

**CITY COUNCIL CHAMBER – CITY HALL 2<sup>nd</sup> FLOOR – TUESDAY  
OCTOBER 23, 2007 - 2:00 P.M.**

**AGENDA**

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3MIN.

3MIN.

3MIN.

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**NON-AGENDA**

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3MIN.

3MIN.

3MIN.

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MR. DELL YORK – 8855 Gulf Freeway – 77017 – 832-439-4135 — School needs sidewalk

MR. CHRIS CLARK – 2007 Lofting Wedge – 77089 – 281-464-0018 – Proposed Apartment Tax Rebate

MR. CONRAD ARY – 10215 Beechnut, No. 59 – 77072 – 713-828-1447 – HPD – Incompetence

MS. TONI MCELROY – 3307 Wentworth – 77004 -713-523-7248 – Third Ward

MR. ROD UNDERWOOD – 2221 Wentworth – 77004 – 832-868-7219 – Property clean-up in Third Ward

MS. GLADYS HOUSE – 1605 Andrew – 77019 – 713-742-6995 – Payment for work at Hobby Airport –  
Freeman's Town issues

MR. FRED ROBERTS – 11923 Kirkway – 77089 -713-269-9674 – The Regency Park Apartments issues

MR. ALBERT BREWER -7723 Willow St. – 77088-7128 – 281-447-6125 – Ditches need to be clean

MR. HOSEIN TAHVILIAN – 12462 Kingsride – 77024 -832-755-1851 – Water Department

1  
OCT 24 2007

MOTION NO. 2007 0967

MOTION by Council Member Khan that the recommendation of the Director of the Finance and Administration Department relative to the proposed tax rate for the Tax Year 2007, be adopted, and the City Council hereby approves placing the proposed tax rate of \$.64375/\$100 of value on the Agenda of City Council for November 7, 2007, and schedules the following public hearings on the proposed tax rate and authorizes the publication of analysis of anticipated increases revenues pursuant to Sec. 44-27 of the Houston Code of Ordinances:

6:00 P.M. A.M. - TUESDAY - OCTOBER 9, 2007;  
6:00 P.M. - TUESDAY - OCTOBER 16, 2007; and  
9:00 A.M. - WEDNESDAY - OCTOBER 24, 2007

Seconded by Council Member Green and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega, Green and Berry voting aye  
Council Member Wiseman voting no

PASSED AND ADOPTED this 3rd day of October, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is October 9, 2007.

  
City Secretary

<b>SUBJECT:</b> Accept Work Resicom, Inc. Westbury Park WBS No. F-504A08-0001-4	Page 1 of 1	Agenda Item 2
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 10-12-07	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 10/11/07	<b>Council District(s) affected:</b> C
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<b>For additional information contact:</b> Jacquelyn L. Nisby Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2006-1091; dated 10/24/06
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**RECOMMENDATION:** Pass a motion approving the final contract amount of \$1,146,972.75, accept the work, and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required <b>Previous Funding:</b> \$1,240,659.75 Parks Consolidated Construction Fund (4502)	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$1,146,972.75 or 5.00% over the original contract amount, accept the work and authorize final payment to Resicom, Inc.

**PROJECT LOCATION:** 5635 Willowbend (Key Map 531W)

**PROJECT DESCRIPTION:** The project renovated the existing pool and pool building.

**CONTRACT COMPLETION AND COST:** The contractor completed the work within the contract time, plus 81 additional days approved by Change Orders. The final cost of the project, including Change Orders 1 and 2 is \$1,146,972.75, an increase of \$54,617.75 over the original contract amount.

The project design consultant and construction manager was Park Team Plus.

**PREVIOUS CHANGE ORDERS:** Change Order 1 provided for asbestos and lead paint abatement, and replacement of unstable material from the pool deck and sidewalks with select fill. Change Order 2 provided installation of additional steel to stabilize the pool building walls, conduit to service pool lights, and additional permit fees.

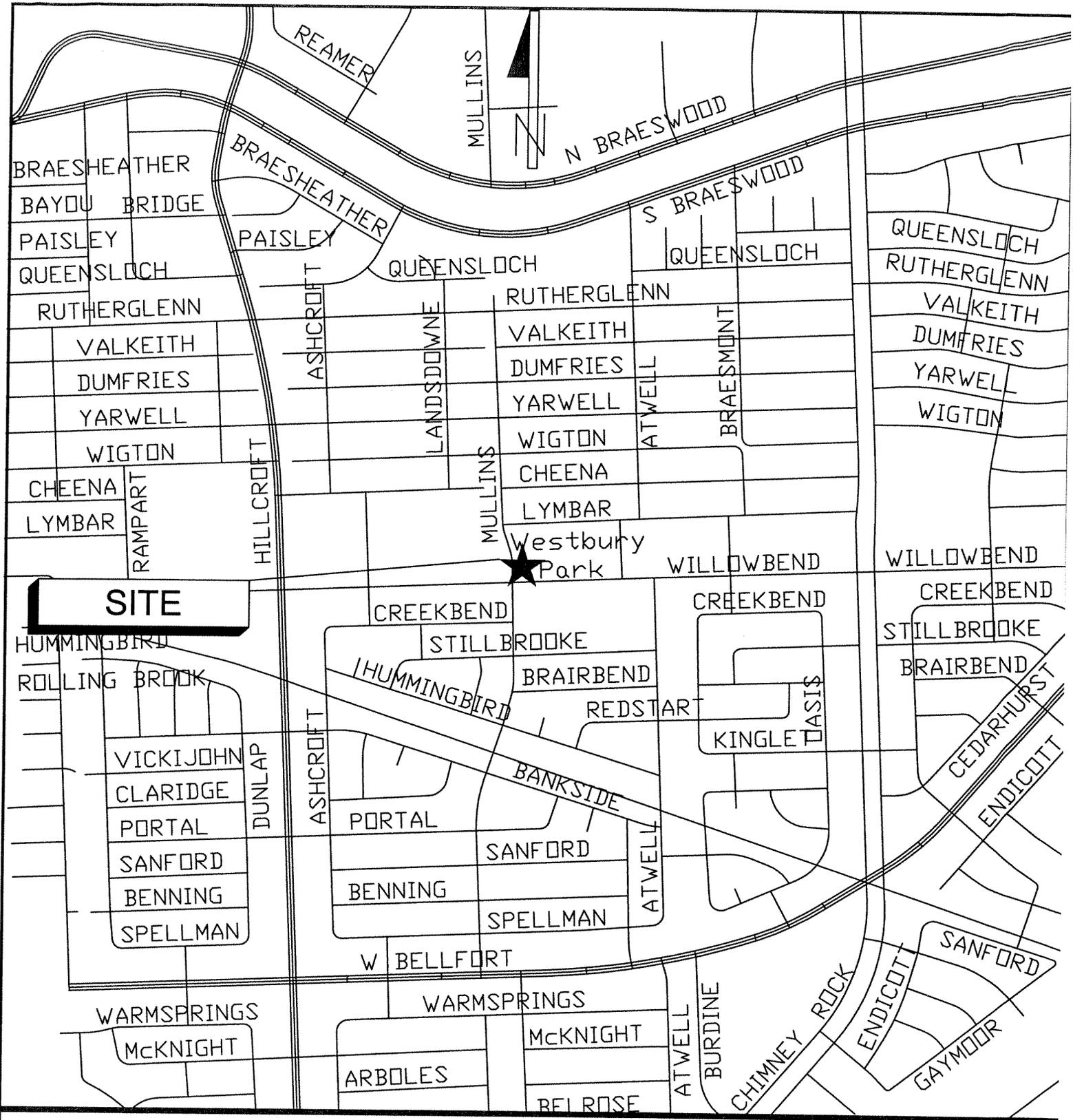
**M/WBE INFORMATION:** This project was advertised with no M/WBE goal because the construction costs were estimated below \$1,000,000. Since the contractor's bid was slightly over \$1,000,000, Resicom, Inc. pledged an M/WBE goal of 1.8%, which it achieved. The Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance reviewed this matter on October 8, 2007 and voted to recommend it to City Council.

IZD:JLN:LG:MA:cf

c: Marty Stein; Jacquelyn Nisby; James Tillman, IV; Mark Ross; Velma Laws; Joseph Kurian; Daniel Pederson; Michael Alfred; File

**REQUIRED AUTHORIZATION** NDT CUI@ ID # 25 PARK-04

<b>Other Authorization:</b> <i>[Signature]</i> Wendy Teas Heger, AIA Chief of Design & Construction Division General Services Department:	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>[Signature]</i> Joe Turner, Director Parks and Recreation Department
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WESTBURY PARK  
 5635 WILLOWBEND  
 HOUSTON, TX

<b>SUBJECT:</b> Accept Work PlayPower LT Farmington, Inc. Briarbend Park WBS No. F-504B16-0001-4	Page 1 of 1	Agenda Item <b>3</b>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 10/15/07	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 10/8/07	<b>Council District(s) affected:</b> G
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2006-1030; dated 10/11/2006
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**RECOMMENDATION:** Pass a motion approving the final contract amount of \$90,038.00, accept the work, and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required  <b>Previous Funding:</b> \$102,610.49 Parks Consolidated Construction Fund (4502)	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$90,038.00 or 3.54% over the original contract amount, accept the work and authorize final payment to PlayPower LT Farmington, Inc.

**PROJECT LOCATION:** 7926 Woodway (Key Map 490R)

**PROJECT DESCRIPTION:** The project replaced old wooden playground equipment with a new modular playground unit, swings and spring riders, associated edging, fall surfacing and drainage system, accessible sidewalk, benches, drinking fountain service and fencing around the playground.

**CONTRACT COMPLETION AND COST:** The contractor completed the work within the contract time, plus an additional 45 days approved by Change Order 1. The final cost of the project, including Change Order 1, is \$90,038.00, an increase of \$3,076.00 over the original contract amount.

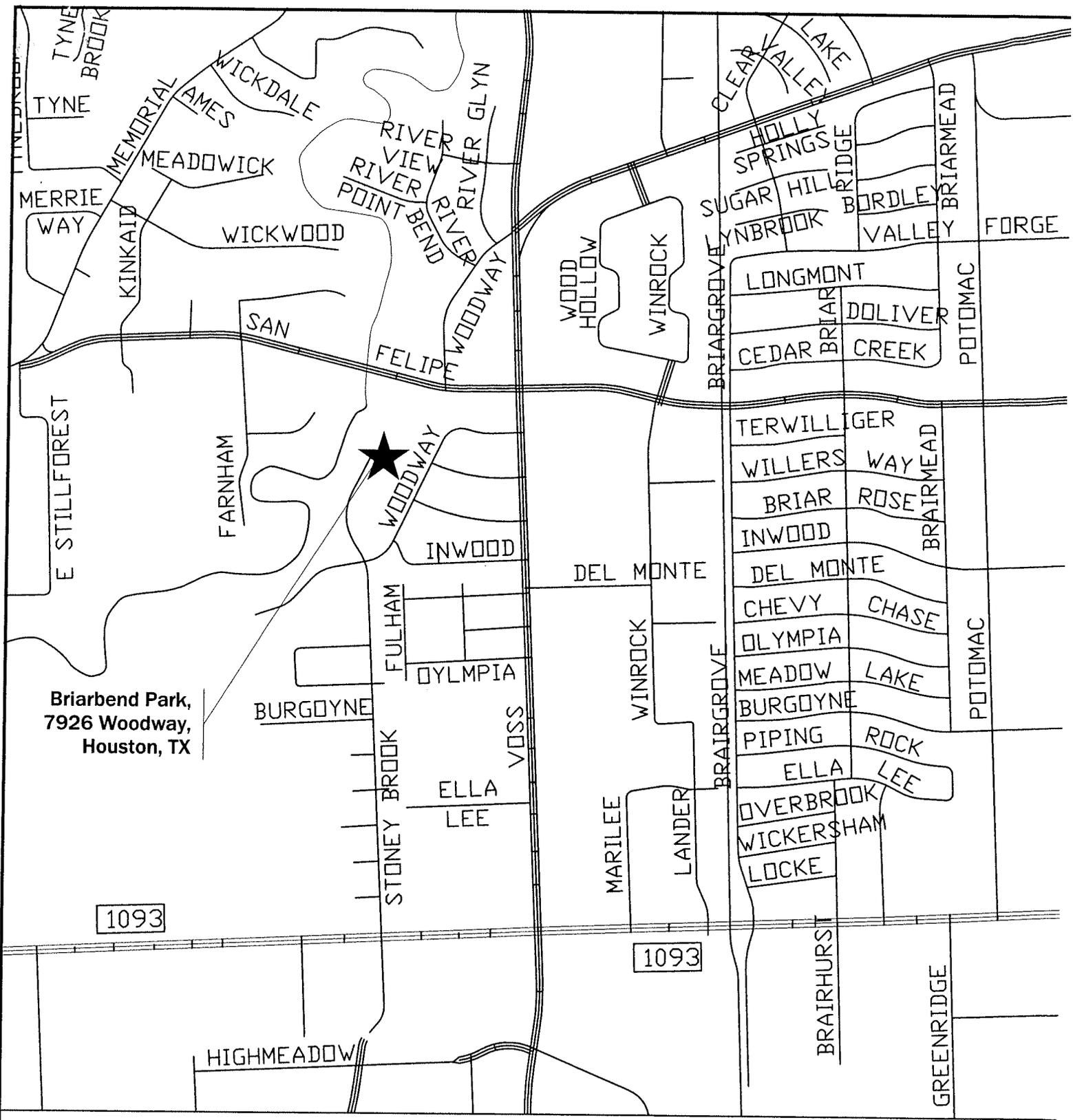
The project design consultant and construction manager was Clark Condon Associates.

**PREVIOUS CHANGE ORDER:** Change Order 1 added concrete edging, fencing, fall surface material, drainage, excavation, and two spring riders.

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

**REQUIRED AUTHORIZATION** CUIC ID # 25RJO068

<b>Other Authorization:</b> <i>[Signature]</i> Wendy Teas Heger, AIA Chief of Design & Construction Division General Services Department	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>NOT</i> <i>[Signature]</i> Joe Turner Director Parks and Recreation Department
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**Briarbend Park**  
**7926 Woodway, Houston, TX**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Timbergrove Storm Sewer Improvements Project, WBS No. M-000254-0001-4.		<b>Category</b> #1, 7	<b>Page</b> 1 of 2	<b>Agenda Item</b> # <b>4</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 10/18/07		<b>Agenda Date</b> OCT 24 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE., Director		<b>Council District affected:</b> A		
<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074		<b>Date and identification of prior authorizing Council action:</b> Ord. # 2005-267 dated: 03/16/2005		
<b>RECOMMENDATION:</b> (Summary) Pass a motion to approve the final Contract Amount of \$7,708,616.63 or 4.68% over the original Contract Amount, accept the Work and authorize final payment.				
<b>Amount and Source of Funding:</b> No additional funding required, Original appropriation of \$7,797,000.00 from Drainage Improvements Commercial Paper Series F, Fund No. 49R & 667,000.00 from Water & Sewer System Consolidated Construction Fund No. 755 (S-0500-19-03).				<b>F&amp;A Budget:</b>
<b>SPECIFIC EXPLANATION:</b>				
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project was part of the Storm Drainage Capital Improvement Program (CIP) and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in this subdivision.				
<b>DESCRIPTION/SCOPE:</b> This project consisted of construction of 3,194 linear feet of 8' X 5', 7' X 6', 6' X 5', 6' X 4', 5' X 4' and 5' X 3' reinforced concrete box storm sewer, 13,227 linear feet of 60-inch, 54-inch, 48-inch 42-inch, 36-inch, 30 inch, 24-inch and 18-inch storm sewers, roadway reconstruction with curb and gutter, sidewalks and water line replacement. Civiltech Engineering, Inc. designed the project with 460 calendar days allowed for construction. The project was awarded to D.L. Elliott Enterprises, Inc. with an original Contract Amount of \$7,364,010.65.				
<b>LOCATION:</b> The project area is generally bounded by Lindyann Street on the north, West 11 <sup>th</sup> Street on the south, West T.C. Jester Boulevard on the east and Seamist on the west. The project is located in Key Map Grids 452-W, X, and Y.				
<b>CONTRACT COMPLETION AND COST:</b> The Contractor, D.L. Elliott Enterprises, Inc., has completed the work under subject Contract. The project was completed beyond the established completion date with 86 additional days approved by Change Order Nos. 2 and 3. Nineteen days of Liquidated Damages at \$1,200.00 per day, are reflected in the final payment to the Contractor. The final cost of the project, including overrun and underrun of estimated quantities and previously approved Change Order Nos. 1, 2 and 3 is \$ 7,708,616.63, an increase of \$344,605.98 or 4.68% over the original Contract Amount.				
The increased cost is primarily a result of Change Order Nos. 1 and 2 and the difference between planned and measured quantities. This increase is primarily a result of an overrun in Bid Item No. 11 – Strip Sodding (Complete-in-Place), Bid Item No. 28 – Concrete Wheel Chair Ramp (Complete-in-Place), Bid Item No. 40 – Type “ C “ Manhole 48” Diameter & Larger, up to 8 feet deep (Complete-in-Place), Bid Item No. 106 – 16-inch DIP Water Line, Augured (Complete-in-Place), Bid Item No. 108 – New Copper Service Lines with or without Meter Box, Long Side, 5/8 inch to 1 inch (Compete-in-Place), which were necessary to complete the work.				
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">20HA04</span>				
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division		

<b>Date</b>	<b>SUBJECT:</b> Accept Work of Timbergrove Storm Sewer Improvements Project, WBS No. M-000254-0001-4.	<b>Originator's Initials</b>	<b>Page</b>  2 of 2
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**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17.00%. According to Affirmative Action and Contract Compliance Division, the participation was 17.29%. Contractor's M/WBE performance evaluation was rated satisfactory.

MSM:JTL:AR:DO:ha

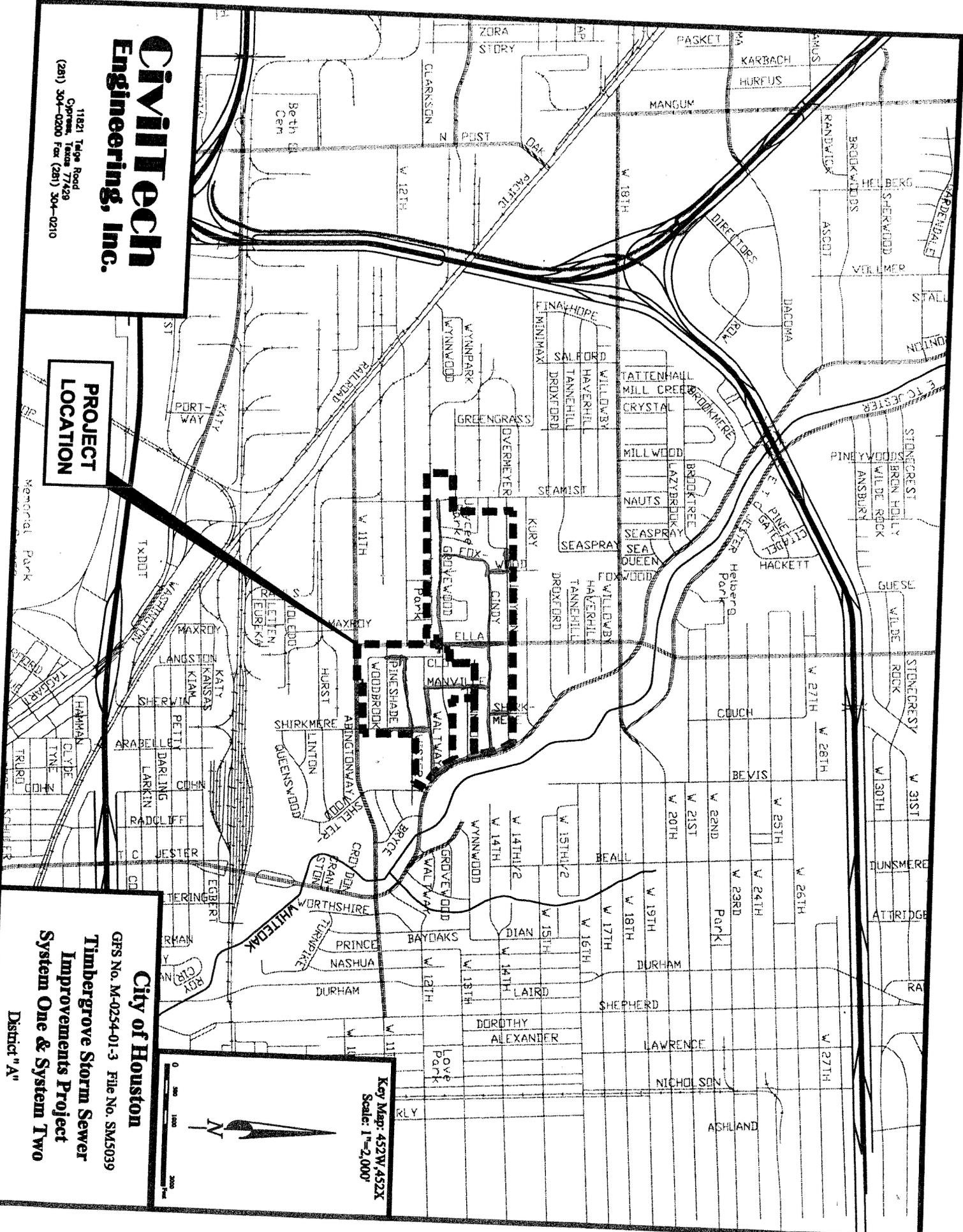
S:\E&C Construction\North Sector\PROJECT FOLDER\M-0254-01-3; -Timbergrove\RCA\_Closeout\RCA - Closeout.doc

c: Michael Ho, P.E    Velma Laws    Craig Foster    Waynette Chan    Marty Stein    File No.: SM5039 – CLOSEOUT

# CiviltEch Engineering, Inc.

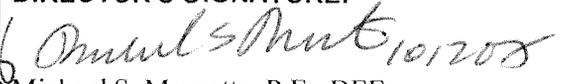
11821 Telge Road  
Cypress, Texas 77429  
(281) 304-0200 Fax (281) 304-0210

**PROJECT  
LOCATION**



**City of Houston**  
GFS No. M-0254-01-3 File No. SM5039  
**Timbergrove Storm Sewer  
Improvements Project  
System One & System Two  
District "A"**

Key Map: 452W/452X  
Scale: 1"=2,000'

<b>SUBJECT:</b> Accept Work for Safe Sidewalk Program C4 Project. WBS No. N-00610A-C4-4.		<b>Page</b> 1 of 1	<b>Agenda Item #</b>  5
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 10-18-07	<b>Agenda Date</b> OCT 24 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE		<b>Council District affected:</b> C, F, G 	
<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone:</b> (713) 837-7074		<b>Date and identification of prior authorizing Council action:</b> Ord. #2005-597 dated 05/11/2005 Ord. #2006-1202 dated 12/6/2006 Motion #2006-1111 Dated 12/06/2006	
<b>RECOMMENDATION:</b> (Summary) Pass a motion to approve the final Contract Amount of \$529,709.71 which is 11.53% over the original Contract Amount, accept the Work and authorize final payment.			
<b>Amount and Source of Funding:</b> No additional funding required. Total original appropriation of \$571,000.00 the Street and Bridge Consolidated Construction Fund, Fund No. 437. Additional appropriation of \$47,085.40 from Street and Bridge Consolidated Construction Fund No. 4506.			
<b>SPECIFIC EXPLANATION:</b>			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project was part of the Safe Sidewalk Program and was required to address the health, safety, and welfare of pedestrians.			
<b>DESCRIPTION/SCOPE:</b> This project consisted of construction and replacement of sidewalks and wheelchair ramps of various widths and lengths. Costello, Inc designed the project with 240 days allowed for construction. The project was awarded to Total Contracting Limited with an original Contract Amount of \$474,931.00. An additional appropriation of \$ 47,085.40 approving Change Order No.1 was authorized by Council on 12/6/06 under Ordinance No. 2006-1202.			
<b>LOCATION:</b> The project area encompasses various locations throughout the city. The project is located in various Key Map grids.			
<b>CONTRACT COMPLETION AND COST:</b> The Contractor, Total Contracting Limited, has completed the Work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No.1 will be \$529,709.71, an increase of \$54,778.71 or 11.53% over the original Contract Amount.			
The increase cost is a result of previously approved Change Order No. 1 and differences between planned and measured quantities. This increase is primarily due to overrun in Bid Item No. 1- Traffic control and regulation; Bid Item No. 2 – Flagmen; Bid Item No. 10 – Removing existing paving, including asphalt and concrete items; Bid Item No. 12 – Excavation for sidewalk grading; Bid Item No. 13 - Borrow/Fill for sidewalk grading; Bid Item No. 18 – 7” Reinforced concrete driveways including stabilized subgrade which were necessary to complete the Work.			
<b>M/WBE PARTICIPATION:</b> There was no M/WBE goal for this project.			
MSM:DWK:JTL:JAK:JS:ha			
cc: Michael Ho, P.E. Velma Laws Craig Foster Waynette Chan Marty Stein File No. SB9049-4 - CLOSEOUT			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20JS05</b>	
<b>F&amp;A Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	







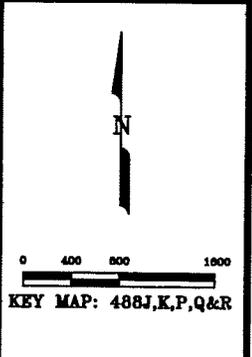
# PROJECT LOCATION

COUNCIL DISTRICT "G"

COUNCIL DISTRICT "G"



BARKER RESERVOIR  
FLOOD CONTROL POOL ELEVATION 107.7'



