of this agreement, MUD 410 will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by MUD 410 in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains 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



V i c i n i t y M a p
N.T.S.
Key Map 577W



CITY OF HOUSTON

Legal Department

~~758459~~
~~9-12-07~~
Interoffice

Correspondence

To: The Mayor and The City Council

From: Arturo G. Michel *Amc*
City Attorney

Date: September 11, 2007

Subject: **INTERLOCAL COST SHARING
AGREEMENTS BETWEEN THE CITY
AND HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 410**

This memorandum addresses potential consequences if City Council were not to approve certain Interlocal Agreements with Harris County Municipal Utility District No. 410 ("District 410").

Council approved the Utility Functions and Services Allocation Agreement ("Agreement") between the City and District 410 in March of 2005. One aspect of the Agreement was for the City to provide reimbursement to District 410 and its developers that would be equivalent to reimbursement under the City's developer participation contracts. The Agreement contemplates that the City and the District or its developers would enter into several interlocal cost sharing agreements or developer participation contracts.

A consequence to the City if Council refused to approve the Agreement or a developer participation contract for District 410 is that, by the terms of the Agreement, the City would be required to give rebates to District 410 for both (1) ad valorem taxes paid to the City by land owners in District 410 ("Annual Payments"), and (2) water and wastewater payments made by customers in District 410 to the City ("Monthly Revenue Payments"). Annual Payments would equal 13% of the ad valorem taxes the City collects from District 410, and Monthly Revenue Payments would equal about \$.69 per thousand gallons of water and about \$1.89 per thousand gallons of wastewater as billed by the City to customers in the District.

The Annual Payments and Monthly Revenue Payments would be paid by the City only if City failed to make payments due under the Agreement.

Attached is an excerpt from the Agreement in which the relevant language is highlighted that triggers the Annual and Monthly Revenue payments.

accordance with said Chapter 47, Article IV, including particularly Section 47-164 thereof, as in effect on the date of this Agreement. Chapter 47, Article IV of the Code of Ordinances, as in effect on the date of this Agreement, is attached hereto as Exhibit "E" and is incorporated herein by reference for all purposes. Construction contracts shall be bid in accordance with the laws, regulations and procedures applicable to the City and the City and District will cooperate such that said procedures are satisfactory to the Commission, as and if necessary. Upon the execution of a Developer Participation Contract with respect to any phase of Eligible Facilities, the applicable Developer shall construct said Eligible Facilities in accordance with the terms thereof and the City shall make payment to said Developer in accordance with the terms thereof promptly following the Developer's completion of the closing requirements as provided in the Developer Participation Contract. The terms and conditions of the Interlocal Agreements entered into with respect to construction of Eligible Facilities shall be and remain substantially as set forth in Exhibit "C" attached hereto. Upon the execution of an Interlocal Agreement with respect to any phase of Eligible Facilities, the District shall construct said Eligible Facilities in accordance with the terms thereof and the City shall make payment to the District in accordance with the terms thereof promptly following the due date of said payment as provided in the Interlocal Agreement. If the City enters into the applicable Developer Participation Contract or Interlocal Agreement within the time period set forth hereinabove and if said payment is made by the City within the time period set forth above, the District shall not issue Bonds for the portion of the Eligible Facilities (and related costs paid by the City such as design costs and interest all as set forth in the Developer Participation Contract or Interlocal Agreement) actually paid by the City. If the City fails to enter into the applicable Developer Participation Contract or Interlocal Agreement within the time period set forth hereinabove or

fails to make payment under a Developer Participation Contract or Interlocal Agreement in accordance with the terms and requirements of same, then the District, following thirty (30) days written notice to the City and failure by the City to cure said failure within said 30 day notice period, may proceed to issue Bonds in order to pay all costs of the Eligible Facilities and any other Facilities, together with any and all other Costs allowed by, and in accordance with, the rules and laws governing the District with respect to issuance of Bonds. In the event the District issues Bonds as set forth above for any costs that were due or would have been due from the City pursuant to a Developer Participation Contract or Interlocal Agreement but not paid by the City (whether due to the City's failure to enter into a Developer Participation Contract or Interlocal Agreement or the City's failure to pay in accordance with the terms and requirements of same), then the City shall make the Annual Payments and the Monthly Revenue Payments in accordance with Section 4.02 through 4.06 below. Said Annual Payments and Monthly Revenue Payments shall continue to be made by the City until the earlier of the date(s) the total sum of said payments equals the total sum(s) that was due or would have been due from the City pursuant to the terms of the Developer Participation Contract(s) and/or Interlocal Agreement(s) if said sum(s) had been paid or the date all principal and interest on Bonds of the District issued therefor (or issued to refund said Bonds) have been paid in full. Due to the purposes, times and manner in which the Annual Payments and Monthly Revenue Payments are to be made hereunder, it is understood that the discontinuation of said payments may occur at different times. The City shall make the Annual Payments and Monthly Revenue Payments until the date(s) the total sum of said payments equals the total principal sum(s) that would have been due under the Developer Participation Contract if it had been paid. For example, if a particular Developer Participation

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.
S-000800-0108-4/ R-000800-0108-4/ M-000800-0108-4

Page 1 of 2	Agenda Item #
46	59-29
Agenda Date:	

FROM: (Department or other point of origin)
Department of Public Works & Engineering

Origination Date:

~~SEP 05 2007~~

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

Council District affected:
E

~~SEP 12 2007~~
SEP 19 2007

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

Date and identification of prior authorizing Council action:
Ordinance #: 05-0198
Dated: 3/9/05

Recommendation: (Summary)

Approve an Interlocal Cost Sharing Contract between the City and Harris County Municipal Utility District No. 410 and appropriate funds.