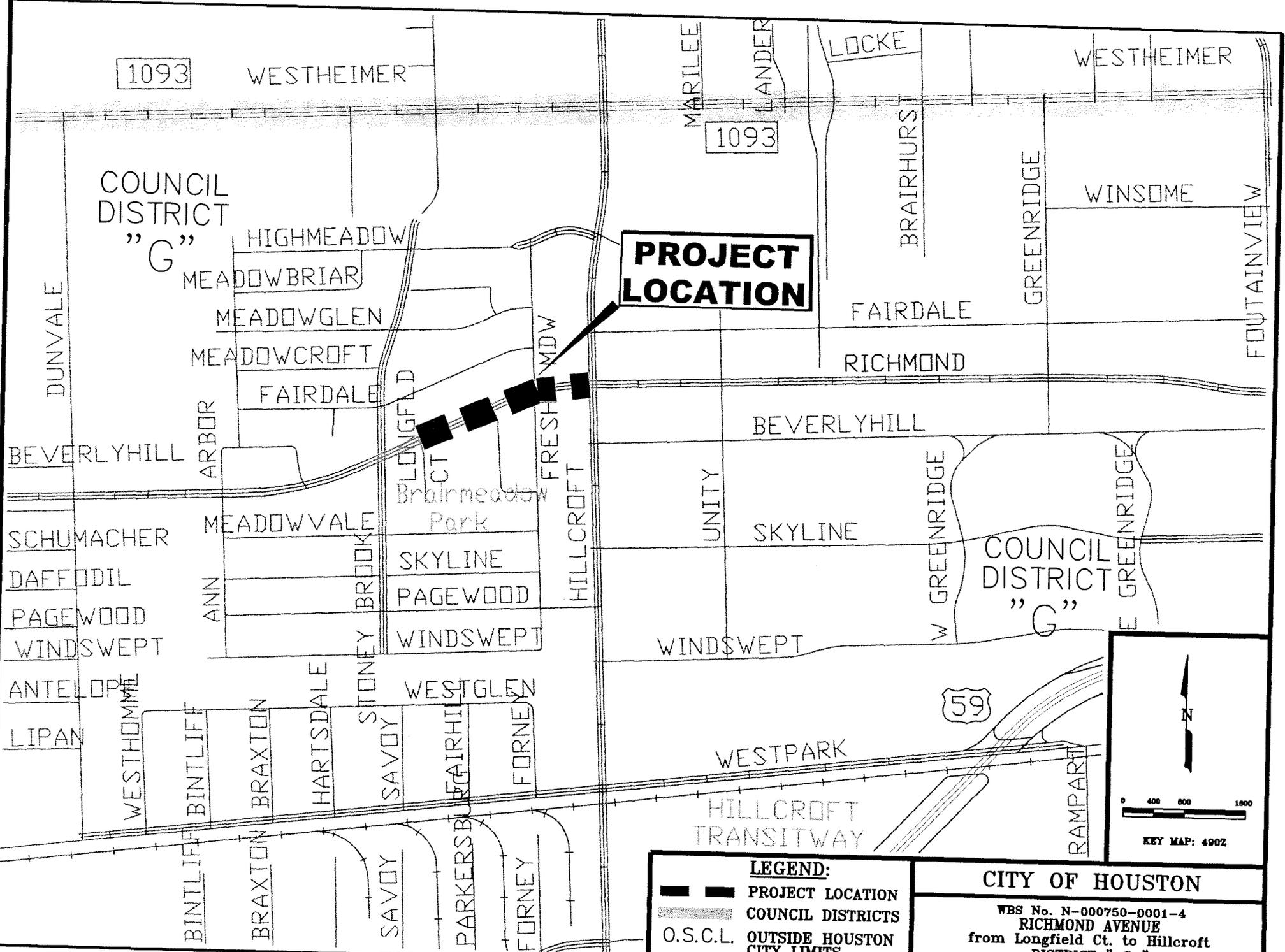
**LEGEND:**

- PROJECT LOCATION
- COUNCIL DISTRICT BOUNDARY

**CITY OF HOUSTON**

WBS No. N-00610A-00C4-4  
**BRIAR FOREST DRIVE**  
 FROM STATE HIGHWAY 6 TO DAIRY ASHFORD  
 COUNCIL DISTRICT "G"

09/28/2007



**PROJECT LOCATION**

1093

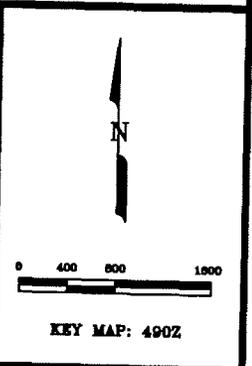
1093

COUNCIL DISTRICT "G"

COUNCIL DISTRICT "G"

**LEGEND:**  
 ■ ■ PROJECT LOCATION  
 ■ ■ COUNCIL DISTRICTS  
 ■ ■ O.S.C.L. OUTSIDE HOUSTON CITY LIMITS

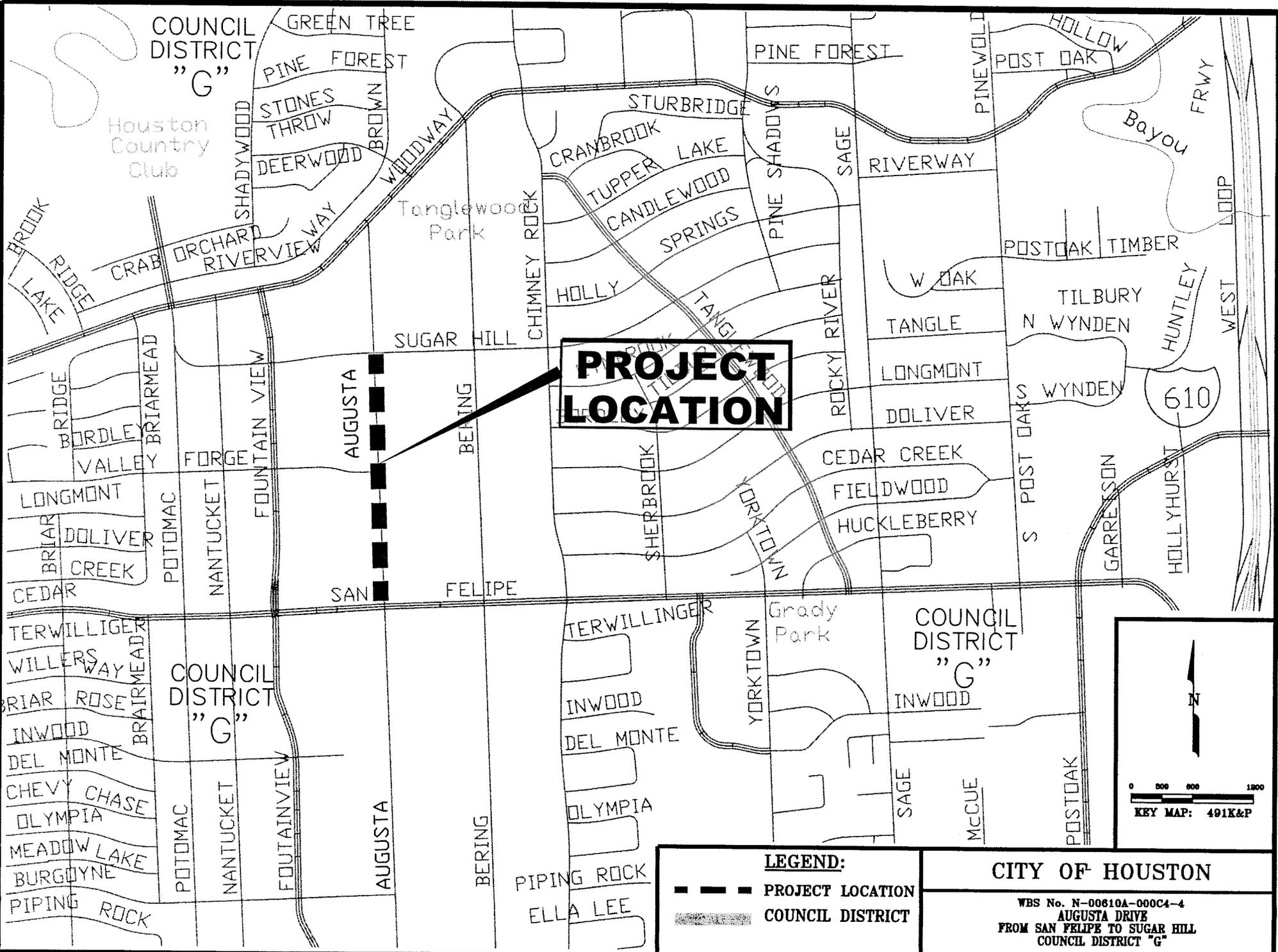
**CITY OF HOUSTON**  
 WBS No. N-000750-0001-4  
 RICHMOND AVENUE  
 from Longfield Ct. to Hillcroft  
 DISTRICT "G"



59

KEY MAP: 490Z

10/01/07



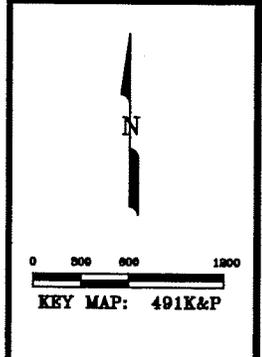
**PROJECT LOCATION**

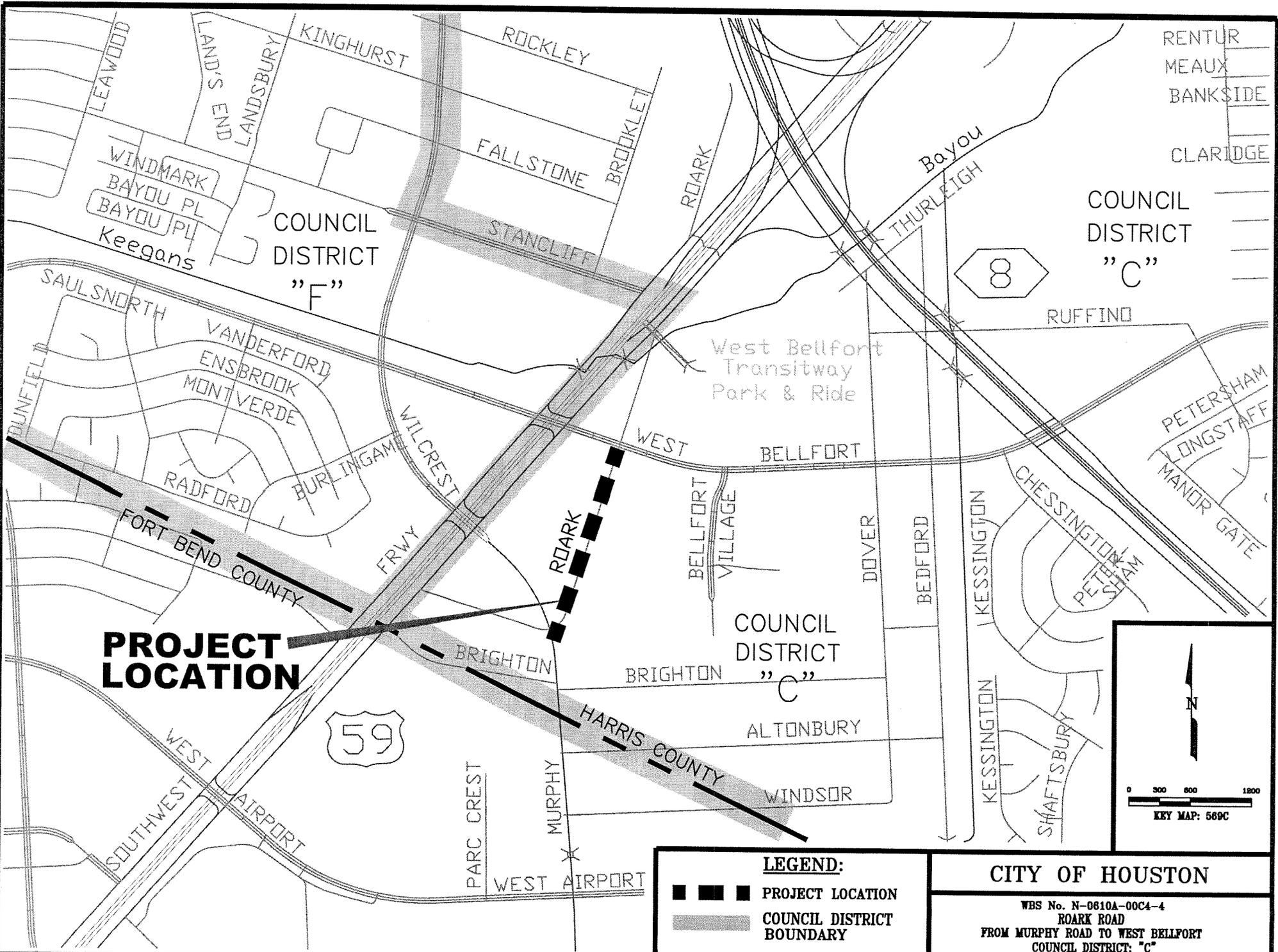
**LEGEND:**

-  PROJECT LOCATION
-  COUNCIL DISTRICT

**CITY OF HOUSTON**

WBS No. N-00610A-000C4-4  
**AUGUSTA DRIVE**  
 FROM SAN FELIPE TO SUGAR HILL  
 COUNCIL DISTRICT "G"





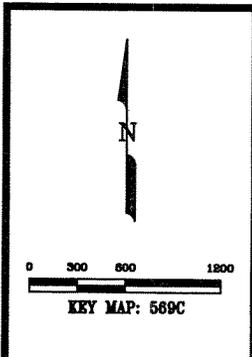
RENTUR  
 MEAUX  
 BANKSIDE  
 CLARIDGE

COUNCIL DISTRICT "C"

COUNCIL DISTRICT "F"

COUNCIL DISTRICT "C"

**PROJECT LOCATION**



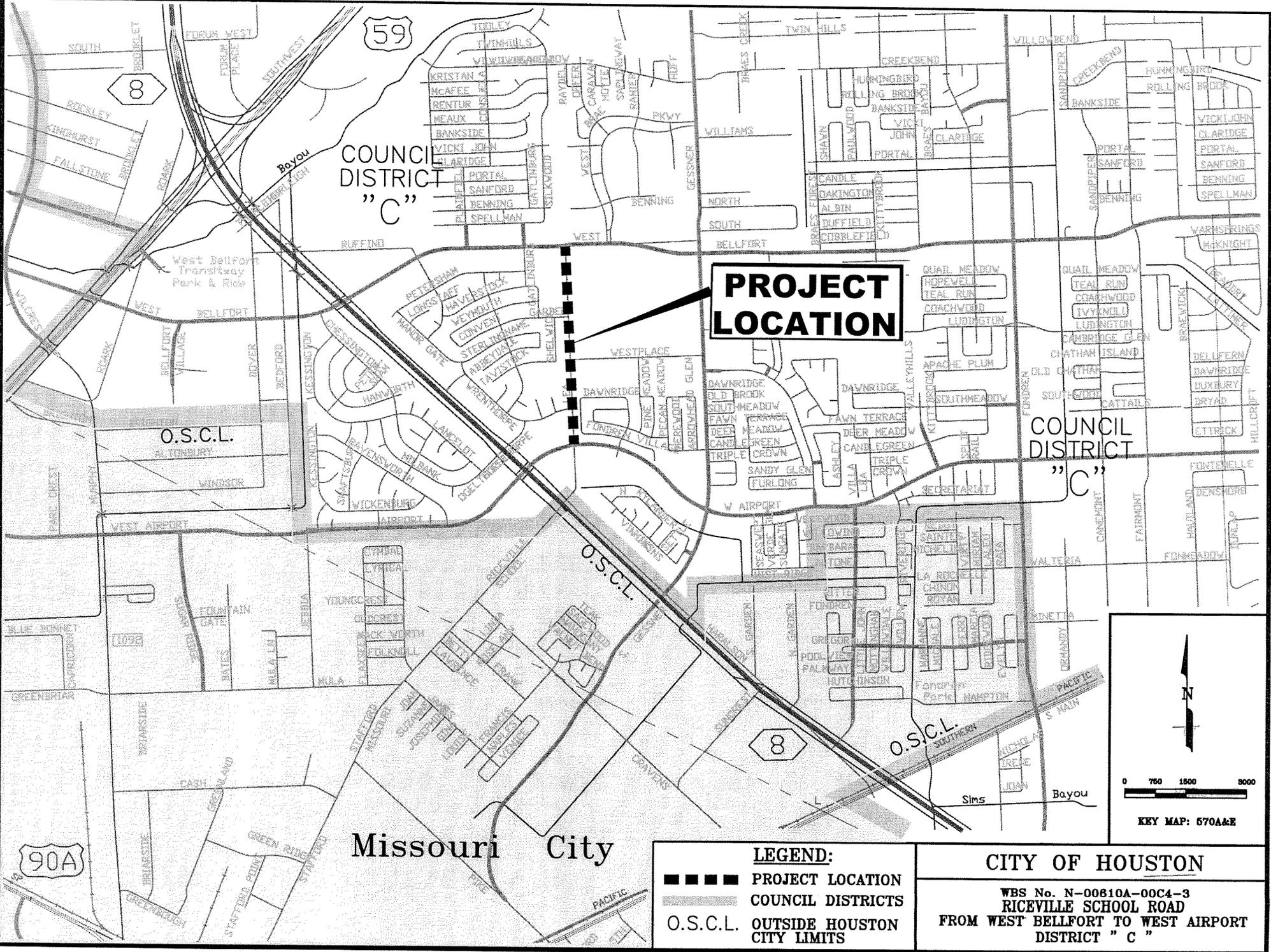
**LEGEND:**

-  PROJECT LOCATION
-  COUNCIL DISTRICT BOUNDARY

**CITY OF HOUSTON**

WBS No. N-0610A-00C4-4  
 ROARK ROAD  
 FROM MURPHY ROAD TO WEST BELLFORT  
 COUNCIL DISTRICT: "C"

09/212007



**PROJECT  
LOCATION**

COUNCIL  
DISTRICT  
"C"

COUNCIL  
DISTRICT  
"C"

Missouri City

**LEGEND:**

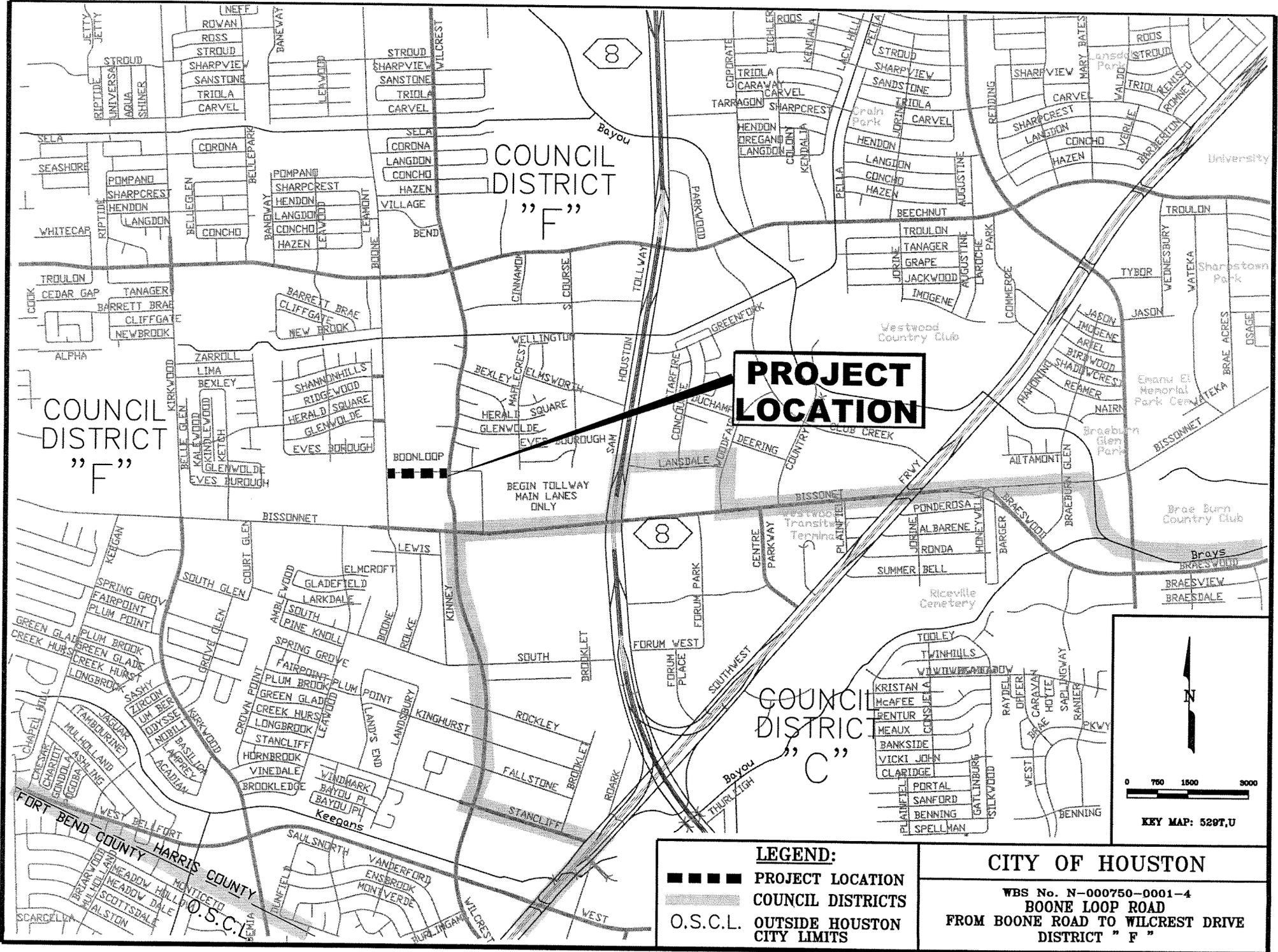
- PROJECT LOCATION
- COUNCIL DISTRICTS
- O.S.C.L. OUTSIDE HOUSTON CITY LIMITS

**CITY OF HOUSTON**

WBS No. N-00610A-00C4-3  
 RICEVILLE SCHOOL ROAD  
 FROM WEST BELLFORT TO WEST AIRPORT  
 DISTRICT "C"

0 750 1500 3000

KEY MAP: 570A&E



**PROJECT  
LOCATION**

COUNCIL  
DISTRICT  
"F"

COUNCIL  
DISTRICT  
"F"

COUNCIL  
DISTRICT  
"C"

**LEGEND:**

- ■ ■ ■ PROJECT LOCATION
- ▬ COUNCIL DISTRICTS
- ▬ O.S.C.L. OUTSIDE HOUSTON CITY LIMITS

**CITY OF HOUSTON**

WBS No. N-000750-0001-4  
**BOONE LOOP ROAD**  
 FROM BOONE ROAD TO WILCREST DRIVE  
 DISTRICT "F"

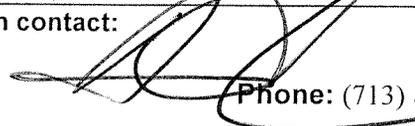
KEY MAP: 5297,U

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

<b>SUBJECT:</b> Accept Work for Access Roads and Drainage Improvements at Various Water Plant Locations. WBS. No. S-001000-0024-4.	Page 1 of 1	Agenda Item # <b>6</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 10-18-07	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> A
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<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director  <b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2005-1389 dated 12/20/2005
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$170,725.43 or 27.90% under the original Contract Amount, accept the Work, and authorize final payment.

<b>Amount and Source of Funding:</b> No additional funding required. Original appropriation of \$277,900.00 for construction and contingencies from the Water and Sewer System Consolidated Construction Fund, Fund No. 755.	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's rehabilitation and upgrades of groundwater pumping station and is required to ensure compliance with the Texas Commission on Environmental Quality (TCEQ) regulations.

**DESCRIPTION/SCOPE:** The project consisted of construction of storm sewer system to drain tank overflow and improve access roads within plant sites. ARCADIS G&M, Inc. designed the project with 120 calendar days allowed for construction. The project was awarded to Resicom, Inc. with an original Contract Amount of \$236,801.50.

**LOCATION:** The project is located in the following Key Map grids:

	<u>Water Plants</u>	<u>Address</u>	<u>Key Map Grid</u>
1.	Park 10 East Water Plant	14315 Park Row	448-W
2.	Park 10 West Water Plant	18324 Addicks Levee Dr.	447-W

**CONTRACT COMPLETION AND COST:** The Contractor, Resicom, Inc. has completed the Work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 and 2 is \$170,725.43, a decrease of \$66,076.07 or 27.90% under the original Contract Amount.

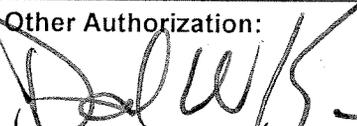
The decreased cost is primarily a result of Change Order No. 2 – Deletion of Work at Park 10 West Plant that was performed under another contract.

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

MSM:JTL:CWS:GW:mq  
S:\E&C Construction\Facilities\Projects\S-1000-24-3 Roads & Drainage\Closure\RCA\RCA\_CL-2-rev2.DOC

c: Velma Laws      Michael Ho, P.E      Craig Foster      File No. 10811 - Closure

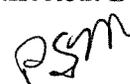
**REQUIRED AUTHORIZATION      CUIC ID# 20MZQ009**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	<i>NOT</i>
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<b>SUBJECT:</b> Request for the abandonment and sale of a 10-foot-wide utility easement between Main Street and Fannin Street, out of the Pleasant W. Rose Survey, A-645. <b>Parcel SY8-021</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  7
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  10-18-07	<b>Agenda Date</b>  OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> D  <b>Key Map:</b> 532H
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of a 10-foot-wide utility easement between Main Street and Fannin Street, out of the Pleasant W. Rose Survey, A-645. **Parcel SY8-021**

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

Heather Guillen of Walter P. Moore & Associates, Inc., 3131 Eastside, 2<sup>nd</sup> Floor, Houston, Texas 77098, on behalf of Texas Children's Hospital, requested the abandonment and sale of a 10-foot-wide utility easement between Main Street and Fannin Street, out of the Pleasant W. Rose Survey, A-645. Texas Children's Hospital, the owner, needs to remove the easement encumbrance to facilitate the construction of a hospital maternity center at this location.

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

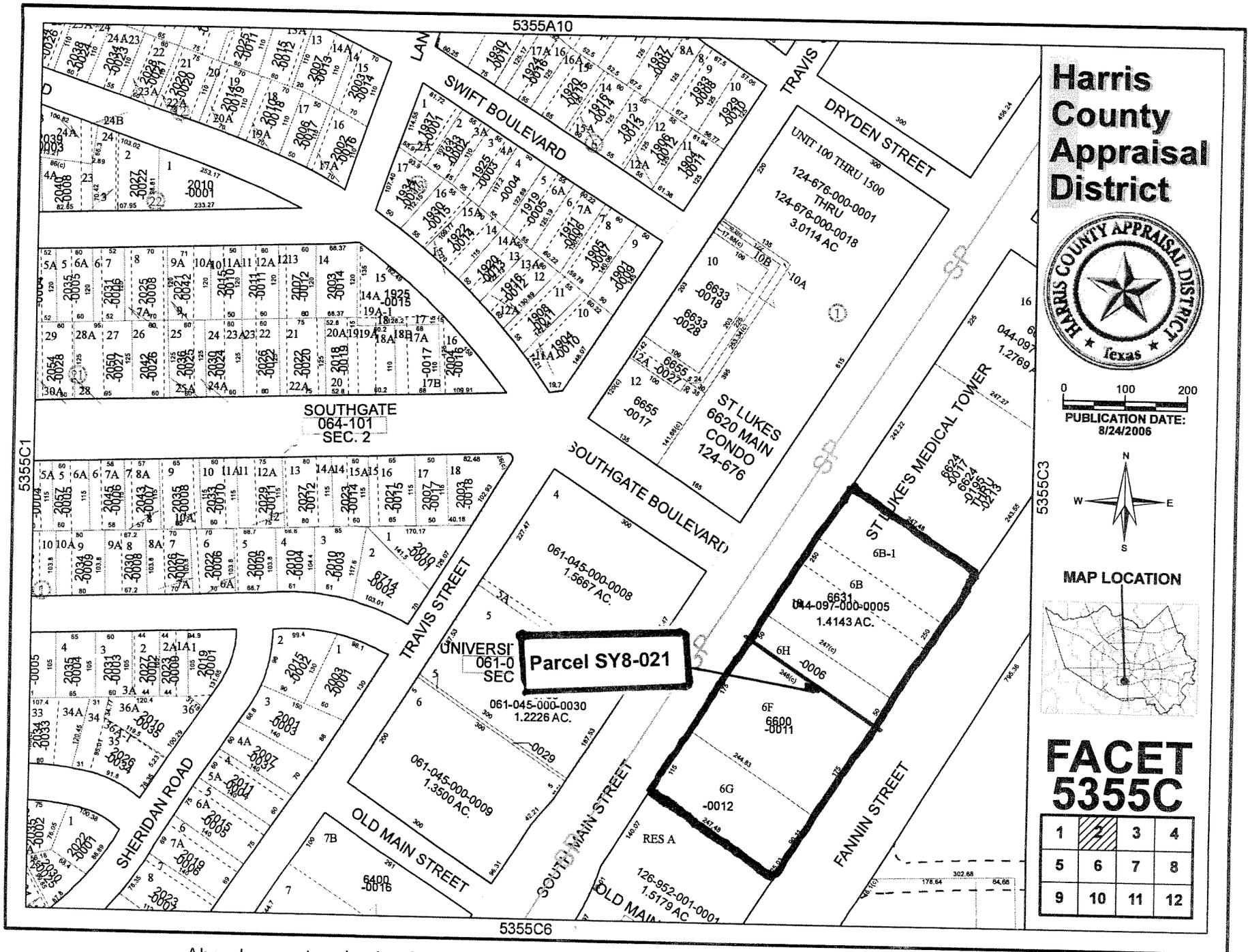
1. The City abandon and sell a 10-foot-wide utility easement between Main Street and Fannin Street, out of the Pleasant W. Rose Survey, A-645;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to (a) cut, plug, and abandon the existing 16-inch water main within the property limits from Main Street to Fannin Street and (b) submit a cashier's check for the depreciated value for the water main. All of the foregoing items must be completed at no cost to the City and under the proper permits;

psm\sy8-021.rc1.doc	CUIC #20PSM8901
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**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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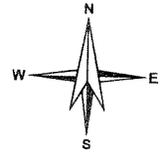
<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of a 10-foot-wide utility easement between Main Street and Fannin Street, out of the Pleasant W. Rose Survey, A-645. <b>Parcel SY8-021</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
<p>4. The applicant be required to prepare drawings that show all public utilities (water) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;</p> <p>5. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 3 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;</p> <p>6. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the utility easement being abandoned and sold;</p> <p>7. The Legal Department be authorized to prepare the necessary transaction documents; and</p> <p>8. Inasmuch as the value of the property interest is expected to exceed \$50,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Sheila Stewart and John Chambless.</p> <p>MSM:NPC:psm</p> <p>c: Phil Boriskie  Marlene Gafrick  Daniel W. Krueger, P.E.  Arturo G. Michel  Marty Stein  Jeff Taylor</p>			



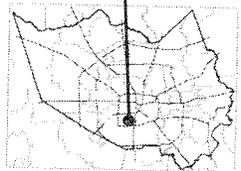
# Harris County Appraisal District



0 100 200  
 PUBLICATION DATE:  
 8/24/2006



MAP LOCATION



## FACET 5355C

1	2	3	4
5	6	7	8
9	10	11	12

Abandonment and sale of a 10-foot-wide utility easement between Main Street and Fannin Street, out of the Pleasant W. Rose Survey, A-645. **Parcel SY8-021**

<b>SUBJECT:</b> Site Profiler for Critical Infrastructures and Key Resources		<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 8
<b>FROM (Department or other point of origin):</b> Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security		<b>Origination Date:</b> 10/10/2007	<b>Agenda Date</b> OCT 24 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>D. Storemski</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Cheryl Murray Phone: 713/247-2212		<b>Date and Identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b>		Approve the purchase of Site Profiler system through <b>Digital Sandbox, Inc.</b> (contractor) in the amount of \$273,866.45		
<b>Amount of Funding:</b>	\$273,866.45	<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input checked="" type="checkbox"/> <b>Grant Funds:</b> Governor's Division of Emergency Management (Department of Homeland Security) Fund 5030				

**SPECIFIC EXPLANATION:**

**BACKGROUND**

As the core city within our urban area, the City of Houston serves in a lead role coordinating homeland security activities under the Department of Homeland Security's Urban Area Security Initiative. Since this work began in 2003, more sophisticated tools have become available to gather information about critical infrastructure, manage these data, and analyze the information in order to manage the associated risks. Recognizing this, the H-GAC Regional Homeland Security Coordinating Council allocated \$300,000 in grant funding to the City of Houston to purchase and implement a regional risk management program.

The Digital Sandbox Site Profiler risk management system will provide the City of Houston and our partners throughout the region with world-class critical infrastructure risk management capabilities. Understanding risk provides a valuable, defensible basis for prioritizing resources for infrastructure protection. Risk-based resource allocation is required under the new National Preparedness Guidelines. Further, the National Infrastructure Protection Plan requires state and local governments to utilize risk management methodologies in their implementation of infrastructure protection efforts.

**RECOMMENDATION**

It is recommended that City Council authorize the purchase of the Digital Sandbox Site Profiler system, including:

- The development of a risk management concept of operations
- A complete, customized risk management software system
- On-site training in the operation and administration of the Site Profiler for users

Through a federal cooperative purchasing program, state and local governments can procure general purpose commercial IT equipment, software, and services from the GSA (U.S. General Service Administration) Schedule 70; GSA has determined Schedule 70 vendors' rates to be fair and reasonable. This procurement is through GSA Schedule 70.

**MWDBE PARTICIPATION**

Although a 0% MWDBE participation goal has been authorized for this procurement, staff has separated hardware from this purchase, and will procure it separately from a certified MWDBE. The list of equipment to be purchased will be finalized in collaboration with Digital Sandbox and ITD, as a final system architecture and installation plan is developed. The draft plan calls for an estimated \$24,500 in servers and associated field equipment. This represents 8% of the project total.

DJS:CFM:JCG

**REQUIRED AUTHORIZATION**

NDT

<b>F &amp; A Director:</b> <i>John Wiley</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Frank Rodriguez

Date: 10/01/2007

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  0%

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

If requesting a revision, how many solicitations were received: 0

Solicitation Number: N/A Estimated Dollar Amount: \$272,880.64

Anticipated Advertisement Date: \_\_\_\_\_ Solicitation Due Date: \_\_\_\_\_

Goal On Last Contract: \_\_\_\_\_ Was Goal met: Yes  No

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

Name and Intent of this Solicitation:  
Risk Management Software

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

The software and training services are being purchased directly from the manufacturer through a GSA schedule 70 contract.

There will be a small amount of hardware needed to complete this project (approx. \$24,500.00) and will be purchased through a certified MWBE reseller.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant 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# 7630**

**Subject:** Purchase of a Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (Contract No. C56844)

Category #  
4 & 5

Page 1 of 1

Agenda Item

**9**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

October 05, 2007

**Agenda Date**

OCT 24 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Matt Hyde Phone: (832) 393-0055  
Ray DuRousseau Phone: (713) 247-1735

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

Ord. 2005-0322, passed 3/30/2005

**RECOMMENDATION: (Summary)**

Approve the purchase of a maintenance and support agreement for Hewlett Packard hardware and software in the total amount of \$324,362.07 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Awarded Amount: \$324,362.07

**F & A Budget**

\$324,362.07 - Houston Emergency Center (2205)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of a 12-month maintenance and support agreement for Hewlett Packard hardware and software in the total amount of \$324,362.07 through the City's Master Agreement with DIR for the Houston Emergency Center (HEC), and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, Hewlett-Packard Company.

This agreement will allow HEC's Information Technology personnel to maintain the hardware, obtain software support, and receive software updates and upgrades. It will also include 24-hour, 365-day monitoring of hardware and operating system software. These services are required to continue operation of the Department's Computer Aided Dispatch and Records Management systems and will greatly reduce maintenance costs.

Under the terms of the agreement, the contractor is required to provide software and hardware support services as follows:

- Access to Hewlett Packard's High Availability Response Center
- Hardware coverage 24 x 365 with a 6 hour call-to-repair commitment
- Parts availability objective call to fix stocking rate of 95%
- Software coverage 24 x 7 x 365 with immediate connect to Business Recovery Specialists for critical problems or 2 hour response for non-critical problems
- Access to Enhanced Escalation Management
- Provide system Healthcheck four times per year
- Provide hardware preventive maintenance

Buyer: Murdock Smith III

**REQUIRED AUTHORIZATION**

**NDT**

F&A Director:

Other Authorization:

Other Authorization:

5-21-07



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Murdock Smith III

Date: 10/02/07

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: RCA 7630 Estimated Dollar Amount: \$324,362.07

Anticipated Advertisement Date: \_\_\_\_\_ Solicitation Due Date: \_\_\_\_\_

Goal On Last Contract: \_\_\_\_\_ Was Goal met: Yes  No

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

Name and Intent of this Solicitation:  
The purchase of maintenence and support agreement for Hewlett Packard hardware and software.

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)  
The Hewlett Packard Company is the provider of the software and hardware maintenance services for software and hardware manufactured by The Hewlett Packard Company. Therefore, there are no M/WBE subcontracting oppourtunities on this acquisition.

Concurrence:

Murdock Smith III  
SPD Initiator

[Signature]  
Division Manager

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

[Signature]  
Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

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

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7551**

**Subject:** Formal Bids Received for Playground Equipment for the Parks and Recreation Department  
S21-S22112

Category #  
4

Page 1 of 2

Agenda Item

**10**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

October 10, 2007

**Agenda Date**

OCT 24 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Daniel Pederson                      Phone: (713) 845-1248  
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 \$417,900.10 for playground equipment for the Parks and Recreation Department.

Estimated Spending Authority: \$417,900.10

**F & A Budget**

\$417,900.10 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, for playground equipment in an amount not to exceed \$417,900.10 for the Parks and Recreation Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period.

This award consists of various types of playground equipment that will be used to support the Department's implementation to standardize playground equipment under the Parks to Standard Program in all of the City's Parks and Recreation areas. Equipment will consist of, but shall not be limited to, basketball backboards, swing sets, toddler seats, and structural hardware for designated playgrounds.

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

**All Play, Inc.:** Award low bid for Line Item Nos. 12, 13, 14, 16, 17, and Line Item Nos. 41 thru 44 (swing set equipment and hardware) in an amount not to exceed \$150,092.00.

<u>Company</u>	<u>Total Amount</u>
1. All Play, Inc.	\$150,092.00
2. Hunter Kneppshield of Texas, Inc.	\$185,744.60
3. Miracle Recreation Equipment Co.	\$192,285.00

**Hunter Kneppshield of Texas, Inc.:** Award low bid for Line Item Nos. 1, 2, 4, 5, 6, 8, 11, 18, 19, and Line Item Nos. 25 thru 27, Line Item No. 30, and Line Item Nos. 35 thru 37 (basketball nets, backboards, goals, swing hardware, toddler riders and hardware) in an amount not to exceed \$169,025.90.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**(3) NOT**

*gag*

*8/14/07*

Date: 10/10/2007	Subject: Formal Bids Received for Playground Equipment for the Parks and Recreation Department S21-S22112	Originator's Initials LM	Page 2 of 2
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<u>Company</u>	<u>Total Amount</u>
1. All Play, Inc.	\$ 33,600.00 (Partial Bid/Higher Unit Price)
2. PlayPower LT Farmington	\$ 50,437.00 (Partial Bid/Higher Unit Price)
3. Miracle Recreation Equipment Co.	\$154,899.00 (Partial Bid/Higher Unit Price)
<b>4. Hunter Knepshield of Texas, Inc.</b>	<b>\$169,025.90</b>

**PlayPower LT Farmington, Inc.:** Award low bid for Line Item Nos. 15, 20, 29, Line Item Nos. 31, 33, 38, 39 and Line Item Nos. 45, 46, and 47 (swing assemblies, play systems, hardware, and accessories) in an amount not to exceed \$98,782.20.

<u>Company</u>	<u>Total Amount</u>
1. Hunter Knepshield of Texas, Inc.	\$ 94,025.25 (Partial Bid/Higher Unit Price)
<b>2. PlayPower LT Farmington</b>	<b>\$ 98,782.20</b>

Purchase orders will be issued for Item Nos. 3, and 21 through 24 on an as needed basis over a 60-month period, as the award amount for these items are less than \$50,000.00.

Line Item Nos. 7, 9, 10, 34, 40, and 48 are not being awarded.

Buyer: Laura A. Marquez

Attachment: M/WBE Zero Percent Goal Document Approved by Affirmative Action Division.

**Estimated Spending Authority**

<b>Department</b>	<b>FY08</b>	<b>Out Years</b>	<b>Total</b>
Parks & Recreation	\$80,000.00	\$337,900.10	\$417,900.10



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Angela Dunn

Date: March 1, 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: 0% New Goal: 0%

If requesting a revision, how many solicitations were received: 0

Solicitation Number: SC-R-2320-032-22112 Estimated Dollar Amount: \$417,136.84

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

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

If goal was not met, what did the vendor achieve: 0%

Name and Intent of this Solicitation:

Replacement Playground Equipment for the replacement of non repairable playground equipment for the City of Houston Parks and Recreation facilities Citywide.

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

The Parks & Recreation Department has installed standardize playground equipment as required under the Parks to Standard Program which ranges from Little Tykes, Playworld, Jensen, Miracle Recreation Products, Bison and Game Tile. These items are historically sole bid and directly shipped from the manufacturer to the City.

Concurrence:

SPD Initiator

Division Manager

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# 7603

**Subject:** Formal Bids Received for One MD 500E Helicopter for the Police Department  
S25-N22591

Category #  
4

Page 1 of 1

Agenda Item

11

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

October 08, 2007

**Agenda Date**

OCT 24 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an award to MD Helicopters, Inc. on its sole bid in the total amount of \$2,100,818.00 for one MD 500E helicopter for the Police Department.

Award Amount: \$2,100,818.00

**F & A Budget**

\$2,100,818.00 Police Special Services (2201)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to MD Helicopters, Inc. on its sole bid in the total amount of \$2,100,818.00 for one MD 500E helicopter for the Police Department and that authorization be given to issue a purchase order. This unit will be used for aerial support for patrol and security-related operations.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Ten prospective bidders viewed the solicitation document on SPD's e-bidding website and one bid was received. Only one bid was received due to limited competition for the specified aircraft.

This purchase consists of one MD 500E, four-passenger helicopter, with a forward-looking infrared radar (FLIR) system, enabling the pilot to effectively "see in the dark". This helicopter with a FLIR system will come with a one-year/1,000-hour factory warranty. This will be the fifth regular patrol helicopter in the fleet. Other non-patrol helicopters are used primarily for training. The contractor will have 450 days to deliver the helicopter after receipt of the purchase order.

Buyer: Tom Smyer

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

**REQUIRED AUTHORIZATION**

NDT

F&A Director:

Other Authorization:

Other Authorization:



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Tom Smyer

Date: September 17, 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: 11% New Goal: 0

If requesting a revision, how many solicitations were received: 1

Solicitation Number: S25-N22591 Estimated Dollar Amount: \$2.1 million

Anticipated Advertisement Date: 8/17/2007 Solicitation Due Date: 9/6/2007

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

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

Name and Intent of this Solicitation:

Purchase of One MD 500E Helicopter

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

The helicopter is manufactured out of state. The contractor can not find a certified M/WBE listed in the Affirmative Action directory that can be used to satisfy any participation for this purchase.

Concurrence:

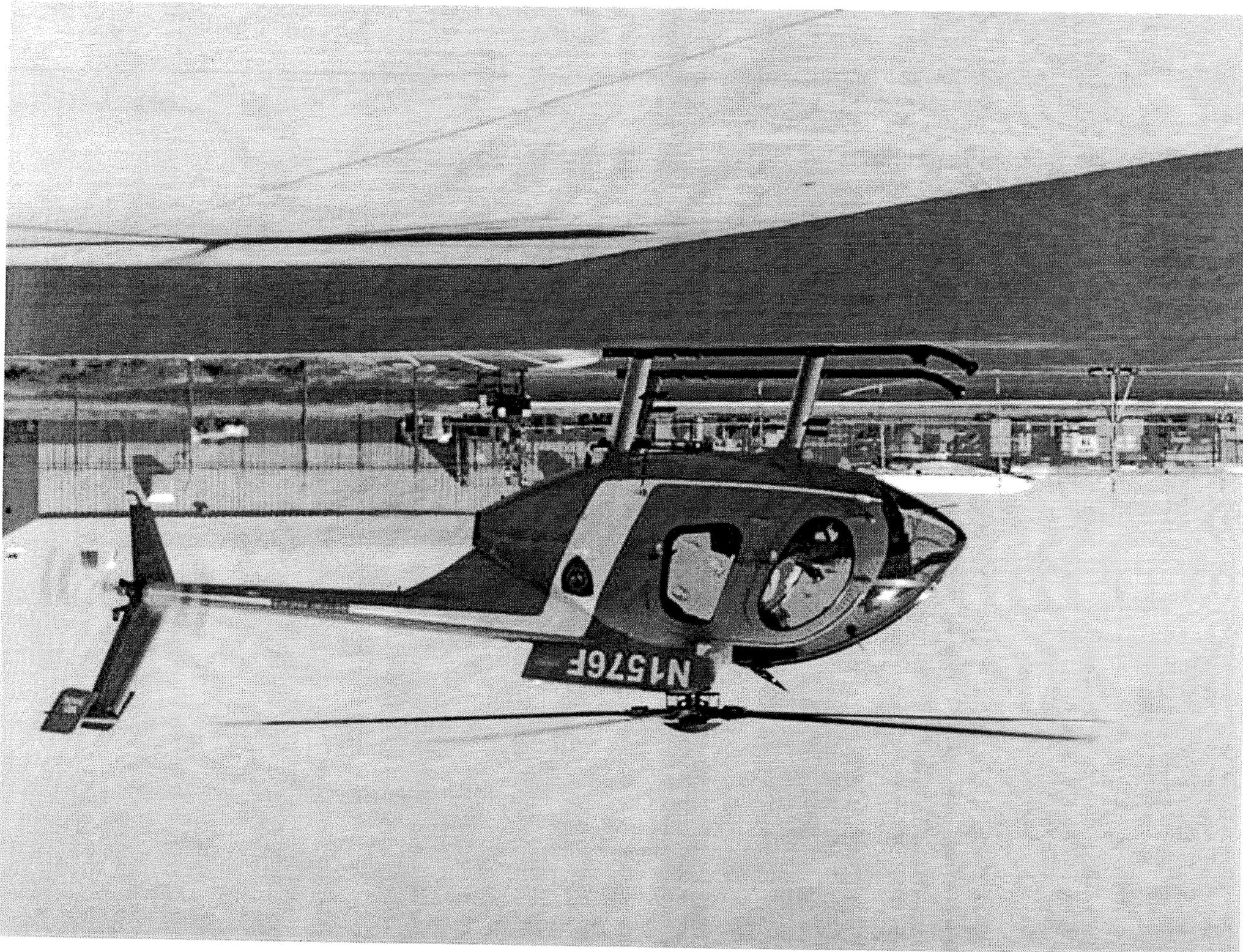
SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

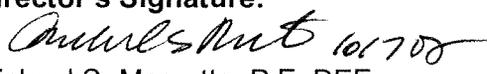
Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

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



<b>SUBJECT:</b> Approve an Award to Best Respondent to Request For Qualifications for Industrial Technology Training for the Public Works & Engineering Department	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  12
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<b>From: (Department or other point of origin):</b> Department of Public works and Engineering	<b>Origination Date</b> 10-18-07	<b>Agenda Date</b> OCT 24 2007
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<b>Director's Signature:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected: (Council District Letter Only)</b>  All
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<b>For additional information contact:</b> Cal Wolford Phone: (713) 837-7057 Gary Norman Phone: (713) 837-7425	<b>Date and identification of prior authorizing Council action:</b>
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**Recommendation: (Summary)**  
 Approve an award to the best respondent to a Request For Qualifications, National Technology Transfer, Inc., in an amount not to exceed \$118,978.00, for Industrial Technology Training for the Public Works & Engineering Department.

**Amount and Source of Funding:** \$118,978.00 Water & Sewer System Operating Fund #8300

**SPECIFIC EXPLANATION:**  
 The Director of Public Works & Engineering recommends that City Council approve an award to the best respondent, National Technology Transfer, Inc., in an amount not to exceed \$118,978.00 for industrial technology training for the Public Works & Engineering Department. The customized training and hands-on lab includes pumps, mechanical drive systems, shaft alignment, bearing and lubrication training for Water/Wastewater maintenance mechanics.

The scope of work requires the contractor to provide qualified instructors, all class room materials and consumables, equipment and transportation necessary for customized classroom training and hands on lab for water/waste water maintenance mechanics. The training curriculum will accommodate 12 mechanics in an intensive eleven week schedule consisting of 2.5 days 20 hours per week with a hands-on lab of equipment common in water/wastewater applications. A synopsis of, but not limited to, the types training:

Centrifugal Pumps

- Basic Types of Pumps
- Design & Selection
- Pump Theory
- Horizontal Installation
- Pump Systems
- Maintenance/Troubleshooting

Mechanical Drives

- Intro to Mechanical Transmission
- Prime Movers
- Chain Drives
- Bearings
- Lubrication
- Couplings
- Belt Drives
- Gear Drives
- Variable Speed Drives

Shaft Alignment

- Procedures for Rotating Shafts
- Methodology
- Standards/Tolerances
- Thermal Growth
- Measurements
- Alignment Checklist

<b>REQUIRED AUTHORIZATION</b>		
F&A Director  	Other Authorization Jeff Taylor, Deputy Director  	Other Authorization David Guernsey, Asst Director  

Bearing and Lubrication

- Transmission Physics
- Lubrication
- Materials
- Couplings/Alignment
- Failures
- Formulas/Conversions

The Request For Qualifications (RFQ) was issued to private and educational institutions to select the most qualified Proposer based on qualifications. RFQ's were sent to Lee College, International Maintenance Institute, National Technology Transfer, Inc., Houston Community College System and Process & Industrial Training Technology Inc. The Evaluation Committee consisted of three senior training instructors from PWE. The RFQ's were evaluated on the following criteria:

1. Specific training course descriptions, length of each course, anticipated results, description of hands-on training and any special requirements for training equipment.
2. Documented prior experience in accomplishing similar training projects.
3. Customer reference list.
4. Synopsis of instructor's qualifications, certifications and educational background.

National Technology Transfer, Inc. received the highest overall rating of 36 points out of a possible total of 36 points. Based on the superior rating, National Technology Transfer, Inc. was invited to submit pricing. The pricing submitted was fair and competitive when surveyed against local Houston educational institutions.

**M/WDBE PARTICIPATION:**

The Affirmative Action Division has approved a 0% M/WDBE goal for this project due to the scope of work consisting of highly specialized classroom instruction and hands-on training. NTT utilizes their own instructors and the hands-on mechanical equipment will be shipped via common carrier, therefore no M/WDBE participation opportunities exist.



# CITY OF HOUSTON

Public Works and Engineering  
Department

## Interoffice

Correspondence

To: Velma Laws  
Director

From: Assistant Director  
Materials Management Branch

Date: August 6, 2007

Cc

Subject: **Waiver of M/WDBE Participation  
Public Utilities Division  
Mechanical Rotating Equipment Training**

The Department of Public Works and Engineering, Public Utilities Division is seeking a waiver of M/WDBE participation for a series of training classes for the maintenance mechanics leading to a national certification. The training is highly specialized classroom and hands-on lab, which will be conducted by a private firm, National Technology Transfer, Inc. (NTT) Denver, Colorado. The eleven week courses will consist of pump training, mechanical drives, shaft alignment and bearing and lubrication training and NTT will furnish all class room materials. NTT will use their own instructors and the hands-on lab equipment will be shipped via common carrier. Therefore no M/WDBE participation opportunities exist.

Concur:

*for*   
Velma Laws

  
David Guernsey

DG:jr

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7568**

**Subject:** Sole Bid Received for Pipe, PVC SDR-21 & DR-18 for the Public Works & Engineering Department S32-S22498

Category #  
4

Page 1 of 1

Agenda Item

**13**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

September 04, 2007

**Agenda Date**

OCT 24 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 Hallmark Industrial Supply on its sole bid in an amount not to exceed \$259,933.86 for polyvinyl chloride (PVC) pipe SDR-21 & DR-18 for the Public Works & Engineering Department.