Amount & Source of Funding:	\$270,606.00	Water & Sewer System Consolidated Construction Fund No. 8500
	\$300,000.00	Drainage Improvement CPaper Series F Fund No. 4030
	\$570,606.00	Total Appropriation

Specific Explanation:

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 9, 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 3,020 linear feet of water line, 4,460 linear feet of sanitary sewer line and 2,980 linear feet of storm sewer line to serve the 100-lot subdivision, Clearview Village Section 5. The maximum amounts to be reimbursed are as follows:

REQUIRED AUTHORIZATION: 20JZC305

F&A Budget:

[Handwritten signatures]

Other Authorization:

Other Authorization:

[Handwritten signature]

Andrew F. Icken, Deputy Director
Planning & Development Services

	Water
70% of construction cost (including interest & 5% contingency):	\$83,626.00
design cost:	<u>\$12,525.00</u>
total:	\$96,151.00

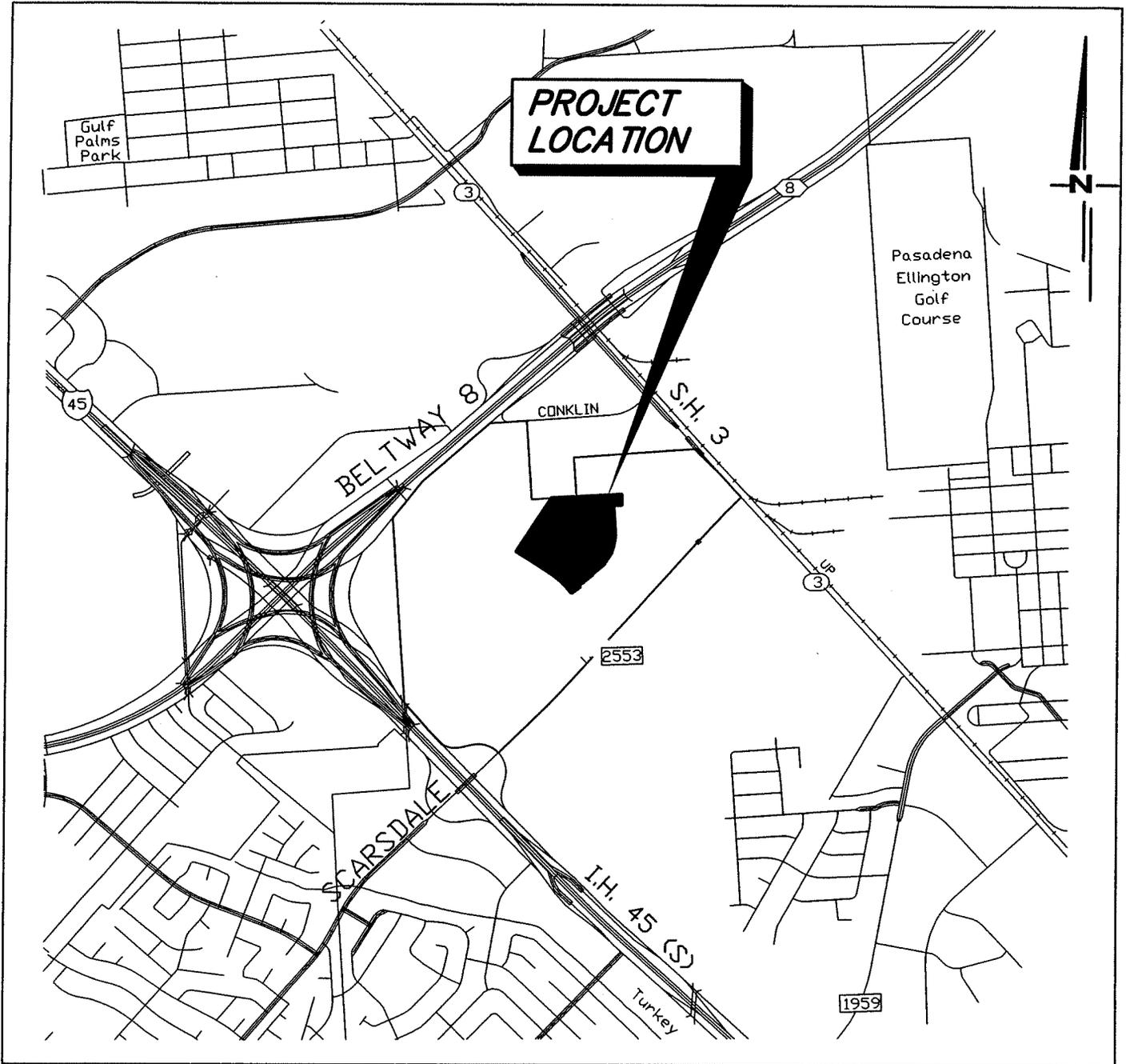
	Wastewater
70% of construction cost (including interest & 5% contingency):	\$151,730.00
design cost:	<u>\$22,725.00</u>
total:	\$174,455.00

	Storm Sewer (Including appropriate detention)
100% of construction cost (including interest & 5% contingency):	\$255,000.00
design cost:	<u>\$45,000.00</u>
total:	\$300,000.00

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



**CLEARVIEW VILLAGE SEC. 5
VICINITY MAP
N.T.S.**