Estimated Spending Authority: \$259,933.86

**F & A Budget**

*Alvarez 9/11/07*

\$259,933.86 Water and Sewer System Operating Fund No.8300

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Hallmark Industrial Supply on its sole bid in an amount not to exceed \$259,933.86 for PVC pipe SDR-21 & DR-18 for the Public Works & Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award, consisting of eight sizes of PVC pipe from 1 1/2" through 16" will be utilized to replace and repair City waterlines which are broken, corroded or in danger of leaking.

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

**M/WBE Subcontracting:**

This bid was issued with a 3% goal for M/WBE participation. **Hallmark Industrial Supply** has designated the below-named company as its certified M/WBE subcontractor

<u>Company</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
BEVCO, Inc.	Purchase Pipe	\$7,798.02

The Affirmative Action Division will monitor this award.

**Estimated Spending Authority:**

<u>Department</u>	<u>FY 2008</u>	<u>Out Years</u>	<u>Total</u>
Public Works & Engineering	\$51,986.77	\$207,947.09	\$259,933.86

Buyer: Gloria Jordan-King

*65CDW2782*

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*Indulskite*

*MGT*

*92502*



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

**From:** Gloria Jordan-King

**Date:** 09/26/2007

**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: 3% New Goal: \_\_\_\_\_

If requesting a revision, how many solicitations were received: 1

Solicitation Number: S22498 Estimated Dollar Amount: \$259,933.86

Anticipated Advertisement Date: 6/22/2007 Solicitation Due Date: 7/12/2007

Goal On Last Contract: 3% Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: 0%

Name and Intent of this Solicitation:

Pipe, PVC SDR-21 & DR-18 for the Public Works & Engineering Department

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

This solicitation was advertised with a three-percent goal because the majority of items will be direct shipped from the manufacturer to the City of Houston. There is a small opportunity for M/WBE participation; the recommended supplier will be using a City M/WBE supplier to purchase PVC pipe to assist in meeting the three-percent established goal.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant 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**

<b>TO:</b> Mayor via City Secretary		<b>RCA# 7547</b>	
<b>Subject:</b> Formal Bids Received for Special Truck and Body Replacement Parts for the Solid Waste Management Department S08-S22402		Category # 4	Page 1 of 2  Agenda Item  <b>14</b>

<b>FROM (Department or other point of origin):</b> Calvin D. Wells City Purchasing Agent Finance and Administration Department	<b>Origination Date</b>  October 12, 2007	<b>Agenda Date</b>  OCT 24 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Calvin D. Wells</i>	<b>Council District(s) affected</b> All
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<b>For additional information contact:</b> Dan Gutierrez Phone: (713) 837-9214 Desiree Heath Phone: (713) 247-1722	<b>Date and Identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)**  
Approve an award to McNeilus Truck & Manufacturing on its sole bid meeting specifications in an amount not to exceed \$1,200,000.00 for special truck and body replacement parts and repair services for the Solid Waste Management Department.

Estimated Spending Authority: \$1,200,000.00	<b>F &amp; A Budget</b>
--	-------------------------

\$1,200,000.00 - General Fund - (1000)

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve an award to McNeilus Truck & Manufacturing on its sole bid meeting specifications in an amount not to exceed \$1,200,000.00 for special truck and body replacement parts for the Solid Waste Management Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of one price list for various special truck and body replacement parts, which include; but are not limited to cylinders, valves, filters, bumpers, tool boxes, door rails, door panel protectors, seat axles, retrofit kits, idler arms, switches, joystick handles and coils. These materials will be used by the Solid Waste Management Department to repair and maintain their special truck bodies and engines citywide. This award also includes a \$400,000.00 labor component for the repair of equipment that cannot be repaired by City personnel.

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

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

**McNeilus Truck & Manufacturing:** Award on its sole bid meeting specifications for Item No. 1 (McNeilus Street Smarts Net Price List) in an amount not to exceed \$1,200,000.00.

<b>COMPANY</b>	<b>SAMPLE PRICING</b>
1. CBM Fleet Services, LLC	\$ 576.87 (Partial Bid/Did Not Meet Specifications)
2. McNeilus Truck & Mfg.	\$3,887.91

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

Date: 10/12/2007	Subject: Formal Bids Received for Special Truck and Body Replacement Parts for the Solid Waste Management Department S08-S22402	Originator's Initials AD	Page 2 of 2
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**M/WBE Subcontracting:**

This bid was issued with a 3% goal for M/WBE participation. McNeilus Truck & Manufacturing has designated the below-named company as its certified subcontractor:

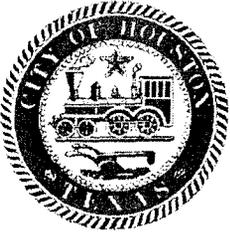
<u>Company</u>	<u>Scope of Service</u>	<u>Amount</u>
Morse Wholesale Paper Company	Shrink Wrap Shipments, Parts Shipping & Shipping Supplies	\$36,000.00

The Affirmative Action Division will monitor this award.

Buyer: Laura A. Marquez

**ESTIMATED SPENDING AUTHORITY**

DEPARTMENT	FY2008	OUT YEARS	TOTAL
SOLID WASTE MANAGEMENT	\$200,000.00	\$1,000,000.00	\$1,200,000.00



# CITY OF HOUSTON

Office of the Mayor

## Interoffice

Correspondence –  
Affirmative Action &  
Contract Compliance  
Division

**To:** Laura Marquez

**From:** Velma Laws,  
Director

**Date:** August 10, 2007

**CC:** Robert Gallegos, *RDG*  
Assistant Deputy Director

**Subject:** 3% MWBE Goal – Replacement Parts and  
Service Repair of special truck and body  
vehicles for Solid Waste Management Dept.

We have reviewed the 3% MWBE goal for the project listed above. Morse Wholesale Paper Co. is a certified WBE and can provide the Shrink Wrap Shipments, Part Shipping and Shipping Supplies. Therefore, the 3% MWBE goal request on the project listed above is approved. If you have any questions or concerns, you may contact Ric Garza at 713-837-9008.

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7483

**Subject:** Formal Bids Received for Fire Hose for Various Departments  
S13-S22262

Category #  
4

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Agenda Item

15

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

October 02, 2007

**Agenda Date**

OCT 24 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve various awards, as shown below, in an amount not to exceed \$1,862,809.36 for fire hose for various departments.

Estimated Spending Authority: \$1,862,809.36

**F & A Budget**

\$ 15,705.47 HAS-Revenue Fund (8001)  
\$1,847,103.89 Fire General Fund (1000)  
\$1,862,809.36 Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$1,862,809.36 for fire hoses for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. These awards consist of fire hoses of various sizes with various couplings for use by fire fighting groups within the City of Houston.

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 three bids were received as detailed below:

**Metro Fire Apparatus Specialist, Inc.:** Award on its low bid meeting specifications for Groups I (forestry hoses) and VIII (supply hoses), and on its sole bid for Group II (booster hoses) in an amount not to exceed \$212,793.96.

<u>Company</u>	<u>Total Amount</u>
1. Nevada Pacific Fire & Safety, Inc.	\$ 5,218.92 (Partial Bid/Did Not Meet Specifications)
2. Armored Textiles, Inc.	\$110,718.81 (Partial Bid/Did Not Meet Specifications)
3. <b>Metro Fire Apparatus Specialist, Inc.</b>	<b>\$212,793.96</b>

**Nevada Pacific Fire & Safety, Inc.:** Award on its low bid meeting specifications for Groups IV (attack hoses 1-3/4") and V (attack hoses 2.5"), on its low bid meeting specifications for Group VI (attack hose 3") and on its low bid for Group VII (attack hoses 4") in an amount not to exceed \$1,650,015.40.

<u>Company</u>	<u>Total Amount</u>
1. Armored Textiles, Inc.	\$1,520,368.46 (Partial Bid/Did Not Meet Specifications)
2. <b>Nevada Pacific Fire &amp; Safety, Inc.</b>	<b>\$1,650,015.40</b>
3. Metro Fire Apparatus Specialist, Inc.	\$2,848,552.45

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

NDT

*WJF*

Date:  
10/2/2007

Subject: Formal Bids Received for Fire Hose for Various  
Departments  
S13-S22262

Originator's  
Initials  
LM

Page 2 of 2

Group III is not being awarded.

Buyer: Lewis Massingill

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

**ESTIMATED SPENDING AUTHORITY:**

<b>DEPARTMENT</b>	<b>FY 2008</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Fire Department	\$369,420.78	\$1,477,683.11	\$1,847,103.89
Houston Airport System	\$ 3,000.00	\$ 12,705.47	\$ 15,705.47
City of Houston Total	\$372,420.78	\$1,490,388.58	\$1,862,809.36



# CITY OF HOUSTON

# Interoffice

Finance & Administration Department  
Strategic Purchasing Division (SPD)

Correspondence

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

From: Lewis Massingill

Date: January 26, 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: S13 S22262 Estimated Dollar Amount: \$2,519,985.00

Anticipated Advertisement Date: 2/16/2007 Solicitation Due Date: 3/8/2007

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

If goal was not met, what did the vendor achieve: 0%

Name and Intent of this Solicitation:

Hose, Fire, Booster and Attack meeting City of Houston and NFPA standards for the Fire Department's use in fighting fires.

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

These items are shipped directly from the manufacturer to the department user. Therefore no opportunity for M/WBE participation exist. The current contract has a 0% goal. A copy is attached.

Concurrence:

Lewis Massingill  
SPD Initiator

Tywana Chancy for Denise 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.

R(2)

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Amend the contract parking rates and provide for future market rate adjustments for CEFD parking facilities, as set forth in Chapter 12 of the Code of Ordinances and repealing an obsolete subsection.

Category #

Page 1 of 1

Agenda Item#

16

**FROM: (Department or other point of origin):**  
Dawn R. Ullrich, Director  
Department of Convention and Entertainment Facilities

Origination Date

Agenda Date

October 11, 2007

OCT 24 2007

**DIRECTOR'S SIGNATURE:**

*Dawn Ullrich*

Council Districts affected:

**For additional information contact:**

Date and identification of prior authorizing Council Action:

Stephen W. Lewis

Phone: 713-853-8888

**RECOMMENDATION: (Summary)**

Approve an amendment to Chapter 12 of the Code of Ordinances, concerning the maximum contract parking rates for the Theater District Garage, providing for future market rate adjustments for CEFD parking facilities, and repealing the subsection regarding Fannin Garage.

**Amount of Funding:**

**F & A Budget:**

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

**SPECIFIC EXPLANATION:**

The Convention and Entertainment Facilities Department (CEFD) seeks the approval of City Council to amend Chapter 12 of the Code of Ordinances to increase the maximum allowable rates for contract parking in the Theater District Garage, provide that future changes in the rates and ranges be based upon market rate surveys and reviewed by the Parking Commission prior to implementation, and repeal an obsolete subsection relating to the Fannin Garage, which was sold in July, 2006.

CEFD recommends that the contract parking rate for unreserved spaces in the Theater District Garage be increased to a maximum of \$145.00 per month, plus applicable sales tax, and the contract parking rate for reserved spaces be increased to a maximum of \$250.00 per month, plus applicable sales tax. The City's Parking Commission unanimously endorsed the rate adjustments during their July 18, 2007 meeting.

At present, the maximum contract parking rate for unreserved parking spaces at the Theater District Garage is \$125.00, plus applicable taxes, and the maximum contract parking rate for reserved spaces is \$200.00, plus applicable taxes.

The proposed rate adjustments are reflective of increased demand for parking and an increase in rates in the Theater District area. Rate surveys of competitive garages in the Central Business District indicate the current rates are below market and support the proposed increases.

CEFD recommends that City Council approve the proposed amendments to Chapter 12.

**REQUIRED AUTHORIZATION**

F&A Director

Other Authorization

Other Authorization

16  
OCT 24 2007

REDLINE

From **Sec. 12-1. Definitions**

*Parking facility* means the Theater District Garage (formerly known as the Tranquillity Parking Garage and the Civic Center Garage), any of the George R. Brown Convention Center surface lots operated by the department, ~~the Fannin Garage~~, city parking lot C or H, the municipal courts parking lot, or the Margaret Westerman City Hall Annex Parking Garage.

\* \* \*

**Sec. 12-62. Contract parking.**

(a) Subject to the provisions of section 12-64 of this Code, rates for unreserved noncontract parking shall be as follows:

(a 1) Rates for contract parking in the Margaret Westerman City Hall Annex Parking Garage shall be an amount not to exceed \$101.62, plus any applicable sales tax, per month.

(b 2) Rates for contract parking in the Theater District Garage shall be an amount not to exceed ~~\$125.00~~ \$145.00, plus any applicable sales tax, per month.

~~(c 3) Rates for contract parking in the Fannin Garage shall be an amount not to exceed \$73.90, plus any applicable sales tax, per month.~~

~~(d) Rates for contract parking in Lots C and H shall be an amount not to exceed \$46.19, plus any applicable sales tax, per month.~~

~~(e b) The rates set forth in subsections (a) through (d), above, are for unreserved parking only.~~ Subject to the provisions of section 12-64 of this Code, the director is authorized to make reserved parking spaces available for an amount not to exceed ~~\$200.00~~ \$250.00, plus any applicable sales tax, per space, per month.

(f c) The director, for the mayor and on behalf of the city, may execute written contractual parking agreements upon standard forms, including such terms, conditions and stipulations as the city attorney may approve. The director may agree to hold a number of parking spaces or an established rate in the parking agreement for a period not to exceed three years. The contractual rates established by the director shall include the uniform terms, conditions and rates under which contractual parking agreements will be entered into. The provisions of this subsection shall apply to all parking facilities that are operated by the department.

(g d) The director is authorized to extend reduced parking rates for use of the parking facilities to those non-city employees who are permanently assigned by their employers to work in city owned or operated office buildings and other city facilities.

(h e) The fees set forth in this section shall not be applicable to elected officials of the city or employees of the city who, consistent with city policies for personnel parking, are authorized to park vehicles in the parking facility while at work. Those persons shall be entitled to park in their assigned parking facility without charge, if the parking is incidental to the performance of their duties of office or employment.

### **Sec. 12-63. Noncontract parking.**

(a) Subject to the provisions of section 12-64 of this Code, rates for noncontract parking shall be as follows:

- (1) For the Theater District Garage ~~and Fannin Garage~~:
  - a. At any time Monday through Friday, from 6:00 a.m. to 5:00 p.m., users shall be charged a rate to be established by the director between a minimum of \$1.39, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$5.54, plus any applicable sales tax, per day, and a maximum of \$2.77, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$8.31, plus any applicable sales tax, per day. In addition to the foregoing hourly rates, the director is authorized to establish special flat rates for parking in connection with events held during the foregoing hours and adjusted hours, if necessary. In determining whether to offer the special daytime event rate, the director shall take into consideration the event start time and the expected vehicle volume.
  - b. At any time Monday through Friday, from 5:00 p.m. to 6:00 a.m. and all day on Saturdays and Sundays, users shall be charged an amount not to exceed \$6.45, plus applicable sales tax, per day, per vehicle.
- (2) For the various George R. Brown Convention Center surface lots operated by the department, users shall be charged an amount not to exceed \$13.86, plus any applicable sales tax, per 24-hour period, or any portion thereof, per vehicle. The director is authorized to set aside a number of parking spaces for use of the event operator's vehicles; the privilege of such use is to be included without additional charge in the license agreement for occupancy of the George R. Brown Convention Center. Notwithstanding the foregoing

rates, there shall be no charge to department employees assigned by the director to park in these lots.

- (3) For the Margaret Westerman City Hall Annex Parking Garage ~~and the Fannin Garage~~ when operated by the department for event parking, users shall be charged an amount not to exceed \$4.62, plus applicable sales tax, per day, per vehicle.
- (4) For Lot C, being that parking lot bounded by Memorial Drive, West Capitol, Buffalo Bayou, and Interstate 45:
  - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day.
  - b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.27, plus any applicable sales tax, per day.
- (5) For Lot H, being that parking lot bounded by Memorial Drive, Interstate 45, and Sabine Street:
  - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day, provided that no fee shall be imposed for persons serving as jurors in the municipal courts.
  - b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.
- (6) For the municipal courts parking lot, being that parking lot bounded by Lubbock, Reisner, West Capitol, and Houston Avenue:
  - a. Monday through Saturday, from 6:30 a.m. to 10:30 p.m., or any fraction thereof: \$3.00, which includes any applicable sales tax, for the first hour or any fraction thereof, and \$1.00, which includes any applicable sales tax, for each additional hour or fraction thereof with a maximum fee of \$10.00, which includes any applicable sales tax;

the maximum fee shall also be imposed for users who lose their time-in ticket.

- b. Special events parking for all day Saturday, Sunday or designated city holiday, or any fraction thereof: \$2.50, which includes any applicable sales tax, per day.
- c. Municipal courts employees working evening or night time shifts: \$0.50, which includes any applicable sales tax, per work shift.

(7 b) For purposes of the foregoing rates, a holiday that falls on a weekday shall be treated the same as a Saturday or Sunday.

(8 c) The rates provided in this section do not include in-and-out privileges, and the fee will be imposed for each time the vehicle is parked in, at or upon the facility.

(9 d) The director is authorized to establish rules related to parking within the facilities as he may deem necessary.

#### **Sec. 12-64. Rate adjustments by director.**

(a) Wherever in sections 12-62 and 12-63 of this Code rates are stated as a not to exceed maximum amount or the director is authorized to set rates within a range or offer special rates, including specifically and without limitation, modifications to the not to exceed maximums, ranges of rates and special rates made pursuant to subsection (b) of this section, the actual rate shall be established by the director. The director shall seek to establish rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.

(b) The director, upon review and comment by the parking commission, is hereby authorized to alter, from time to time, the not to exceed maximum rates, the ranges of rates and special rates established in sections 12-62 and 12-63 of this Code, based on his evaluation of market rates for similarly situated parking facilities in the central business district. The director shall seek to establish the not to exceed maximum rates, the ranges of rates and special rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.

(c) The director shall ensure that a copy of the current parking rates established pursuant to this subsection is maintained for public inspection in the offices of the director and the city secretary or is otherwise made available to the public.

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

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO RATES FOR CONTRACT PARKING IN PARKING LOTS OPERATED BY THE CONVENTION AND ENTERTAINMENT FACILITIES DEPARTMENT; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

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

**Section 1.** That Section 12-1 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definition of the term *parking facility* to read as follows:

*"Parking facility* means the Theater District Garage (formerly known as the Tranquillity Parking Garage and the Civic Center Garage), any of the George R. Brown Convention Center surface lots operated by the department, city parking lot C or H, the municipal courts parking lot, or the Margaret Westerman City Hall Annex Parking Garage."

**Section 2.** That Sections 12-62 through 12-64 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

**"Sec. 12-62. Contract parking.**

(a) Subject to the provisions of section 12-64 of this Code, rates for unreserved noncontract parking shall be as follows:

- (1) Rates for contract parking in the Margaret Westerman City Hall Annex Parking Garage shall be an amount not to exceed \$101.62, plus any applicable sales tax, per month.
- (2) Rates for contract parking in the Theater District Garage shall be an amount not to exceed \$145.00, plus any applicable sales tax, per month.
- (3) Rates for contract parking in Lots C and H shall be an amount not to exceed \$46.19, plus any applicable sales tax, per month.

(b) Subject to the provisions of section 12-64 of this Code, the director is authorized to make reserved parking spaces available for an amount not to exceed \$250.00, plus any applicable sales tax, per space, per month.

(c) The director, for the mayor and on behalf of the city, may execute written contractual parking agreements upon standard forms, including such terms, conditions and stipulations as the city attorney may approve. The director may agree to hold a number of parking spaces or an established rate in the parking agreement for a period not to exceed three years. The contractual rates established by the director shall include the uniform terms, conditions and rates under which contractual parking agreements will be entered into. The provisions of this subsection shall apply to all parking facilities that are operated by the department.

(d) The director is authorized to extend reduced parking rates for use of the parking facilities to those non-city employees who are permanently assigned by their employers to work in city owned or operated office buildings and other city facilities.

(e) The fees set forth in this section shall not be applicable to elected officials of the city or employees of the city who, consistent with city policies for personnel parking, are authorized to park vehicles in the parking facility while at work. Those persons shall be entitled to park in their assigned parking facility without charge, if the parking is incidental to the performance of their duties of office or employment.

**Sec. 12-63. Noncontract parking.**

(a) Subject to the provisions of section 12-64 of this Code, rates for noncontract parking shall be as follows:

- (1) For the Theater District Garage:
  - a. At any time Monday through Friday, from 6:00 a.m. to 5:00 p.m., users shall be charged a rate to be established by the director between a minimum of \$1.39, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$5.54, plus any applicable sales tax, per day, and a maximum of \$2.77, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$8.31, plus any applicable sales tax, per day. In addition to the foregoing hourly rates, the director is authorized to establish special flat rates for parking in connection with events held during the foregoing hours and adjusted hours, if necessary. In determining whether to offer the special daytime event rate, the director shall take into consideration the event start time and the expected vehicle volume.

- b. At any time Monday through Friday, from 5:00 p.m. to 6:00 a.m. and all day on Saturdays and Sundays, users shall be charged an amount not to exceed \$6.45, plus applicable sales tax, per day, per vehicle.
- (2) For the various George R. Brown Convention Center surface lots operated by the department, users shall be charged an amount not to exceed \$13.86, plus any applicable sales tax, per 24-hour period, or any portion thereof, per vehicle. The director is authorized to set aside a number of parking spaces for use of the event operator's vehicles; the privilege of such use is to be included without additional charge in the license agreement for occupancy of the George R. Brown Convention Center. Notwithstanding the foregoing rates, there shall be no charge to department employees assigned by the director to park in these lots.
- (3) For the Margaret Westerman City Hall Annex Parking Garage when operated by the department for event parking, users shall be charged an amount not to exceed \$4.62, plus applicable sales tax, per day, per vehicle.
- (4) For Lot C, being that parking lot bounded by Memorial Drive, West Capitol, Buffalo Bayou, and Interstate 45:
  - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day.
  - b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.27, plus any applicable sales tax, per day.
- (5) For Lot H, being that parking lot bounded by Memorial Drive, Interstate 45, and Sabine Street:
  - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day, provided that no fee shall be imposed for persons serving as jurors in the municipal courts.

- b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.
- (6) For the municipal courts parking lot, being that parking lot bounded by Lubbock, Reisner, West Capitol, and Houston Avenue:
- a. Monday through Saturday, from 6:30 a.m. to 10:30 p.m., or any fraction thereof: \$3.00, which includes any applicable sales tax, for the first hour or any fraction thereof, and \$1.00, which includes any applicable sales tax, for each additional hour or fraction thereof with a maximum fee of \$10.00, which includes any applicable sales tax; the maximum fee shall also be imposed for users who lose their time-in ticket.
  - b. Special events parking for all day Saturday, Sunday or designated city holiday, or any fraction thereof: \$2.50, which includes any applicable sales tax, per day.
  - c. Municipal courts employees working evening or night time shifts: \$0.50, which includes any applicable sales tax, per work shift.

(b) For purposes of the foregoing rates, a holiday that falls on a weekday shall be treated the same as a Saturday or Sunday.

(c) The rates provided in this section do not include in-and-out privileges, and the fee will be imposed for each time the vehicle is parked in, at or upon the facility.

(d) The director is authorized to establish rules related to parking within the facilities as he may deem necessary.

**Sec. 12-64. Rate adjustments by director.**

(a) Wherever in sections 12-62 and 12-63 of this Code rates are stated as a not to exceed maximum amount or the director is authorized to set rates within a range or offer special rates, including specifically and without limitation, modifications to the not to exceed maximums, ranges of

rates and special rates made pursuant to subsection (b) of this section, the actual rate shall be established by the director. The director shall seek to establish rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.

(b) The director, upon review and comment by the parking commission, is hereby authorized to alter, from time to time, the not to exceed maximum rates, the ranges of rates and special rates established in sections 12-62 and 12-63 of this Code, based on his evaluation of market rates for similarly situated parking facilities in the central business district. The director shall seek to establish the not to exceed maximum rates, the ranges of rates and special rates in consideration of market conditions and with a view to maximizing the city's total recovery of revenue from the parking facilities. Without limitation, the director may offer incentives to encourage contract parking based on volume or new accounts.

(c) The director shall ensure that a copy of the current parking rates established pursuant to this subsection is maintained for public inspection in the offices of the director and the city secretary or is otherwise made available to the public."

**Section 3.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 4.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign

this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

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

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

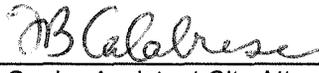
\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

Prepared by Legal Dept. \_\_\_\_\_

TBC:asw 10/16/2007

*MB Calabrese*    
Senior Assistant City Attorney

Requested by Dawn R. Ullrich, Director, Convention and Entertainment Facilities Department

L.D. File No. 025070005001

<p><b>SUBJECT:</b> An ordinance supplementing Ordinance No. 2007-287 relating to the City of Houston Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007A (AMT); authorizing the refunding and defeasance of certain outstanding Airport System Senior Lien Commercial Paper Notes and certain outstanding Special Facility Revenue Bonds; authorizing the Preliminary Official Statement (POS), distribution of the POS, and proceeding with a negotiated sale of the City of Houston Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007A (AMT)</p>	<p><b>Category #</b></p>	<p><b>Page 1 of 2</b></p>	<p><b>Agenda Item #</b>  <b>17</b></p>
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<p><b>FROM (Department or other point of origin):</b> Department of Finance and Administration and Office of the City Controller</p>	<p><b>Origination Date:</b> October 16, 2007</p>	<p><b>Agenda Date</b> <b>OCT 24 2007</b></p>
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<p><b>DIRECTOR'S SIGNATURE:</b> </p>	<p><b>Council District Affected:</b> All</p>
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<p><b>For additional information contact:</b> Michael Shannon 713- 221-0201 Jim Moncur 713-247-2950 David Arthur 281 233-1388</p>	<p><b>Date and identification of prior authorizing Council action:</b> March 6, 2007 2007-287</p>
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**RECOMMENDATION: (Summary)** Approve an ordinance supplementing Ordinance No. 2007-287 relating to the City of Houston Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007A (the "Series 2007A Bonds"); authorizing the refunding and defeasance of certain outstanding Airport System Senior Lien Commercial Paper Notes and certain outstanding Special Facility Bonds; authorizing the Preliminary Official Statement (POS), distribution of the POS, and proceeding with a negotiated sale of the Series 2007A Bonds, in an amount not to exceed \$125 million; including authorizing the Mayor and City Controller to approve the amount, interest rate, price and terms thereof, execute the purchase contract and other agreements related to the issuance of the bonds, and making other provisions regarding such bonds and matters incident thereto.

<p><b>Amount of Funding:</b> Not Applicable</p>	<p><b>F&amp;A Budget:</b> </p>
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<p><b>Source of Funding:</b>            <input type="checkbox"/> General Fund                    <input type="checkbox"/> Grant Fund                    <input type="checkbox"/> Enterprise Fund  <input type="checkbox"/> Other (Specify</p>
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**SPECIFIC EXPLANATION:**

On March 6, 2007, Council approved the parameter sale of up to \$450 million for the Houston Airport System. This was comprised of the Subordinate Lien Revenue Refunding Bonds Series 2007A (the "Series 2007A Bonds") and the Airport System Subordinate Lien Revenue Refunding Bonds Series 2007B (the "Series 2007B Bonds"). Two series of bonds were required because the first were AMT and the second were Non-AMT. On July 25, 2007 the Series 2007B Bonds in the amount of \$299 million were successfully priced, and closed on September 12, 2007. On August 14, 2007 the Series 2007A Bonds went to market but the transaction was postponed due to volatile and unfavorable credit markets. The intent is to return to the market and complete the sale of the Series 2007A Bonds once the market improves.

This Ordinance will confirm the City's intention to issue the Series 2007A Bonds for the purpose of refunding outstanding AMT commercial paper notes (up to \$75 million) and to refund certain outstanding HAS revenue bonds for savings (assuming they met savings thresholds). One particular series of bonds not originally identified as a refunding candidate is the Airport Systems Special Facilities Revenue Bonds, Series 1997A (the "Series 1997A Bonds"). These bonds were originally issued by the City, with repayment secured by a lease with Continental Airlines for the Automated People Mover system. The City, pursuant to a sublease which became effective July 1, 2004, is now obligated to make lease payments to the Trustee for the bonds in an amount equal to the required debt service payments.

**REQUIRED AUTHORIZATION**

<p><b>F&amp;A Director:</b></p>	<p><b>Other Authorization:</b></p>	<p><b>Other Authorization:</b></p>
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<b>Date:</b>  October 16, 2007	<b>Subject:</b> An ordinance supplementing Ordinance No. 2007-287 relating to the City of Houston Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007A (AMT); authorizing the refunding and defeasance of certain outstanding Airport System Senior Lien Commercial Paper Notes and certain outstanding Special Facility Revenue Bonds; authorizing the Preliminary Official Statement (POS), distribution of the POS, and proceeding with a negotiated sale of the City of Houston Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007A (AMT)	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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Included in the original lease agreement is a provision that the City will refund the Series 1997A Bonds when "economically advantageous" to do so. The net present value savings on refunding these bonds is approximately 5%. The current amount outstanding is approximately \$50 million. Adding this refunding to the Series 2007A Bonds would be prudent, timely and cost effective.

The syndicate will remain the same and the bonds will be sold by negotiation through a syndicate headed by UBS Investment Bank as the Senior Book Running Manager; Citigroup Global Markets, Inc., JPMorgan, and Ramirez as Co-Senior Managers; and First Albany, Loop Capital, Merrill Lynch, and Southwest Securities as Co-Managers. Vinson & Elkins, L.L.P. and Bates & Coleman, P.C. will serve as co-bond counsel. Fulbright & Jaworski LLP and Escamilla & Poneck, Inc. will serve as special disclosure co-counsel. Winstead, Sechrest & Minick will serve as underwriters counsel. The Co-financial advisors are First Southwest Company and Estrada Hinojosa.

An update of the Series 2007A Bond transaction was presented to the Budget and Fiscal Affairs Committee on August 28, 2007. Depending on market conditions, the Series 2007A Bonds could be priced in late November or early December with a closing in December.

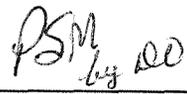
Recommendation – The Finance Working Group recommends the approval of this item.

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

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

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. <b>Parcels SY7-069A through C and KY7-239</b>	<b>Category # 7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <b>18</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  10-18-07	<b>Agenda Date</b>  OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: D</b>  Key Map 533J 
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone: (713) 837-0881</b>  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action: C.M. 2007-0359 (4/11/07)</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for a consideration of \$900.00 plus the conveyance to the City of a 20-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. **Parcels SY7-069A through C and KY7-239**

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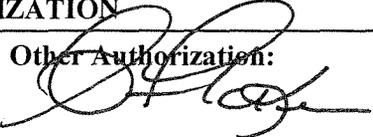
**SPECIFIC EXPLANATION:**

By Council Motion 2007-0359, City Council authorized the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. Thereafter, it was determined the City required the conveyance to the city of a 20-foot-wide water line easement. The transaction was processed accordingly. Baylor College of Medicine (Steve Womack, Director of Construction and Project Management), the property owner, wants to remove these easement encumbrances to facilitate construction of a medical complex in this area. As the portion of the construction requirement in Item 2 of the council motion requiring that a new water line be built in the new water line easement will be completed after City Council passes the ordinance, Baylor College of Medicine has submitted to the City a \$249,263.00 letter of credit to cover the estimated costs. The construction must be completed within twelve months of the effective date of the ordinance.

This transaction involves the abandonment and sale of a total of 30,682 square feet of easements, valued at a total of \$352,843.00, in exchange for the conveyance to the City of a 38,430-square-foot easement, valued at \$441,945.00. The City will abandon and sell to Baylor College of Medicine Parcel SY7-069A, a 635-square-foot water line easement, valued at \$7,303.00; Parcel SY7-069B, a 22,845-square-foot water line easement, valued at \$262,717.00; and Parcel SY7-069C, a 7,202-square-foot water line easement, valued at \$82,823.00. In exchange, Baylor College of Medicine will pay the \$900.00 minimum fee for each of the three abandonment parcels (\$300.00 x 3 = \$900.00), plus convey to the City Parcel KY7-239, a 38,430-square-foot water line easement, valued at \$441,945.00. Baylor College of Medicine has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full.

s:\psm\sy7-069.rc2.doc CUIC #20PSM199

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Andrew F. Icken, Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of two 5-foot-wide water line easements and a 10-foot-wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a 35-foot-wide storm sewer easement, all located in the O.P. Kelton Survey, Abstract 493. <b>Parcels SY6-081A, SY6-081B, SY6-103A, SY6-103B, SY6-103C, LY6-14, and LY7-001</b>	<b>Originator's Initials</b> <i>PSM by DO</i>	<b>Page</b> <u>2</u> of <u>2</u>
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Inasmuch as the value of the \$900.00 minimum fee plus the easement being conveyed to the City is greater than the value of the easements being abandoned and sold, it is recommended City Council approve an ordinance authorizing the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for a consideration of \$900.00 plus the conveyance to the City of a 20-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325.

MSM:NPC:psm

c: Marty Stein  
 Jeff Taylor  
 Daniel W. Krueger, P.E.

Parcel Valuation

Following is a breakdown of the consideration for:

Parcel SY7-069A (12-foot-wide water line easement)  
635 square feet (0.0146 acres)  
\$11.50 psf.....\$7,302.50

Parcel SY7-069B (12-foot-wide water line easement)  
22,845 square feet (0.5244 acres)  
\$11.50 psf.....\$262,717.50

Parcel SY7-069C (10-foot-wide water line easement)  
7,202 square feet (0.1653 acres)  
\$11.50 psf.....\$82,823.00

TOTAL ABANDONMENT CONSIDERATION.....\$352,843.00

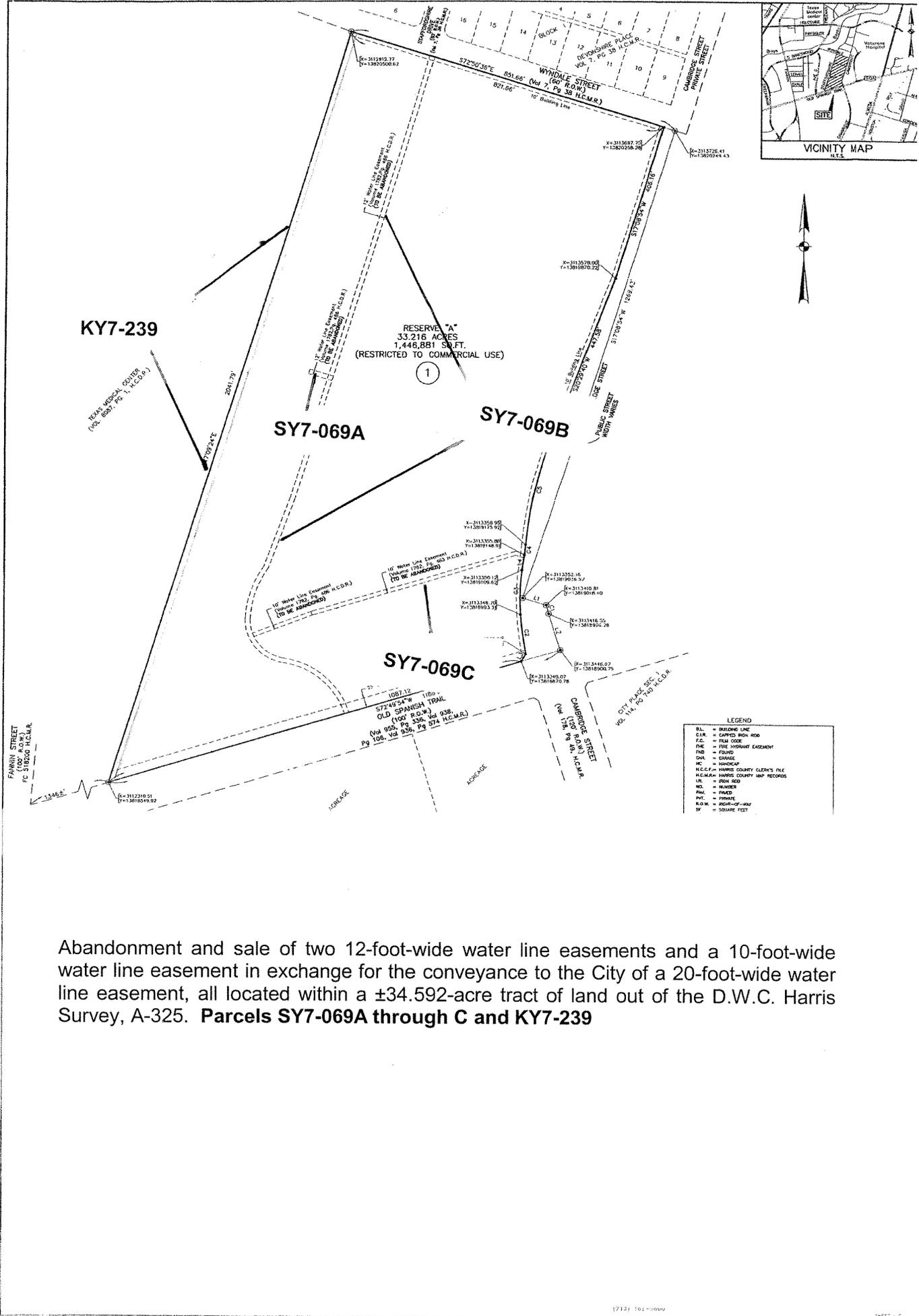
Following is a breakdown of the consideration for:

KY7-239 (20-foot-wide water line easement)  
38,430 square feet (0.8822 acres)  
\$11.50 psf.....\$441,945.00

Plus  
Minimum fee for three abandonment parcels.....\$900.00

TOTAL CONVEYANCE CONSIDERATION.....\$442,845.00

NET GAIN TO THE CITY.....\$90,002.00



Abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. **Parcels SY7-069A through C and KY7-239**

MOTION by Council Member Holm that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Shelley Barrett of R. G. Miller Engineers, Inc., 12121 Wickchester, Suite 200, Houston, Texas 77079, on behalf of Baylor College of Medicine (Steve Womack, Director of Construction and Project Management), for the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325, Parcel Nos. SY7-069A through C and KY7-239, be adopted as follows:

1. The City abandon and sell two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325;
2. The applicant be required to cut, plug, and abandon all the 8-inch water lines located in the three water line easements being abandoned and sold and construct a new water line in the new water line easement being conveyed to the City, all at no cost to the City and under the proper permits;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Jasmine Quinerly and John Chambliss, independent real estate appraisers are hereby appointed to establish the value, inasmuch as the value of the property interest is expected to exceed \$25,000.00.

Seconded by Council Member Alvarado and carried.

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

Council Members Lawrence and Khan out of the City on City business

Council Member Wiseman absent due to being ill

PASSED AND ADOPTED this 11th day of April, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is April 17, 2007.

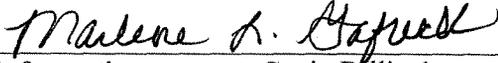


City Secretary

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance consenting to the creation of the Harris County Improvement District #8	<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> <span style="font-size: 2em; float: right;">19</span>
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<b>FROM (Department or other point of origin):</b> Planning and Development Department	<b>Origination Date</b> 10-12-07	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Gavin Dillingham Phone:x7-7879	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** (Summary) Approve ordinance consenting to the creation of the Harris County Improvement District #8.

<b>Amount and Source of Funding:</b> NA	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** Management districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. They may not levy a tax assessment on single-family detached residences. Further, districts may levy a tax only after holding an election within the district.

A management district is intended to supplement, not supplant, existing public services. Creation of these districts does not release a municipality from its obligations to provide services to the areas; nor does it require additional services from the municipality. Except as a result of a Governing Body's action to dissolve a district, the municipality assumes no liability for the debts, obligations or liabilities of the district.

The Planning and Development Department recommends City Council consent to the creation of the following district.

Harris County Improvement District #8: Authorized by the 80th Legislature in 2007, this district is located entirely in District D. Following city consent to the creation of the district, the District's Board of Directors will adopt a service plan that is expected to focus on public transportation, parking, improved access to the area, landscape and beautification improvements and marketing the area.

For this district, the City provide its consent under the following conditions:

1. Bonds will be issued by the District only for the purposes provided in the legislation creating the District. The District must obtain the approval of the City Council of the City of Houston for the issuance of bonds for any improvement project. In lieu of approval of an individual bond issue by the City Council of the City of Houston, the district may obtain approval from the governing body of the City of Houston of a capital improvements budget for a period not to exceed five years setting forth the projects for which the District proposes to issue its bonds.

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

<b>Date</b> 10-12-07	<b>Subject:</b> Consent to Harris County Improvement District #8	<b>Originator's Initials</b>	<b>Page</b> <b><u>2</u> of <u>2</u></b>
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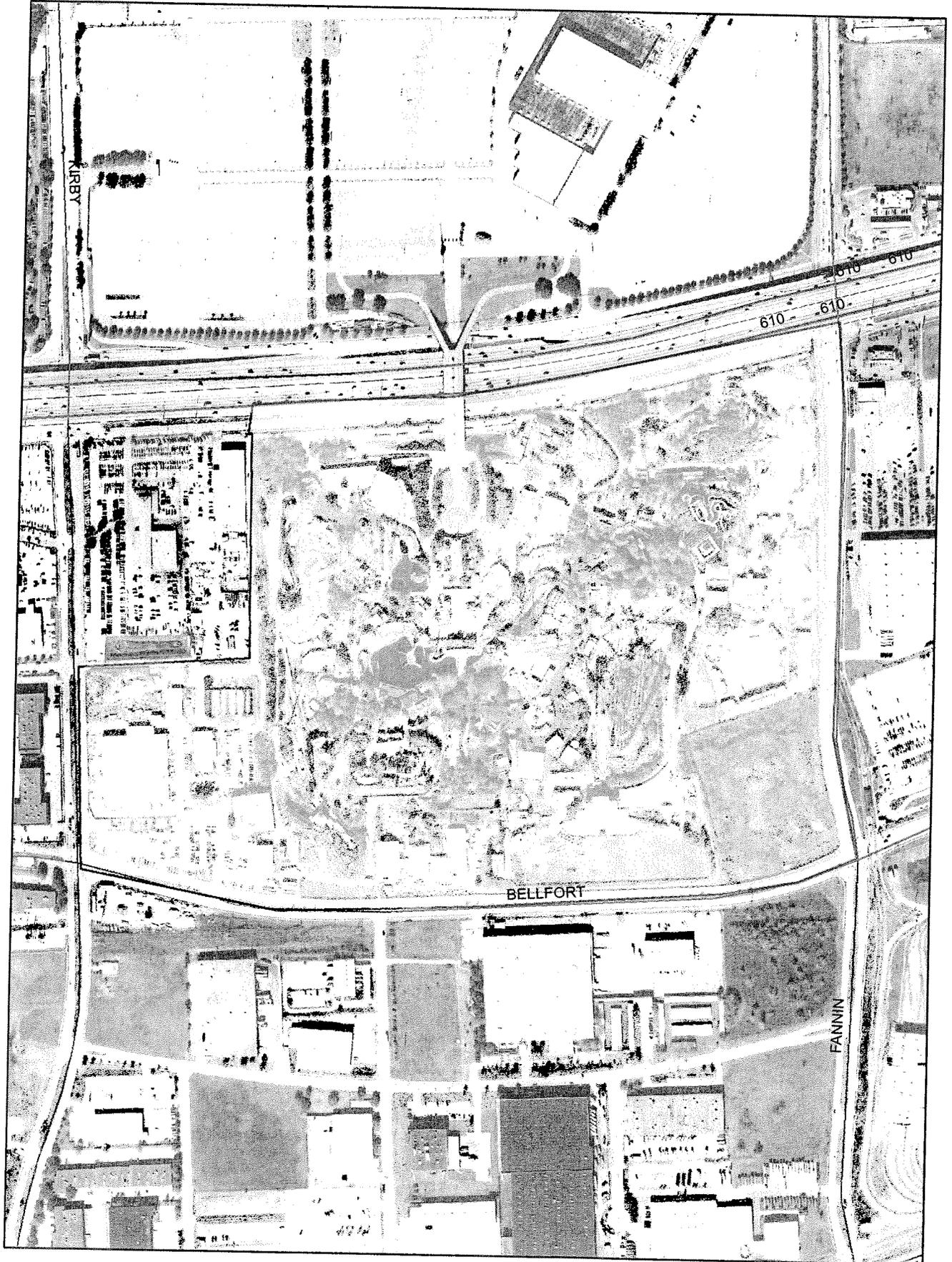
In the event the District obtains approval of a capital improvements budget, it may issue bonds to finance any capital improvements specified in the budget without further approval from the City of Houston. No land will be added or annexed to the district until the City of Houston has given its written consent by Ordinance of the City council to such addition or annexation.

2. The district must obtain approval from the Department of Planning and Development and the Department of Public Works of the City of Houston of the plans and specifications of any improvement project that involves the use of the rights-of-way of streets, roads, highways or the use of land owned by the City of Houston.

3. The City Council of the City of Houston may, by a vote of no less than two-thirds (2/3rds) of the entire membership, adopt an ordinance dissolving the District. Upon the adoption of such an ordinance, the District shall be dissolved, and, in accordance with Sections 375.263 and 43.075, Local Government Code, the City of Houston shall (1) succeed to the property and assets of the District and (2) assume all debts, obligations and liabilities of the district.

cc: Marty Stein, Agenda Director      Judy Gray Johnson, Director, Finance and Admin.  
 Arturo Michel, City Attorney      Michael Marcotte, Director, PWE

# Harris County Management District #8



<b>SUBJECT:</b> Ordinance consenting to the creation of the Towne Lake Management District		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 20
<b>FROM (Department or other point of origin):</b> Planning and Development		<b>Origination Date</b> October 12, 2007		<b>Agenda Date</b> OCT 24 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Martene A. Gajick</i>		<b>Council District affected:</b> ETJ		
<b>For additional information contact:</b> Gavin Dillingham Phone: 713-837-7879		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Approve ordinance consenting to the creation of the Towne Lake Management District.				
<b>Amount and Source of Funding:</b> N/A			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>				
<p>Management districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. They may not levy a tax assessment on single-family detached residences. Further, districts may levy a tax only after holding an election within the district.</p> <p>A management district is intended to supplement, not supplant, existing public services. Creation of these districts does not release Harris County or the municipality from its obligations to provide services to the areas; nor does it require additional services from the municipality. The municipality assumes no liability for the debts, obligations or liabilities of the district.</p> <p>The Planning and Development Department recommends City Council consent to the creation of the following district.</p> <p><b>Towne Lake Management District:</b> Authorized by the 80<sup>th</sup> Legislature in 2007, this district is located entirely in Houston's extraterritorial jurisdiction. Following city consent to the creation of the district, the District's Board of Directors will adopt a service plan that is expected to focus on improved access to the area, improved pedestrian infrastructure, landscape and beautification improvements and marketing the area.</p> <p>For this district, the City provide its consent under the following conditions:</p> <ol style="list-style-type: none"> <li>1. Bonds will be issued by the District only for the purposes provided in the legislation creating the District. The District must obtain the approval of the City Council of the City of Houston for the issuance of bonds for any improvement project. In lieu of approval of an individual bond issue by the City Council of the City of Houston, the district may obtain approval from the governing body of the City of Houston of a capital improvements budget for a period not to exceed five years setting forth the projects for which the District proposes to issue its bonds. In the event the District obtains approval of a capital improvements budget, it may issue bonds to finance any capital improvements specified in the budget without further approval from the City of Houston. No land will be added or annexed to the district until the City of Houston has given its written consent by Ordinance of the City council to such addition or annexation.</li> </ol>				

MS

MS

2. The district must obtain approval from the Department of Planning and Development and the Department of Public Works of the City of Houston of the plans and specifications of any improvement project that involves the use of the rights-of-way of streets, roads, highways or the use of land owned by the City of Houston.

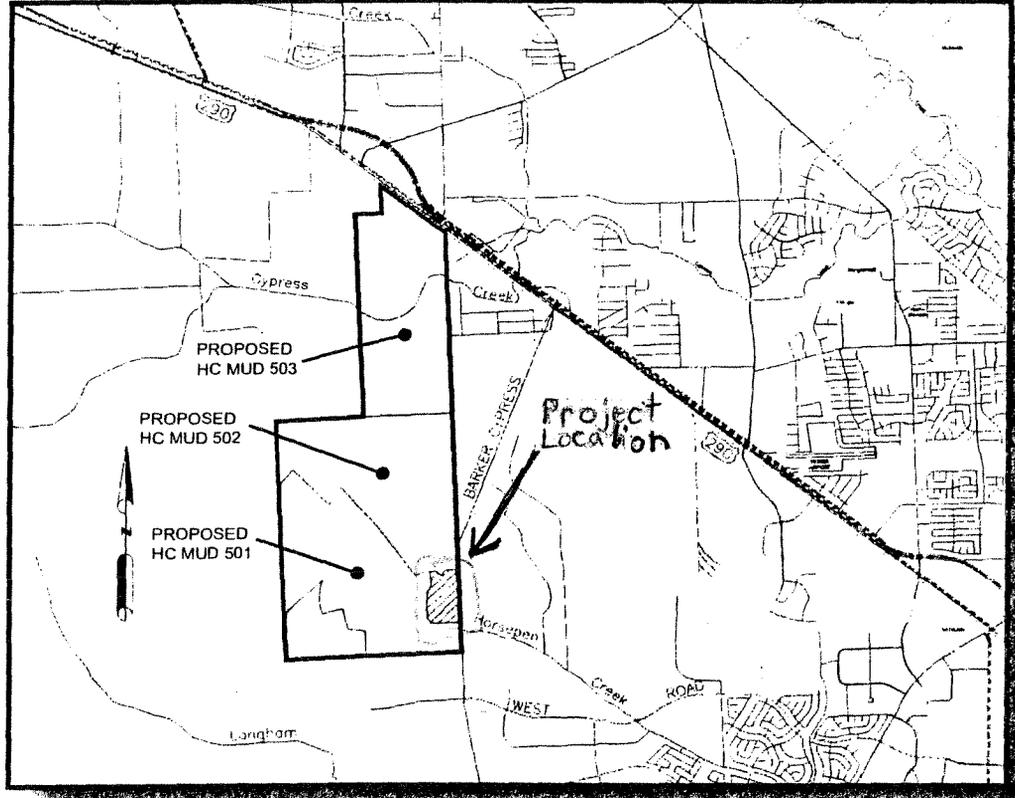
CC: Marty Stein, Agenda Director  
Arturo Michel, City Attorney

Judy Gray Johnson, Director, Finance and Admin.  
Michael Marcotte, Director, PWE

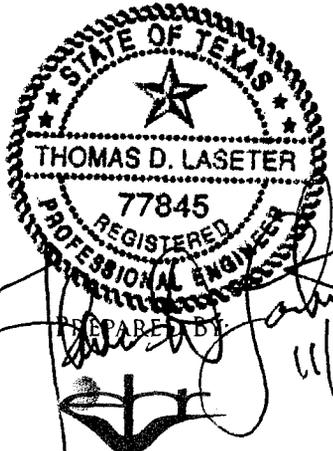
**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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PRELIMINARY  
ENGINEERING REPORT  
FOR  
DISTRICT CREATION  
OF  
HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 500



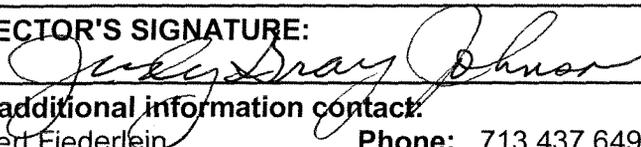
NOVEMBER 2006



Edminster Hinshaw Russ  
and associates

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of an agreement by and between the City of Houston, Texas, City of Houston Reinvestment Zone Number Twenty-Two, and the Leland Woods Redevelopment Authority.	<b>Category # 1</b>	<b>Page 1 of 1</b>	<b>Agenda Item # 21</b>
<b>FROM: (Department or other point of origin):</b> Finance & Administration	<b>Origination Date</b> October 8, 2007		<b>Agenda Date</b> OCT 24 2007
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> B		
<b>For additional information contact:</b> Robert Fiederlein Phone: 713.437.6491 Tom Mesa Phone: 713.837.9857	<b>Date and identification of prior authorizing Council Action:</b>		

**RECOMMENDATION: (Summary)**

Approval of an agreement by and between the City of Houston, Texas, City of Houston Reinvestment Zone Number Twenty-Two, and the Leland Woods Redevelopment Authority, and providing authorization for the Redevelopment Authority to borrow up to \$2,000,000 for various operating and zone-related development costs.

<b>Amount and Source of Funding:</b> Not applicable	F & A Budget
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**Specific Explanation:**

In December 2003, City Council approved Ordinance 2003-1330 creating Reinvestment Zone Number Twenty-Two (Leland Woods TIRZ). On April 18, 2007, the City subsequently authorized the creation of the Leland Woods Redevelopment Authority to aid, assist and act on behalf of the City and the Zone in the implementation of the TIRZ Project and Financing Plan.

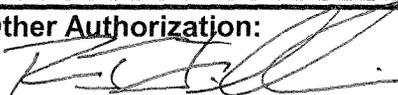
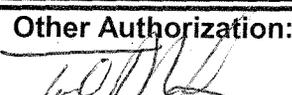
Approval of the proposed agreement by and between the City, the Zone and the Redevelopment Authority, will empower the Redevelopment Authority to act on behalf of the City and the Zone: 1) in the implementation of the Project and Financing Plan; 2) in contracting with developers for projects provided in the approved Project Plan, subject to the approval of the Finance and Administration Department's TIRZ Program; 3) to issue or incur obligations in the form of Developer Reimbursement Agreements, or the issuance of Redevelopment Authority obligations consistent with this agreement; and 4) to use the Tax Increment generated by the TIRZ to pay for such obligations. Approval of this agreement will also provide the Redevelopment Authority authorization to borrow a maximum of \$2,000,000 to provide capital for various operating and Zone-related costs. The agreement also provides that the Redevelopment Authority will provide the City with annual audits.

City Council will approve an annual budget for the Authority beginning with Fiscal Year 2008.

This agreement is similar to agreements in place with the other redevelopment authorities associated with the City's TIRZs.

cc: Marty Stein, Agenda Director      Deborah McAbee, Senior Assistant City Attorney  
 Anna Russell, City Secretary      Arturo Michel, City Attorney

**REQUIRED AUTHORIZATION**

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

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:**  
Ordinance amending Ordinance No. 2004-1079 which approved contract with Maximus, Inc. for the development of annual Cost Allocation Plans for the Finance and Administration Department

**Category #**

**Page 1 of**

**Agenda Item#**

*22*

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

Judy Gray Johnson,  
Finance & Administration Department, Director

**Origination Date**  
October 19, 2007

**Agenda Date**  
OCT 24 2007

**DIRECTOR'S SIGNATURE:**

*Judy Gray Johnson*

**Council Districts affected:** All

**For additional information contact:**

**Phone:** Judy Gray Johnson (713) 221-0125 or  
**Phone:** Jim Locke (713) 837-9676 or  
**Phone:** Regina Dickson (713) 837-9665

**Date and identification of prior authorizing Council Action:**  
Ord. No. 2004-1079, October 20, 2004

**RECOMMENDATION: (Summary)**

Adopt ordinance amending Ord. No. 2004-1079 to increase maximum contract amount for contract with Maximus, Inc. for the development of annual Cost Allocation Plans in compliance with federal accounting regulations

**Amount of Funding:**

Original Maximum Contract Amount – 3 years (previous funding)	\$162,360
Two One-Year Options (proposed)	<u>\$113,292</u>
<b>New Maximum Contract Amount:</b>	<b>\$275,652</b>

**F&A Budget:**

**SOURCE OF FUNDING:**       General Fund (1000)       Grant Fund       Enterprise Fund

**SPECIFIC EXPLANATION:**

Ordinance Number 2004-1079 approved a contract between the City and Maximus, Inc. for cost allocation services for the Finance and Administration Department. These services are necessary to maintain compliance with OMB Circular A-87. The contract term is for three years, with two one-year options. Although the Request for Council Action and Council Agenda disclosed the funding amount for the full five years, the adopted ordinance authorized funding only for the three-year term and not the option years. In order to fund the two additional years, an amendment to the ordinance is recommended to increase the maximum contract amount by \$113,292.

**REQUIRED AUTHORIZATION**

**F&A Director:**

**Other Authorization:**

*Jim Locke*  
Jim Locke, AD, Acctng. Svcs.

**Other Authorization:**

<b>SUBJECT:</b> Lease Agreement with the Fourth Ward Clinic dba Good Neighbor Healthcare Center at 190 Heights Boulevard for the Department of Health and Human Services		<b>Page</b> 1 of 1	<b>Agenda Item</b>  23
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 10-18-07	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Issa Z. Dadoush</i> Issa Z. Dadoush, P.E.	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Jacquelyn L. Nisby 713-247-1814	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve and authorize a Lease Agreement with the Fourth Ward Clinic, dba Good Neighbor Healthcare Center, a Texas nonprofit corporation (Tenant), for the leased space at 190 Heights Boulevard, for the Department of Health and Human Services (DHHS).

<b>Amount and Source Of Funding:</b> Revenue	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION** The General Services Department recommends that City Council approve and authorize a Lease Agreement with the Fourth Ward Clinic, dba Good Neighbor Healthcare Center (GNHC), a Texas nonprofit corporation, for 13,439 square feet of leased space in the West End Health Center located at 190 Heights Boulevard. GNHC is permitted to use the leased premises to provide primary health care services, ob/gyn care, dental and optometry services, behavioral health services, and other health services to low-income persons.

The proposed lease provides for a five-year lease term with two five-year renewal options at a monthly rental of \$24,638.17 (\$1.83 psf per month/\$22.00 psf per annum), plus GNHC's pro rata share of the estimated monthly operating expenses, which includes utilities, janitorial and security services. GNHC will be allowed to offset its rent by the value of the health services that it provides. GNHC's monthly operating expense for the first year of the lease will be \$9,674.36. GNHC shall pay the City annually, any difference between the estimated operating expenses and the actual costs of operating the building.

GNHC will provide health care services to the citizens of Houston on a discounted or sliding fee schedule based on federal poverty guidelines. The City recognizes these services to be a valid municipal and public purpose that is in the best interests of the citizens of Houston. GNHC is required to submit to DHHS monthly and annual reports of the services provided.

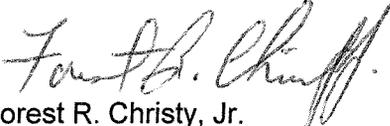
The City is in the process of renovating the leased space for GNHC's use as a Healthcare Clinic in accordance with the provisions of the construction contract approved by City Council on May 9, 2007, Ordinance No. 2007-561.

The new lease term will commence on the date the Certificate of Occupancy is signed by GNHC acknowledging that the City has substantially completed the improvements. GNHC is responsible for maintenance, taxes, and insurance.

IZD:BC:JLN:RB:ddc

xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell, and Fred Maier

**REQUIRED AUTHORIZATION** CUIC ID# 25 RB 19

<b>General Services Department:</b>   Forest R. Christy, Jr. Director, Real Estate Division		<b>Department of Health and Human Services:</b>   Stephen L. Williams, M.Ed., M.P.A. Director
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<b>SUBJECT:</b> Regional Participation Agreement between the City of Houston and Town Center Improvement District of Montgomery County, Texas.		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  215
<b>FROM (Department or other point of origin):</b>  Mayor's Office – Government Affairs		<b>Origination Date</b> 10/19/07	<b>Agenda Date</b> 10/24/07	
<b>DIRECTOR'S SIGNATURE:</b>  MSD <i>Ann L. Travis</i>		<b>Council District affected:</b>  All		
<b>For additional information contact:</b> Ann Travis Phone: 713-247-1520 Susan T. Taylor– 713-247-2053		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 99-343; 4/7/99		
<b>RECOMMENDATION: (Summary)</b> Pass an ordinance approving and authorizing a Regional Participation Agreement between the City of Houston and Town Center Improvement District of Montgomery County, Texas.				
<b>Amount of Funding:</b> None		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> The Woodlands is located primarily within the extraterritorial jurisdiction (ETJ) of the City of Houston. As one of Houston's premier suburban communities, it benefits from our highways and transportation systems, our renowned Texas Medical Center, our airports and seaports, our lakes, parks and open spaces, museums, theaters and cultural and fine arts facilities and our employment centers and economy. Conversely, Houston benefits from the business and economic advantages, housing, entertainment and lifestyle choices that The Woodlands brings to our region. With these mutual benefits, regional interests and the special relationship between the two communities in mind, we have undertaken to establish a better, more cost effective and more efficient governmental relationship between our communities by negotiating a Regional Participation Agreement (RPA) pursuant to legislation adopted by the Texas legislature during the most recent legislative session.  The material terms of the agreement are:  1. The City agrees not to annex the area of The Woodlands for 50 years; 2. The Town Center Improvement District (the District) provides funding to a segregated fund for regional projects; 3. The projects are selected by the City, in consultation with the District, from categories included within the agreement such as improvements to major regional parks; access management projects for portions of the Hardy Toll Road; and certain mobility improvements in and around the Texas Medical Center; as well as from categories of eligible projects included in the statute such as mutually				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>  <i>Judy Gray Johnson</i>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>Date</b> 10/19/07	<b>Subject:</b> Regional Participation Agreement between the City of Houston and Town Center Improvement District of Montgomery County, Texas.	<b>Originator's Initials</b>	<b>Page</b> ____ <b>of</b> ____
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beneficial mobility projects, healthcare facilities and infrastructure, parks, recreation and open space regional water and wastewater projects, drainage and flood control projects, public safety, environmental preservation and enhancement projects and others.

4. The City manages the Fund and provides an accounting to the District for expenditures;
5. The City provides resources equal to the District's financial contributions for those projects located wholly within the City limits;
6. The District provides an initial \$16 million to the Fund within one year of approval of the RPA;
7. Subsequently, the District provides sales and use tax revenue in the amount of 1/16 of 1% to the Fund, which amount the City may, for a period of time, receive as a lump sum; and
8. The City consents to The Woodlands' incorporation or adoption of an alternate form of local government and release from the City's ETJ after 2014 and before the expiration of 50 years from the execution of the RPA.

The RPA represents an opportunity for Houston and The Woodlands to come together to provide mutually beneficial projects to the whole region. It is requested that City council pass an ordinance approving and authorizing a Regional Participation agreement between the City and the Town Center Improvement District of Montgomery County, Texas.



# CITY OF HOUSTON

Legal Department

25  
OCT 24 2007

**Interoffice**

Correspondence

To: Mayor and City Council

From: Ann Travis 

Date: October 23, 2007

Subject: **Revision to RCA – Town Center  
Improvement District Regional  
Participation Agreement**

Attached please find a revised page 2 of the RCA related to the Regional Participation Agreement with Town Center Improvement District (TCID) in The Woodlands. The revision relates to Item No. 7 and clarifies that the ongoing payment to the City is a quarterly payment of an amount equal to 1/16 of the 1% limited sales and use tax imposed in the TCID.

AT:pas  
memo\_RCA



<b>Date</b> 10/19/07	<b>Subject:</b> Regional Participation Agreement between the City of Houston and Town Center Improvement District of Montgomery County, Texas.	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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beneficial mobility projects, healthcare facilities and infrastructure, parks, recreation and open space, regional water and wastewater projects, drainage and flood control projects, public safety, environmental preservation and enhancement projects and others;

4. The City manages the Fund and provides an accounting to the District for expenditures;
5. The City provides resources equal to the District's financial contributions for those projects located wholly within the City limits;
6. The District provides an initial \$16 million to the Fund within one year of approval of the RPA;
- 7. Subsequently, the District provides to the Fund a quarterly payment in an amount equal to a sales and use tax of 1/16 of 1%, which amount the City may, for a period of time, receive as a lump sum; and ←
8. The City consents to The Woodlands' incorporation or adoption of an alternate form of local government and release from the City's ETJ after 2014 and before the expiration of 50 years from the execution of the RPA.

The RPA represents an opportunity for Houston and The Woodlands to come together to provide mutually beneficial projects to the whole region. It is requested that City Council pass an ordinance approving and authorizing a Regional Participation Agreement between the City and the Town Center Improvement District of Montgomery County, Texas.

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

<b>SUBJECT:</b> Ordinances calling Hearings for Proposed Strategic Partnership Agreements with certain utility districts in the Houston area	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <b>26</b>
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> October 15, 2007	<b>Agenda Date</b> OCT 24 2007
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<i>MS</i> <i>Marene R. Agreick</i>	<b>Council District affected:</b> All
<b>For additional information contact:</b> Margaret Wallace Phone: 713-837-7826	<b>Date and identification of prior authorizing Council action:</b>

**RECOMMENDATION: (Summary)** It is recommended that City Council pass the ordinances calling hearings on proposed Strategic Partnership Agreements with certain utility districts in the Houston area.

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

The State Legislature in 1999 gave the City of Houston the right to enter into Strategic Partnership Agreements with utility districts. Such agreements allow the City to annex all or part of these districts for limited purposes. The City can then levy a sales tax and provide specified, limited services to the area. The City cannot levy a property tax in areas annexed for limited purposes.

The hearings called by this ordinance are for agreements, or amendments to existing agreements, with the following Harris County Utility Districts:

**New Agreements:**

Chelford One MUD	Harris County MUD No. 391
Cinco Southwest MUD 2	Harris County MUD No. 400
Cinco Southwest MUD 4	Harris County MUD No. 406
Fort Bend County MUD No. 146	Harris County UD 15
Harris County MUD No. 152	Harris-Fort Bend Counties MUD No.3
Harris County MUD No. 157	Hunters Glen MUD
Harris County MUD No. 167	Lake Forest Utility District
Harris County MUD No. 173	Northwest Harris County MUD No. 5
Harris County MUD No. 196	Northwest Harris County MUD No. 10
Harris County MUD No. 285	Ricewood Utility District

**Amendments to existing Agreements:**

Charterwood MUD Amendment 2	Harris County MUD 120 Amendment 2
Cypress Hill MUD Amendment 1	Fort Bend County MUD 50 Amendment 1

In each of these Districts the sales taxes collected in the areas will be divided evenly between the City and the District and the only service provided will be the fireworks ban. The City is only annexing commercial property and undeveloped land intended for commercial use. There is no population located in these territories proposed to be annexed for limited purposes.

The hearings will be held on November 7<sup>th</sup> and November 14<sup>th</sup> 2007 in City Council chambers.

**REQUIRED AUTHORIZATION**

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

RCA# 7639

TO: Mayor via City Secretary

**Subject:** Approve an Ordinance Awarding a Contract to the Best Respondent for a Consumer-Focused Internet Website of Health Insurance Plans for the Mayor's Office  
S15-T22319

Category #  
1 & 4

Page 1 of 2

Agenda Item

27

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

October 03, 2007

**Agenda Date**

**OCT 24 2007**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Elena Marks Phone: (713) 247-3394  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$80,000.00 out of Fund 1008 (CNG Vehicle Fund) and approve the award of a contract to the best respondent, MIR Fox & Rodriguez, P.C. in an amount not to exceed \$80,000.00 for a consumer-focused Internet website of health insurance plans for the Mayor's Office.

Maximum Contract Amount: \$80,000.00

**F & A Budget**

\$80,000.00 CNG Vehicle Fund (1008)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$80,000.00 out of Fund 1008 (CNG vehicle fund) and approve the award of a three-year contract, with two one-year options to extend, for a total five-year term, to the best respondent, MIR Fox & Rodriguez, P.C. in amount not to exceed \$80,000.00 for a consumer-focused Internet website of health insurance plans for the Mayor's Office. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

Currently, the City of Houston has a significant percentage of uninsured residents in its population, approximately 30%, and that number continues to rise. One of the reasons for the high rate of uninsured people is the lack of unbiased readily available and easily understandable information to enable businesses and individuals to make decisions about insurance products.

The scope of work requires the contractor to provide all labor, equipment, supplies and supervision necessary to design, create, implement, manage and maintain an automated secure website on the Internet that will allow City of Houston businesses and residents to obtain information from an unbiased source on available, qualified health plans quickly and conveniently via the Internet. The website will be accessible 24 hours per day, 7 days per week.

The Request for Proposal was advertised and evaluated in accordance with the requirements of the State of Texas bid laws, and as a result, proposals were received from MIR Fox & Rodriguez, P.C. and Willis of Texas. The evaluation committee consisted of Mayor's Office, Finance and Administration Department, and Fire Department employees. The proposals were evaluated based on the following criteria:

1. Conformance to Scope of Work
2. Revenue Strategy
3. Experience
4. Financial Strength of Proposer

**REQUIRED AUTHORIZATION**

NDT

F&A Director:

Other Authorization:

Other Authorization:

Date:  
10/3/2007

Subject: Approve an Ordinance Awarding a Contract to the Best  
Respondent for a Consumer-Focused Internet Website of Health  
Insurance Plans for the Mayor's Office  
S15-T22319

Originator's  
Initials  
FR

Page 2 of 2

5. Value of Added Services

MIR Fox & Rodriguez, P.C. received the highest overall score.

Buyer: Frank Rodriguez

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

<b>SUBJECT:</b> Approve a Contract for Professional Services for the Laboratory Information Management System (LIMS) for the Houston Police Department	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 28
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<b>FROM (Department or other point of origin):</b> Harold L. Hurtt Chief of Police Houston Police Department	<b>Origination Date</b> 09/07/07	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> I
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<b>For additional information contact:</b> Joseph Fenninger Phone: 713-308-1708 <i>JFF 9/14/07</i>	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve a contract for professional services with Laboratory Automation Solutions, Inc. in the amount of \$99,985.00 to provide consulting services for the Laboratory Information Management System (LIMS) for the Houston Police Department.

<b>Amount and Source of Funding</b> \$99,985.00 Fund 5000 (Cops Technology Grant 2005)	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
The Houston Police Department recommends that City Council approve a contract for professional services with Laboratory Automation Solutions, Inc (LAS) in the amount of \$99,985.00 to provide consulting services for the Laboratory Information Management System (LIMS).  
The scope of work will require Laboratory Automation Solutions to provide consulting services that will develop project plans, analyze functional requirements, prepare requirement and functional documentation, develop business project improvements objectives and assist with the Request for Proposal (RFP) needed for the LIMS system. LAS will assist HPD with the demonstrations, research and evaluations through the RFP process to successfully select a qualified vendor for a LIMS implementation at HPD.  
Currently the Crime Lab and Identification divisions use various databases and spreadsheets to manage workloads in accordance with their Standard Operating Procedures. HPD desires that a modern, Commercial-Off-The-Shelf (COTS) LIMS system be installed, which, as an example, facilitates best-practices, chain-of-custody, automation, quality controls and productivity. The LIMS will interface with a property room evidence management system to ensure integrity of evidence and traceability through barcode technology.  
The Crime Lab consists of seven component sections (Central Evidence Receiving, Controlled Substances, Trace Evidence, DNA/Biology, Toxicology, Questioned Documents and Firearms) and works closely with the Identification Division (ID) Photo Laboratory, Latent Laboratory, and Audio-Video sections. All nine (9) sections intend to use the new Laboratory Information Management System (LIMS) software. The Crime Lab processes more than 50,000 pieces of evidence from more than 15,000 criminal cases each year conducting more than 100,000 individual analyses.  
A Request for Qualifications was solicited and (3) three proposals were received. Laboratory Automation Solutions, Inc submitted the best response.  
Affirmative Action has agreed to a 0% goal for this service.

# CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: Velma Laws, Director  
Affirmative Action Division

FROM: Patricia Cheesman, IRM Manager  
Technology Services Division

DATE: September 27, 2007

SUBJECT: **LIMS Consultant**

This is the formal request for a 0% signoff for the above referenced contract.

Per an email request sent on 3/2/07 I was requesting an official 0% signoff for the LIMS Consultant contract being awarded by Council in the next two weeks.

The consulting portion of the project is approximately \$200,000 and the requirements for this project require the vendor to review our current LIMS, give recommendations for a new system as well as provide assistance in the writing of the Request for Proposal.

The new LIMS will be approximately \$600,000 and will have an MWBE goal placed on this contract award.

You approved a 0% goal on 3/7/07.

I would appreciate your formal signoff on this request. Thank you for your assistance in this matter.



Patricia Cheesman, IRM Manager  
Technology Services Division

  
Approved: Velma Laws

FOR

SEP 27 REC'D



To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT: PROPERTY:</b> An ordinance appropriating funds, and approving and authorizing the Purchase of Parcels AY8-021, AY8-022 and AY8-023 for the MKT CORRIDOR ACQUISITION PROJECT (from Hempstead Road to St. Emanuel Street) WBS N-000420-0030-2-01 OWNER: State of Texas by and through the Texas Department of Transportation	<b>Category #7</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b>  <p style="text-align: right; font-size: 2em;">30</p>
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  10-18-07	<b>Agenda Date</b>  OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  H  Key Map 492A through D and 493A, F, G and M
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<b>For additional information contact:</b> Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director	<b>Date and identification of prior authorizing Council Action:</b> Ordinance 2007 – 1067, passed September 25, 2007
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**RECOMMENDATION: (Summary)**  
An ordinance be passed appropriating funds, and approving and authorizing the purchase of Parcels AY8-021, AY8-022 and AY8-023 for the MKT CORRIDOR ACQUISITION PROJECT (from Hempstead Road to St. Emanuel Street)

<b>Amount and Source of Funding:</b> \$ 2,239,788.00 – Reimbursement of Equipment/Projects Fund 1850 \$ 160,111.00 – No additional funding required (covered under Blanket Appropriation Ordinance 2007-1067 N-000663-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506)	<b>F&amp;A Budget:</b> 
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**SPECIFIC EXPLANATION:**

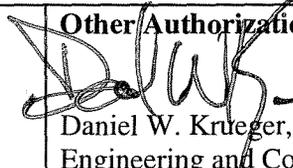
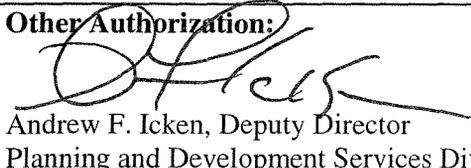
The MKT CORRIDOR ACQUISITION PROJECT (from Hempstead Road to St. Emanuel Street) provides for the acquisition of a former railroad corridor for the MKT Hike and Bike trail to provide safer routes of travel for bicyclists and/or hikers away from street traffic.

Acquisition of the corridor will be funded via \$2,239,788.00 to be appropriated from the Reimbursement of Equipment/Projects Fund 1850 and \$160,111.00 to be funded via a previously approved appropriation from the Street and Bridge Consolidated Construction Fund 4506 (Blanket Appropriation Ordinance 2007 – 1067, passed September 25, 2007). Pending an amendment to the Project and Financing Plan for the Memorial Heights Redevelopment Authority/TIRZ #5, the Authority will enter into a funding agreement to reimburse the City of Houston for the acquisition of the segment of the corridor from White Oak Bayou to St. Emanuel.

The City desires to acquire a total of 1,781,929 square feet (40.907 acres) of land from the State of Texas by and through the Texas Department of Transportation (State). The State submitted its appraisal report by Dennis Pilkington, MAI of Integra Realty with its offer. Albert N. Allen, MAI, SRA, SR/WA Independent Fee Appraiser reviewed and approved the appraisal on behalf of the City. A staff appraiser in the Department of Public Works and Engineering has reviewed the appraisal report and offer and finds them acceptable. The breakdown is as follows:

CUIC #20ELG16

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>SUBJECT: PROPERTY:</b> An ordinance be passed appropriating funds, and approving and authorizing the purchase of Parcels AY8-021, AY8-022 and AY8-023 for the MKT CORRIDOR ACQUISITION PROJECT (from Hempstead Road to St. Emanuel Street) WBS N-000420-0030-2-01 OWNER: State of Texas by and through the Texas Department of Transportation	<b>Originator's Initials</b>  ES	<b>Page</b> <b>2 of 2</b>
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Parcel AY8-021 (Easement) 308,562 square feet.....	\$ 0.00
(Per agreement with the State, no payment is required for the areas being conveyed to the City in easement.)	
Parcel AY8-022 (Fee) 672,811 square feet.....	<u>\$2,239,788.00</u>
Parcel AY8-023 (Fee) 800,556 square feet.....	<u>\$ 160,111.00</u>
<b>TOTAL AMOUNT</b> .....	<b>\$2,399,899.00</b>

These three parcels contain a total of 1,781,929 square feet (40.907 acres) of land out of a former railroad corridor.

Parcel AY8-021 (Easement) contains 308,562 square feet (7.08 acres) of land located in the John Austin Survey, Abstract 1 and being out of and a part of those lands described in that deed from the Missouri Pacific Railroad Company to the State of Texas, executed December 14, 1992 and recorded in Harris County Clerk's File P019477, Harris County, Texas; according to the City of Houston field notes.

Parcel AY8-022 (Fee) contains 672,811 square feet (15.44 acres) of land located in the John Reinerman Survey, Abstract 642 and John Austin Survey, Abstract 1, and being comprised of 34.143 acres described in that deed from the Missouri Pacific Railroad Company to the State of Texas, executed December 14, 1992 and recorded in Harris County Clerk's File P019477, Harris County, Texas of the Official Public Records of Real Property, Harris County, Texas, according to the City of Houston field notes.

Parcel AY8-023 (Fee) contains 800,556 square feet (18.38 acres) of land located in the John Reinerman Survey, Abstract 642 and John Austin Survey, Abstract 1, and being comprised of 34.143 acres described in that deed from the Missouri Pacific Railroad Company to the State of Texas, executed December 14, 1992 and recorded in Harris County Clerk's File P019477, Harris County, Texas of the Official Public Records of Real Property, Harris County, Texas, according to the City of Houston field notes.

It is recommended that an ordinance be passed appropriating funds, and approving and authorizing the purchase of Parcels AY8-021, AY8-022 and AY8-023 for the MKT CORRIDOR ACQUISITION PROJECT (from Hempstead Road to St. Emanuel Street), owned by the State of Texas by and through the Texas Department of Transportation, and authorizing the Mayor to execute and the City Secretary to attest an Exchange Agreement.

MSM:NPC:eg  
S:/GUAJARDO/MKT Corridor Acquisition RCA  
cc: Marty Stein

11/15/01



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Extend a Developer Participation Contract between City of Houston and Kingdom Come Community Development Corporation, for the construction of water, sanitary sewer and storm sewer lines.	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>31</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 10-18-07	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Jun Chang, P.E. Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b> 01/22/03 Ord. No. 2003-0081 07/07/04 Ord. No. 2004-0737
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**Recommendation: (Summary)**  
Approve an extension of a Developer Participation Contract between the City and Kingdom Come Community Development Corporation.

**Amount & Source of Funding:** NONE REQUIRED

**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.

On January 22, 2003 Council approved a Developer Participation Contract between the City and Kingdom Come Community Development Corporation to construct water line, sanitary sewer line and storm sewer lines in a 116-lot subdivision, Kingdom Come Place Section One. Per the developer's request, on July 7, 2004, Council approved a 12-month extension to begin construction until July 31, 2005. The current Contract is now due to expire on November 8, 2007. However, because of financial market changes and the consequent inability of potential home buyers to secure home loans, the developer is again requesting a 12-month extension to sell the remaining 18 homes in the subdivision. This will extend the contract expiration date to November 8, 2008. The developer has constructed the number of homes necessary for reimbursement of the engineering and construction costs related to the water and sanitary sewer mains. However, as the qualification for reimbursement of the design and construction of the storm sewer infrastructure is based on the sales price of each individual home, reimbursement is not made until after the home is sold.

**Required Authorization:** CUIC# 20JZC346

<b>F &amp; A Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning & Development Services
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment No. 1 to the Professional Consulting Services Contract with Traffic Engineers, Inc. for traffic management analysis and supplemental security application services for the Houston Airport System, Project 612T; WBS #A-000486-0010-3-01; Contract No. 62027.	<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> <i>32</i>
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> September 24, 2007	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Rae</i> <i>ga</i>	<b>Council District affected:</b> B, E, I
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<b>For additional information contact:</b> Mark Mancuso Phone: 281-233-7329	<b>Date and identification of prior authorizing Council action:</b> 4/19/06 (O) 2006-378
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP # A-0486.34.6 \$500,000.00 Airports Improvement Fund (8011) <i>(E)</i>	<b>Prior appropriations:</b> \$450,000.00 HAS Revenue Fund
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**RECOMMENDATION: (Summary)**  
Enact an ordinance to approve Amendment No. 1 to the Professional Consulting Services Contract with Traffic Engineers, Inc. and appropriate the necessary funds to finance the cost of these services.

**SPECIFIC EXPLANATION:**  
On April 19, 2006, the City entered into a Contract for traffic management analysis and supplemental security applications. Services performed to date have included studies on traffic movement around the airport, safety impact traffic studies and various security studies of the HAS premises.

This amendment will provide additional professional consulting services beyond what was anticipated in the original scope of work. These services will further develop the HAS Ground Traffic Access Plan in order to assist in the completion of a detailed regional traffic management plan. The additional services specific to the HAS Ground Traffic Access Plan will be completed within the 2007-2008 Fiscal Years.

The HAS Ground Traffic Access Plan will serve as a guide to an equivalent level of planning and investment in facilities to serve the ground traffic access needs of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field.

This amendment will include the following services:

- Document existing conditions (airport activity levels, access facilities and services, volumes, capacity and service levels).
- Identify issues and opportunities related to airport ground traffic access.
- Develop a method of tying passenger levels to ground traffic access demand.

**REQUIRED AUTHORIZATION** *NDT*

<b>F&amp;A Budget:</b> <i>Mindel SL</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b> September 24, 2007	<b>Subject:</b> Amendment No. 1 to the Professional Consulting Services Contract with Traffic Engineers, Inc. for traffic management analysis and supplemental security application services for the Houston Airport System, Project 612T; WBS # A-000486-0010-3-01; Contract No. 62027.	<b>Originator's Initials</b> MD	<b>Page</b> 2 of 2
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- Document existing airport access demand and prepare future demand forecasts.
- Run a sub-regional model analysis as needed to assess circulation issues versus access issues and evaluate alternatives.
- Identify major access problems and needs and assess alternative solutions.
- Identify access improvement projects.
- Recommend projects to be included in appropriate transportation plans and programs.
- Identify future issues, data needs, model improvements, etc.

**M/WBE PARTICIPATION:** The M/WBE goal for Amendment No. 1 is twenty-four percent (24%) and will be met by the following certified firms:

Firm	Type of Work	Amount	% of Contract
C.J. Hensch & Associates, Inc.	Traffic Counting	TBD	
Landtech Consultants, Inc.	Land Surveying	TBD	
<b>Total</b>		\$120,000.00	24.0%

Traffic Engineers, Inc. is currently achieving 29.8% participation on their 24% M/WBE goal.

RMV:MVM:MAD:CW

cc: Ms. Marty Stein  
Mr. Anthony W. Hall, Jr.  
Ms. Velma Laws  
Mr. Richard M. Vacar  
Mr. Mark V. Mancuso  
Mr. Eric R. Potts  
Mr. David K. Arthur  
Ms. Kathy Elek  
Mr. Tom Bartlett  
Mr. Richard Fernandez  
Mr. J. Goodwille Pierre

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

<b>SUBJECT:</b> Additional Appropriation to Professional Engineering Services Contract between the City and Scientech Engineers, Inc. for Concrete Pavement Management & Improvement, Kashmere. WBS No. N-000782-0002-3	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <b>33</b>
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<b>From: (Department or other point of origin):</b> Department of Public works and Engineering	<b>Origination Date</b> 10-10-07	<b>Agenda Date</b> OCT 24 2007
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<b>Director's Signature:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> B <i>JEC</i>
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<b>For additional information contact:</b> <i>Reid K. Mrsny</i> Reid K. Mrsny, P.E. Senior Assistant Director (713) 837-7114	<b>Date and identification of prior authorizing Council action:</b> Ordinance #: 2006-0549 Dated: 05/31/2006
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**Recommendation: (Summary)**      Appropriate Funds.

**Amount and Source of Funding:** \$682,100.00 from the Street & Bridge Consolidated Construction Fund No. 4506.  
Original (previous) appropriations of \$270,100.00 from Street & Bridge Consolidated Construction Fund No. 437 *Proctor 09/18/07*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Concrete Pavement Management and Improvement Program. This program is required to improve the condition of residential streets in addition to enhancing the quality of life in the neighborhood.

**DESCRIPTION/SCOPE:** This project consists of neighborhood street reconstruction. The proposed improvements will consist of concrete roadways with curbs, sidewalks, and underground utilities, as required.

**LOCATION:** The streets included in Concrete Pavement Management and Improvement Program, Kashmere are listed below.

<u>Location</u>	<u>Limits</u>	<u>Key Map Grid</u>	<u>District</u>
Wipprecht	Crane to North Loop 610 Frontage	454U, 454Y	B
Lavender	Crane to North Loop 610 Frontage	454U, 454Y	B
Pickfair	Crane to North Loop 610 Frontage	454U, 454Y	B
Pardee	Wipprecht to Lockwood	454U, 454Y	B

**PREVIOUS HISTORY AND SCOPE:** City Council approved the original Contract on 6/12/2006 under Ordinance No.2006-0549. Under the scope of the Contract, the Consultant agreed to perform Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services and Additional Services. The original appropriation only funded for Phase I Basic Services & Additional Services consisting of Technical Review Committee Presentation and Surveying. The Consultant has completed these tasks and has recommended the above listed streets for reconstruction.

Additional funds are required to complete the additional proposed services related to these streets which were not budgeted.

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #20JXC12</b>
<b>F&amp;A Budget:</b> <i>Reid K. Mrsny</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division

**SUBJECT:** Additional Appropriation to Professional Engineering Services contract between the City and Scientech Engineers, Inc. for Concrete Pavement Management & Improvement, Kashmere.  
WBS No. N-000782-0002-3

**Originator's  
Initials**

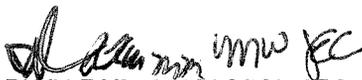
**Page  
2 of 2**

**SCOPE OF THIS SUPPLEMENT AND FEE:** The requested additional appropriation will fund the Phase II & III Basic Services, the remaining additional services and project management. \$282,558.00 is budgeted as Basic Services Fee computed on a lump sum basis. Certain other Additional Services are also proposed to be paid as lump sum or on a reimbursable basis. The Additional Services are currently anticipated to include surveying, geotechnical investigations, phases I and II environmental services, traffic control plans, reproduction, and tree protection comprising the bulk of the funds. The total Additional Services Fee under the additional appropriation as \$337,519.00.

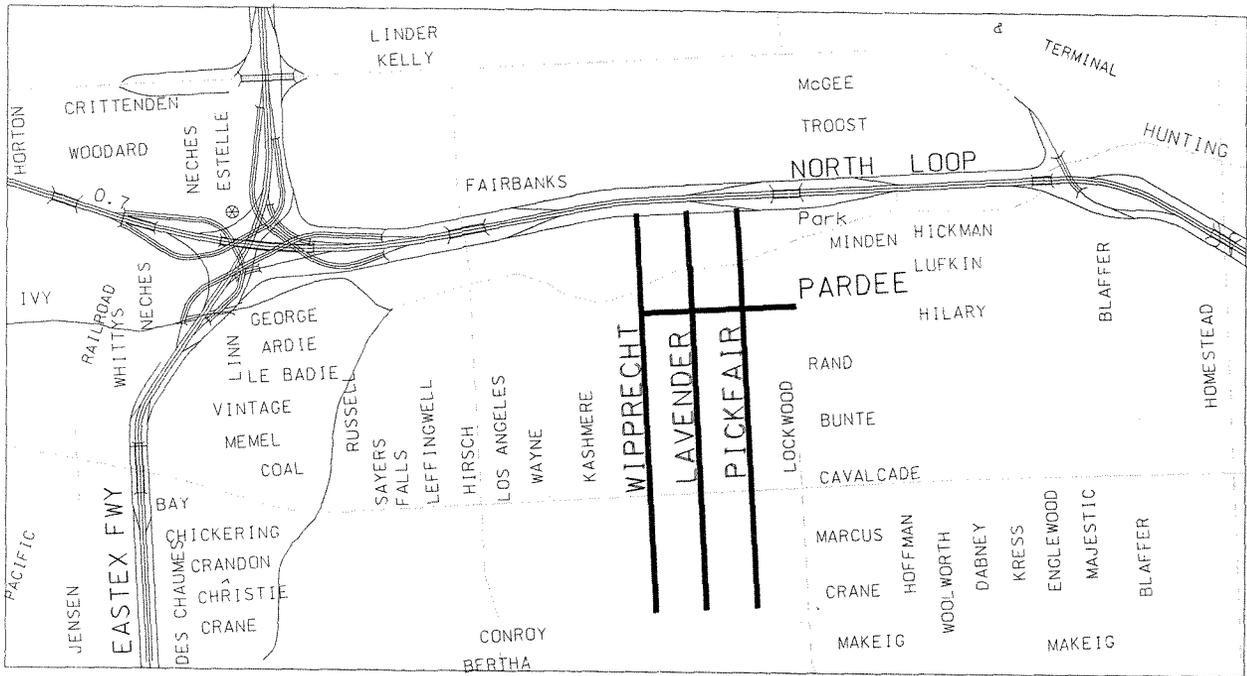
This total appropriation is \$682,100.00 to be appropriated as follows: \$620,077.00 for contract services and \$62,023.00 for project management.

**M/WBE INFORMATION:** The M/WBE goal established for this project is 24 %. The original Contract approved by Ordinance No. 2006-0549 totals \$245,516.00. The consultant has been paid \$242,886.00, (98%) to date. Of this amount \$58,925.00, (24%), has been paid to M/WBE sub-consultants to date. The Contract Services, upon approval, will total \$865,593.00. The Consultant proposes the following program to meet the MWBE participation goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Prior M/WBE Work		\$58,925.00	6.81%
2. Rahaman & Associates. Inc., DBA Western Group Consultants	Surveying Services	\$79,140.00	9.14%
3. Associated Testing Laboratories, Inc.	Environmental Services	\$23,134.00	2.67%
4. Associated Testing Laboratories, Inc.	Geotechnical Services	\$26,166.50	3.02%
5. Isani Consultants, Inc.	Engineering Services	<u>\$20,377.00</u>	<u>2.35%</u>
	<b>TOTAL</b>	<b>\$207,742.50</b>	<b>24.00%</b>

  
MSM:DWK:RKM:MAM:MW: JEC

c: Marty Stein  
Susan Bandy  
Velma Laws  
Craig Foster  
File No. 1.2



LOCATION MAP

N.T.S.

**Concrete Pavement Management & Improvements**

**File No.SB9245**

WBS NO. N-000782-0002-3

HCAD FACET MAPS: 5559A 5,6,9 & 10 and 5559C 1,2,5 & 6

DISTRICT B

STREET NAME	FROM		TO		R.O.W	PROJECT LENGTH	SIGNALS
	STREET	BLOCK	STREET	BLOCK			
WIPPRECHT	CRANE	4000	N 610 East	5200	60	4,190.00	None
LAVENDER	CRANE	4000	N 610 East	5200	60	4,100.00	None
PICKFAIR	CRANE	4000	N 610 East	5200	60	4,100.00	None
PARDEE	LOCKWOOD	5700	WIPPRECHT	5200	60	1,800.00	None

14,190.00

**SCIENTECH**  
ENGINEERS

9525 KATY FREEWAY, SUITE 318/7131 977-6090  
HOUSTON, TEXAS 77024 FAX (713) 977-6086

CITY OF HOUSTON  
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

CONCRETE PAVEMENT MANAGEMENT  
AND IMPROVEMENTS

KASHMERE

IMPROVEMENTS AREA

LOCATION MAP

FILE NO. SB9245 CITY OF HOUSTON PM

G.F.S. NO.N-0782-02-2 27/JUNE/2007

DRAWING SCALE SHEET NO. 2 OF 2

<b>SUBJECT:</b> Additional Appropriation for Professional Engineering Services Contract between the City and PTI, Inc. associated with East Water Purification Plant (EWPP) Expansion and Improvements. WBS No. S-000056-0012-3; Contract No. 39755.		<b>Page</b> 1 of <u>2</u>	<b>Agenda Item #</b> # <u>34</u>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 10 - 4 - 07	<b>Agenda Date</b> OCT 24 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> E <i>ten</i>	
<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 98-1039; November 10, 1998 Ordinance No. 99-0259; March 24, 1999 Ordinance No. 01-0558; June 13, 2001 Ordinance No. 02-0464; June 5, 2002 (Also Ords. 01-550, 551 for Const. Mgmt)	

**RECOMMENDATION: (Summary)**

Approve Supplement to the Professional Engineering Services Contract and appropriate additional funds.

**Amount and Source of Funding:**

\$120,000.00 - Water and Sewer System Consolidated Construction Fund No. 8500. *P1 09/05/07*  
Previous appropriations of \$5,090,700.00 from Water and Sewer System Consolidated Construction Fund No. 755.

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's rehabilitation and upgrade of the Surface Water Treatment Facilities Program and is required to increase the plant capacity to 350 MGD. This project will improve plant reliability and facilitate efficient operation and maintenance at this complex. It will also allow the City to meet the existing and proposed requirements of the Surface Water Treatment Rules (SWTR) mandated by the United States Environmental Protection Agency (USEPA).

**DESCRIPTION/SCOPE:** The project consists of providing Professional Engineering Services associated with the improvements and expansion of the sludge treatment facilities at the EWPP Complex. These improvements will increase the sludge processing capabilities resulting from the ongoing expansion of the EWPP Complex and implementation of the Enhanced Surface Water Treatment Rules (ESWTR).

**LOCATION:** This project is located on 12555 Clinton Drive at Federal Road. The project is located in Key Map grids 496 U & Y.

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #20ACM49</b>	<b>NOT</b>
<b>F&amp;A Director:</b> 	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

<b>Date</b>	<b>Subject:</b> Additional Appropriation for Professional Engineering Services Contract between the City and PTI, Inc. associated with East Water Purification Plant (EWPP) Expansion and Improvements. WBS No. S-000056-0012-3; Contract No. 39755.	<b>Originator's Initials</b>  ACM	<b>Page</b> <u>2</u> of <u>2</u>
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**PREVIOUS HISTORY AND SCOPE:** The Original Professional Engineering Services Contract with PTI, Inc. was approved by City Council on November 10, 1998 for pilot plant bench scale studies, sludge processing and disposal design, a Risk Management Plan and Central Control Facility design. Subsequent Contract Amendment No. 1 was approved to develop a Risk Management Program for fifteen additional groundwater facilities as mandated by TNRCC. Amendment No. 2 was approved to design improvements and expansion of sludge treatment and disposal facilities. Amendment No. 3 was approved for additional design scope for sludge processing and disposal facilities. The Basic Services Fee for the original and subsequent amendments was negotiated based on the level of effort. The consultant has completed the pilot plant bench scale studies, Risk Management Plans, final design for the Central Control Facility and the design of the first and second sludge processing and disposal project. The consultant is currently providing Phase III Construction Services for sludge package two, which is 30% complete. The Original Contract also was amended in June of 2001 to add Construction Management Services for a portion of the EWPP Expansion and Improvements Project via Ordinance Numbers 01-550 and 01-551 for a total services appropriation of \$231,853.00.

**SCOPE OF THE SUPPLEMENT AND FEE:** This amendment will fund the remaining Phase III Construction Services until the completion of the project. Substantial Completion of the project is expected in September of 2008. Combined with the previous contract amount for Professional Engineering Services of \$4,626,969.00 and previous contract amount for Construction Management services of \$231,853.00, the revised overall contract amount will total \$4,858,822.00.

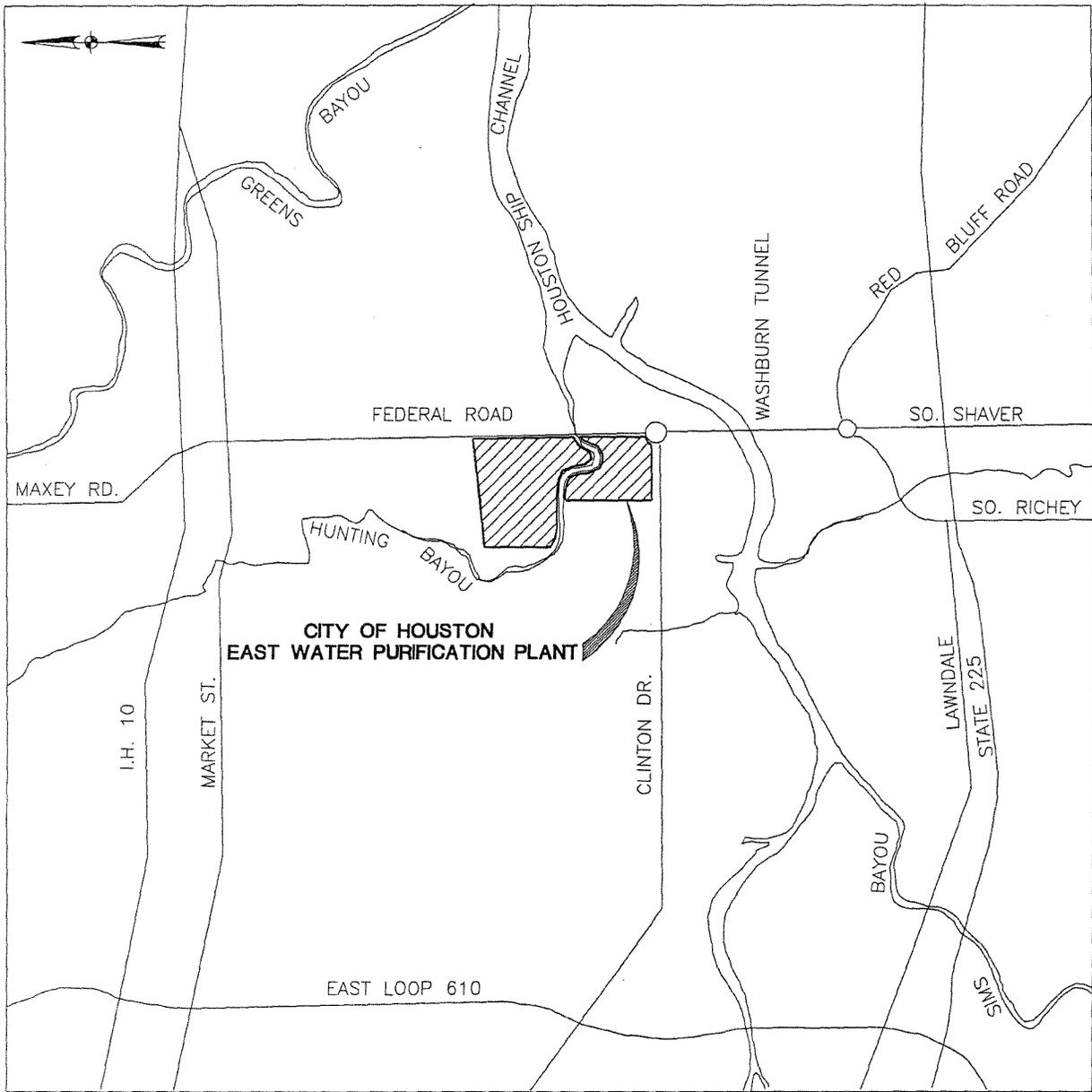
**M/WBE PARTICIPATION:** No MWBE goal was established for the Construction Management Services portion of the contract.

The MWBE goal established for the original Professional Engineering Services Contract and related Amendments No. 1 and No. 2 is 10%. The MWBE goal established for the related Amendment No. 3 is 17%. The consultant has specific MWBE goals for each phase of the Engineering Services Contract resulting in an overall weighted average goal of 11.13%. The Original Engineering Services portion of the Contract and the related additional appropriations total \$4,626,969.00. The Consultant has been paid \$4,619,710.13 to date (99.84%). Of this amount, \$749,373.14 has been paid to MWBE sub-consultants to date (16.24%). Assuming approval of the requested additional appropriation for Engineering Services, the contract amount will be increased by \$120,000.00 and the consultant has proposed the following firms to achieve the goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract Including Addition</u>
Prior M/WBE Work		\$ 749,373.14	15.79 %
Kalluri Group, Inc.	Sludge Dewatering Process	\$ 7,800.00	0.16 %
ASA Consulting Engineers, Inc.	Structural Services	\$ 12,600.00	0.27 %
<b>TOTAL</b>		<b>\$ 769,773.14</b>	<b>16.22 %</b>

*ACM*  
MSM:DWK:RKM:HH:ACM  
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c: Marty Stein  
Velma Laws  
Susan Bandy  
Craig O. Foster  
File S-000056-0012-3 (3.7)



**VICINITY MAP**  
 KEY MAP NO. 496U AND Y  
 GIMS MAP NO 5756B AND 5757D

 <b>PTI INCORPORATED</b> ENGINEERS, ARCHITECTS, PLANNERS	
DESIGNED BY:	DRAWN BY:
SURVEYED BY:	FB NO. 00000
<b>CITY OF HOUSTON</b> DEPARTMENT OF PUBLIC WORKS AND ENGINEERING EAST WATER PURIFICATION PLANT SLUDGE HANDLING SYSTEM IMPROVEMENTS (CONTRACT 2)	
<b>VICINITY MAP</b>	
WBS NO. S-000056-0012-3	
DRAWING SCALE	
N.T.S.	
CITY OF HOUSTON PM	
ARTHUR MORRIS, P.E.	
SHEET NO.	OF

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Professional Construction Management and Inspection Services Contract between the City of Houston and Binkley & Barfield, Inc. for Sims Bayou, Kingwood West, Northgate, and MUD 203 Wastewater Treatment Plant Improvements. WBS Nos. R-000265-0032-4, R-000265-0029-4, R-000265-0036-4	<b>Category</b> # 1, 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  35
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<b>FROM:</b> Department of Public Works and Engineering	<b>Origination Date</b> August 30, 2007	<b>Agenda Date</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> B, E, I
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<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approve Professional Construction Management and Inspection Services Contract with Binkley & Barfield, Inc. and appropriate funds.

**Amount and Source of Funding:** \$1,088,000.00 from Water & Sewer System Consolidated Construction Fund, Fund 9018500  
**F & A Budget:**

**SPECIFIC EXPLANATION:**  
**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's program to renew/replace inefficient components of the existing wastewater treatment plant (WWTP) facilities.

**DESCRIPTION/SCOPE:** This Contract provides for Construction Management and Inspection Services for Rehabilitation of the Sims Bayou, Kingwood West, Northgate & MUD No.203 Wastewater Treatment Plant Improvements

<b>LOCATION:</b>	<u>Facility</u>	<u>Address</u>	<u>Key Map Grid</u>
	Sims Bayou	9500 Lawndale	535-H
	Kingwood West	26808 Sorters Rd	295Z
	Northgate	303 Benmar	373N
	MUD 203	1215 Gears Rd.	372P

**SCOPE OF CONTRACT AND FEE:** This Contract will provide Construction Management and Inspection Services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

The requested appropriation of \$1,088,000.00 will provide funding for all construction management and inspection service for Binkley & Barfield, Inc. on a lump sum basis for basic services and reimbursable basis for supplemental activities.

**APPROPRIATION BREAKDOWN:**

<u>WBS No.</u>	<u>Project</u>	<u>Direct CM Amount</u>	<u>Contingency</u>	<u>Total</u>
R-000265-0036-4	Northgate/MUD 203	\$150,000	\$15,000	\$165,000
R-000265-0029-4	Kingwood West	\$753,112	\$74,888	\$828,000
R-000265-0032-4	Sims Bayou	\$95,000	--	\$95,000
<b>Total</b>				<b>\$1,088,000</b>

REQUIRED AUTHORIZATION

CUIC ID #20CWS42

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utility Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	NOT
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<b>Date</b>	<b>SUBJECT:</b> Professional Construction Management and Inspection Services Contract between the City of Houston and Binkley & Barfield, Inc. for Sims Bayou, Kingwood West, Northgate, and MUD 203 Wastewater Treatment Plant Improvements. WBS Nos. R-000265-0032-4, R-000265-0029-4, R-000265-0036-4	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**M/WBE PARTICIPATION:** Binkley & Barfield, Inc. has proposed the following firm to achieve the 24% M/WBE goal for this project:

	<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>	<u>Amount</u>
1.	Kalluri Group, Inc.	Inspection/Administrative Services	24%	\$261,120.00

*MSM*  
MSM:JTL:CWS:ss  
S:\E&C Construction\Facilities\CMs\Binkley & Barfield\RCA 20CWS42 - Rev1.DOC

c: Daniel W. Krueger, P.E.                      Velma Laws                      File: R-000265-0032-4, R-000265-0028-4, R-000265-0036-4

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

<b>SUBJECT:</b> Contract Award for Brays Bayou Detention Site WBS No. M-000260-0005-4	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 36
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> 10-4-07	<b>Agenda Date:</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Michael S. Marcotte 6/9/07</i> Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> C <i>m.3.</i>
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<b>For additional information contact:</b> <i>Reid K. Mrsny</i> Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Accept low bid, award Construction Contract and appropriate funds.

**Amount and Source of Funding: Total \$6,148,000.00**  
\$3,148,000.00 from Drainage Improvement Commercial Paper Series F, Fund No. 4030  
\$3,000,000.00 from Harris County Construction Fund No. 8303

*3 Paolke 8/11/07*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Storm Drainage Capital Improvement Plan (CIP) and is required to mitigate the hydraulic impacts to Brays Bayou from the improved stormsewer infrastructure project in and around the Texas Medical Center and various neighborhoods along Brays Bayou.

**DESCRIPTION/SCOPE:** This project consists of the construction of a detention basin and a 300-foot concrete weir structure. The Contract duration for this project is 375 calendar days. This project was designed by TCB, Inc.

**LOCATION:** This project is generally bounded by Brays Bayou on the north, South Loop West (IH610) on the south, Willow Waterhole Bayou on the east and Brays Bayou on the west. The project is located in Key Map Grids 531-R.

**BIDS:** Bids were received on July 19, 2007. The two bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. BRH-Garver Construction, L.P.	\$5,484,362.06
2. SER Construction Partners, Ltd.	\$6,238,329.62

**REQUIRED AUTHORIZATION** 20-CUIC#20MS88A *NOT*

<b>F&amp;A Budget:</b> <i>MS</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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**AWARD:** It is recommended that this construction Contract be awarded to BRH-Garver Construction, L.P. with a low bid of \$5,484,362.06.

**PROJECT COST:** The total cost of this project is \$6,148,000.00 to be appropriated as follows:

- Bid Amount \$5,484,362.06
- Contingencies \$329,063.00
- Engineering and Testing Services \$60,000.00
- Project Management \$274,574.94

Engineering and Testing Services will be provided by The Murillo Company, under a previously approved Contract.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 14% MBE goal, 5% WBE goal and 3% SBE goal for this project.

<u>MBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. C.M. Nunez Trucking Company	Trucking/Hauling	\$384,000.00	7.0%
2. J.A. Gamez, Trucking Services	Trucking/Hauling	<u>\$384,800.00</u>	<u>7.0%</u>
<b>TOTAL</b>		<b>\$768,800.00</b>	<b>14.0%</b>

<u>WBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Anderson Dump Trucking, Inc.	Trucking/Hauling	\$137,500.00	2.5%
2. B & D Maintenance	Trucking/Hauling	<u>\$137,500.00</u>	<u>2.5%</u>
<b>TOTAL</b>		<b>\$275,000.00</b>	<b>5.0%</b>

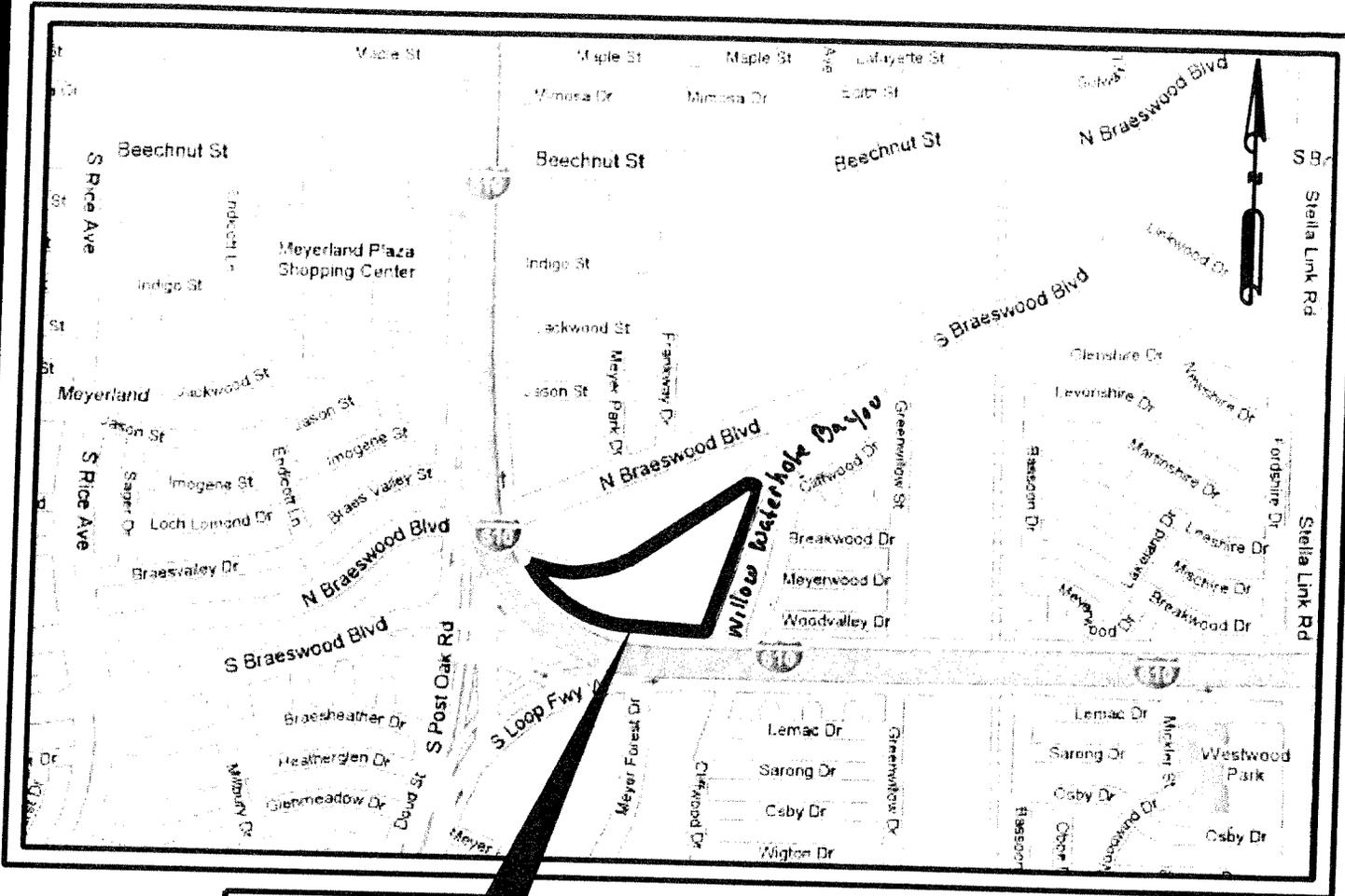
<u>SBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. WM Trucking & Excavating, Inc.	Trucking/Hauling	<u>\$165,000.00</u>	<u>3.0%</u>
<b>TOTAL</b>		<b>\$165,000.00</b>	<b>3.0%</b>

*MSM:DWK*

MSM:DWK:RKM:HJ:MS:klw

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**c:** Marty Stein  
Susan Bandy  
Velma Laws  
Michael Ho, P.E.  
File: WBS No. M-000260-0005-4



**PROJECT LOCATION**

**VICINITY MAP**

HCFCD UNIT D500-08-00  
 BRAYS BAYOU DETENTION SITE  
 WBS NO. M-000260-0005-4  
 KEY MAP± 53IR  
 GIMS MAP± 5I54D, 5254C



**TCB | AECOM**  
 TCB, INC.  
 5757 WOODWAY  
 HOUSTON, TEXAS 77057  
 WWW.TCB.AECOM.COM

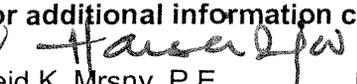
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Reimbursement Agreement between the City of Houston and South Campus Sport Association. WBS No. N-000571-0001-4.	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 37
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> 10-18-07	<b>Agenda Date:</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> C AA
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<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
 Adopt an ordinance approving and authorizing a Contribution Agreement between the City of Houston and South Campus Sport Association (SCSA) and accepting the amount of \$67,000.00 from SCSA.

**Amount and Source of Funding** None under this Agreement.

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

**DESCRIPTION/SCOPE:** The South Campus Sport Association (SCSA) proposes to reimburse the City of Houston for construction of water lines and appurtenances and driveway entrances to serve their facilities adjacent to W. Bellfort Road. Under this Agreement, the City will construct water lines and driveway entrances as part of the West Bellfort Road Extension project between Stella Link Road and S.Main Street. To facilitate construction efficiency and minimize disruption to mobility, the South Campus Sport Association is reimbursing \$67,000.00 for the driveway entrances and waterline connections to service Campus facilities.

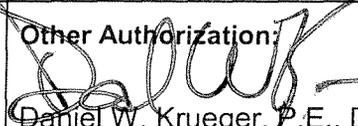
The total cost of the project is \$2,348,000.00. Of this the waterline and driveway entrances construction is \$67,000.00. The funds have been deposited to the Limited Use Roadway and Mobility Capital Fund No. 4034.

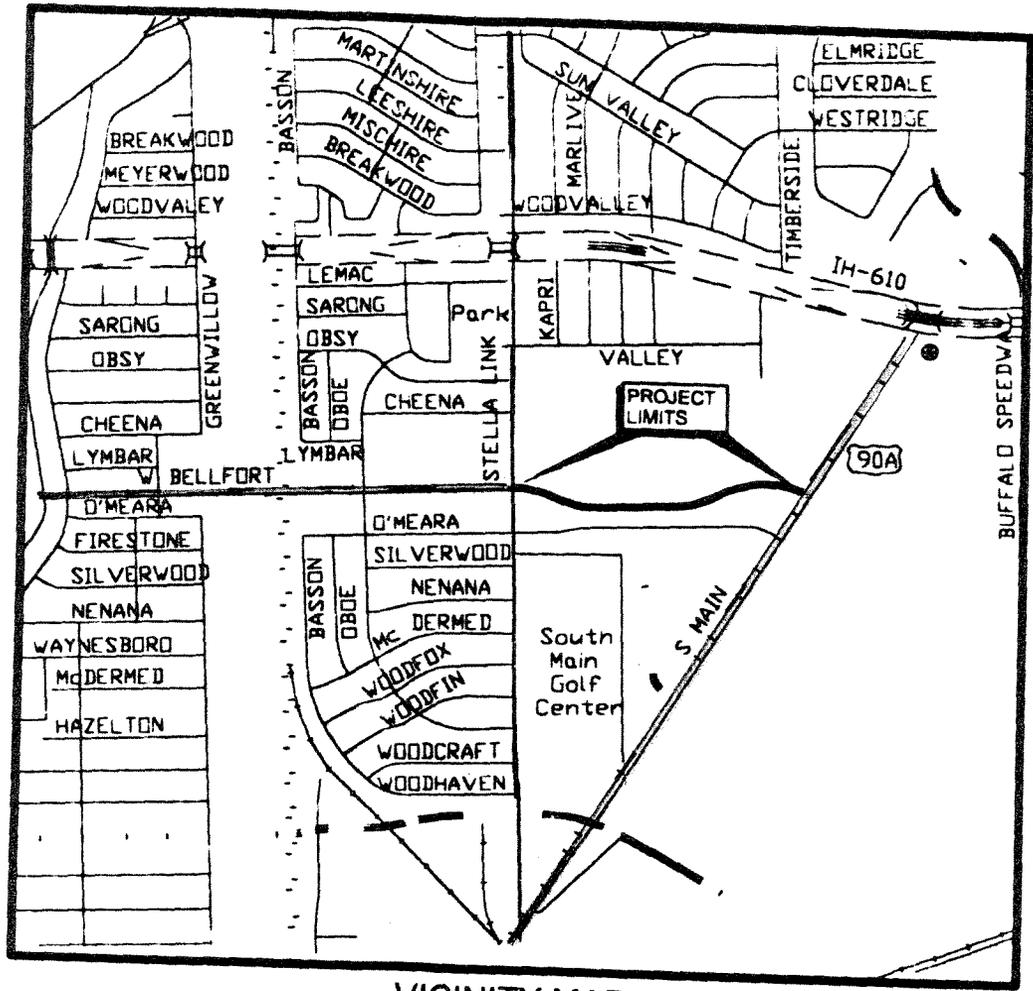
**LOCATION:** The project area is generally bound by Stella link on the west and South Main on the east. The project is located in Key Map Grids 532-S and T.

MSM:DWK:RKM:MR:SC:AA  
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- C: Marty Stein  
 Susan Bandy  
 Velma Laws  
 Michael K. Ho, P.E.

**REQUIRED AUTHORIZATION** QUIC#20AZA04 NDT

<b>F&amp;A Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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VICINITY MAP

KEY MAP NO 532 S & T  
 GIMS MAP NO 5253A & 5253B  
 COUNCIL DISTRICT C

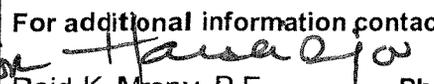
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for West Bellfort Road Extension between Stella Link Road and S. Main Street (US Hwy 90A). WBS No. N-000571-0001-4.	Page 1 of 2	Agenda Item #  38
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> 10-18-07	<b>Agenda Date:</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> C	AA
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<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:**  
\$2,348,000.00 from the Limited Use Roadway and Mobility Capital Fund No. 4034.

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

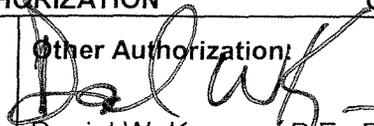
**DESCRIPTION/SCOPE:** This project consists of construction of approximately 2,600 linear feet of dual 24 foot wide reinforced concrete paving, driveways, sidewalks, concrete curbs, detention basin and storm sewer. To facilitate construction efficiency and minimize disruption to mobility, South Campus Sports Association (SCSA) is reimbursing the City in the amount of \$67,000.00 for driveway entrances paving and waterline connection to service SCSA facilities. These funds have been deposited to Fund No. 4034 under separate agreement. The Contract duration for this project is 210 calendar days. This project was designed by Pate Engineers, Inc.

**LOCATION:** The project area is generally bound by Stella link on the west and South Main on the east. The project is located in Key Map Grids 532-S and T.

**BIDS:** Bids were received on June 14, 2007. The nine bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Triple B Services, L.L.P	\$2,069,916.75
2. Texas Sterling Construction, L.P.	\$2,102,201.25
3. TJ & T Enterprises, Inc	\$2,127,727.00
4. ACM Contractors, Inc	\$2,147,704.75
5. Slack & CO. Contracting, Inc	\$2,202,755.90
6. Conrad Construction CO, Ltd	\$2,254,757.75
7. Metro City Construction, L.P	\$2,434,533.69
8. Total Contracting Limited	\$2,564,451.75
9. Pace Services, L.P	\$3,000,364.00

**REQUIRED AUTHORIZATION** CUIC#20AZA03 NDT

<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>Subject:</b> Contract Award for West Bellfort Road Extension between Stella Link Road and S. Main Street (US Hwy 90A). WBS. No. N-000571-0001-4.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction Contract be awarded to Triple B Services, L.L.P with a low bid of \$2,069,917.00 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$2,348,000.00 to be appropriated as follows:

• Bid Amount	\$ 2,069,916.75
• Contingencies	\$103,500.00
• Engineering and Testing Services	\$50,000.00
• Project Management	\$124,583.25

Engineering and Testing Services will be provided by The Murillo Company under a previously approved contract.

Construction Management Services will be provided by City of Houston

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 14.0 % MBE goal, 5.0 % WBE goal and 3.0% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Curb Planet, Inc.	Installing Curb	\$5,115.00	0.25%
2. Work Zone Products, Inc.	Sub-Installing traffic	\$27,761.50	1.34%
3. Environmental Allies, L.P.	Sub-Installing maintain SWPPP	\$13,715.00	0.66%
4. D. Solis Trucking Company	Trucking	\$97,175.00	4.69%
5. Bedo Construction Products, Inc.	Storm	\$103,303.50	4.99%
6. U.S. Fence	Fencing	\$6,969.00	0.34%
7. Angel's Security & Associates	Flagmen	\$40,005.00	1.93%
<b>TOTAL</b>		<b>\$294,044.00</b>	<b>14.20%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. A-1 Hydra Mulch of Texas, Inc.	Pollution Prevention	\$39,182.00	1.89%
2 Paradigm Outdoor Supply ,Inc	Supply PVC material	\$67,258.68	3.25%
<b>TOTAL</b>		<b>\$106,440.68</b>	<b>5.14%</b>

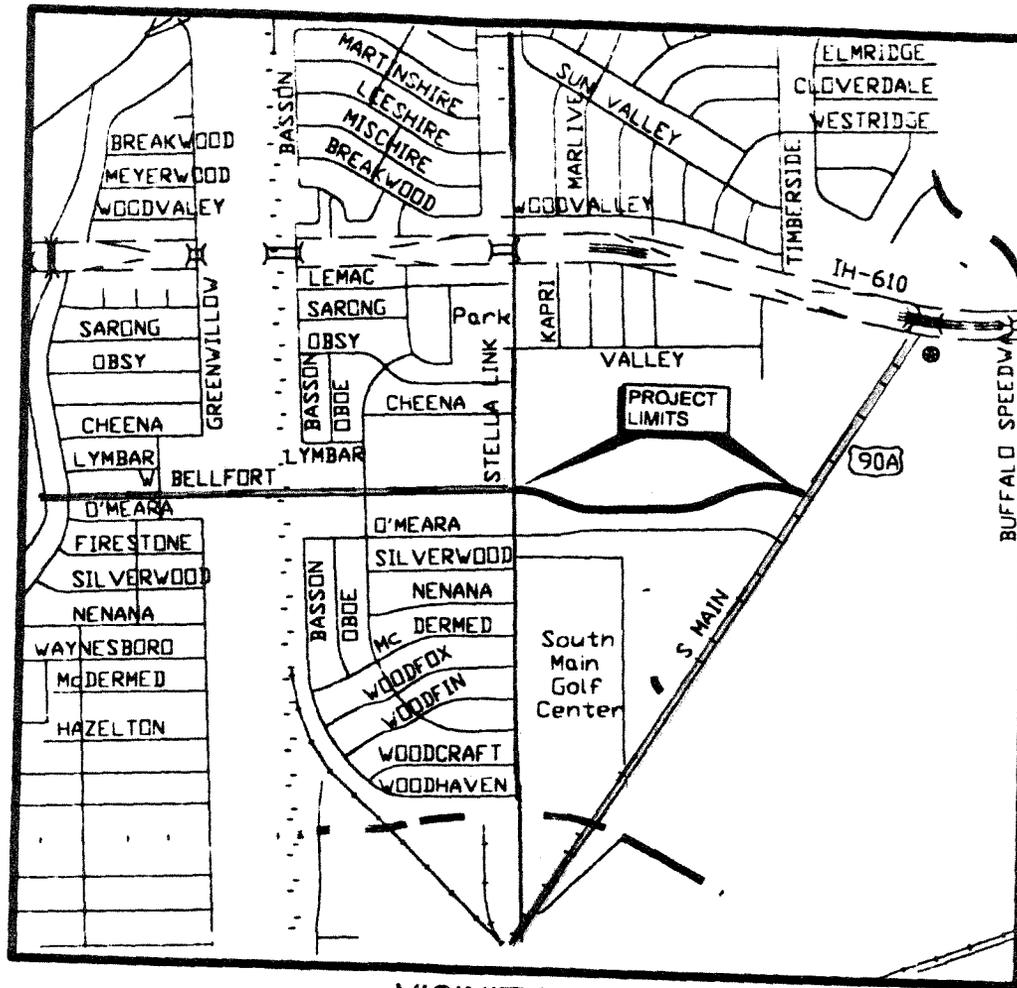
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Reliable Signal & Lighting Solutions, L.L.C	Installing Traffic Signals	\$182,338.00	8.81%
2. Mickie Service Companying, Inc.	Water	\$1,800.00	0.09%
<b>TOTAL</b>		<b>\$184,138.00</b>	<b>8.90%</b>

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

MSM:DWK:RKM:MR:SC:AA

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- c:** Marty Stein  
Susan Bandy  
Velma Laws  
Michael Ho, P.E.



VICINITY MAP

KEY MAP NO 532 S & T  
 GIMS MAP NO 5253A & 5253B  
 COUNCIL DISTRICT C

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Pump & Lift Station Renewal & Replacement - Kingspoint and Torrington Lift Stations. WBS. No. R-000267-0080-4.

Page 1 of 2

Agenda Item # 39

FROM: (Department or other point of origin): Department of Public Works and Engineering

Origination Date: 9/6/07

Agenda Date: OCT 24 2007

DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E. DEE

Council District affected: E

For additional information contact: Reid K. Mrsny, P.E. Phone: 713-837-0452 Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$6,474,100.00 Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project is a part of the City's on going program for Lift Station Renewal & Replacement. Existing sewer system needs increased capacity and expansion.

DESCRIPTION/SCOPE: This project consists of abandonment of Kingspoint and Torrington Lift Stations. Project also includes construction of a new 24-inch sanitary line along Kingspoint Drive and a 10-inch sanitary line along Torrington Lane. The Contract duration for this project is 365 calendar days. This project was designed by S & B Infrastructure, LTD.

LOCATION: Kingspoint Lift Station is located at 10801 Kingspoint Road and Torrington Lift Station is located at 10123 Torrington Lane. The Project is generally bounded by Alameda Genoa Road on the North, Beltway 8 on the south, Gulf Freeway on the East and Blackhawk on the West. The project is located in Key Map Grids 576-P, 576-S, and 576-T.

BIDS: Bids were received on April 12, 2007. The three (3) bids are as follows:

Bidder	Bid Amount
1. BRH-Garver Construction, L.P.	\$5,751,440.00
2. Laughlin - Thyssen, Inc.	\$6,716,675.98
3. George Construction, Inc.	\$6,810,797.20

REQUIRED AUTHORIZATION

20AKH09

F&A Budget:

Other Authorization:

Other Authorization:

Jeff Taylor, Deputy Director Public Utilities Division

Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division

<b>Date</b>	<b>Subject:</b> Contract Award for Pump & Lift Station Renewal & Replacement-Kingspoint and Torrington Lift Stations. W.B.S. No. R-000267-0080-4	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction Contract be awarded to BRH – Garver Construction, L.P. with a low bid of \$5,751,440.00 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$6,474,100.00 to be appropriated as follows:

• Bid Amount	\$ 5,751,440.00
• Contingencies	\$ 287,572.00
• Engineering and Testing Services	\$ 90,000.00
• Project Management	\$ 345,088.00

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

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the M/WBE and SBE goals of 15% and 5% respectively. The Good Faith Efforts by BRH-Garver Construction LP to comply with the goals were reviewed and approved by the Office of Affirmative Action & Contract Compliance.

<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Ocanas Constructors Company	Paving	\$173,627.00	3.02%
2. J. A. Gamez Trucking Services	Trucking	\$48,637.00	0.85%
3. All Points Inspection Services, Inc.	Photography	\$850.00	0.01%
	<b>TOTAL</b>	<b>\$223,114.00</b>	<b>3.88%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Kossman Contracting Co., Inc.	Erosion Control	\$9,422.00	0.16%
2. Shumaker – Harvey Equipment Company, Inc.	Sewer Televising	\$8,334.00	0.14%
	<b>TOTAL</b>	<b>\$17,756.00</b>	<b>0.30%</b>

  
MSM:DWK:RKM:EN:AKH:plm

**c:** Marty Stein  
Susan Bandy  
Velma Laws  
Michael Ho, P.E.  
File No. R-0267-80-3



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

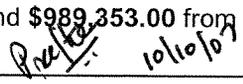
<b>SUBJECT:</b> Contract Award for Rehabilitation of Air Release Valves Package #2A / Relocation of 20-inch Water Line and 36-inch Sanitary Sewer Force Main along Alameda Road (FM 521) at Sims Bayou / Condition Assessment of the South 60-inch Water Transmission Line. WBS No. S-000900-0102-4 / S-000521-0038-4 / R-000521-0038-4 / S-000901-0004-4.	Page 1 of 2	Agenda Item #  40
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> 10-18-07	<b>Agenda Date:</b> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> D, E, I 
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<b>For additional information contact:</b> Reid K. Mrsny, P.E.  Phone: (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b> June 20, 2007; Ordinance No. 2007-0722
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**RECOMMENDATION: (Summary)**  
Accept low bid, award construction contract and appropriate funds.

**Amount and Source of Funding:** Total of \$4,307,400.00 with \$3,318,047.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 and \$989,353.00 from the Water and Sewer Contributed Capital Fund No. 8319. 

**PROJECT NOTICE/JUSTIFICATION:** This project will provide large diameter water line appurtenance rehabilitation and condition assessment support on a 60-inch water transmission line constructed in the 1960's. This project continues the City's effort to make improvements to existing air release valves and vent piping on this transmission line to comply with changes to the Texas Commission on Environmental Quality (TCEQ) rules for Public Water Systems regarding air valve vent piping configurations. The condition assessment work will assist City of Houston efforts to identify and plan future rehabilitation projects for the water line. Additionally, this project will allow for the relocation of the City of Houston's 20-inch water line and 36-inch force main crossing Sims Bayou along Alameda Road as required by an interlocal agreement with the Harris County Flood Control District, which has contributed \$989,353.00 for the relocations.

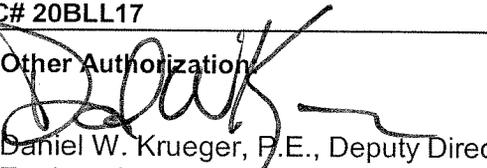
**DESCRIPTION/SCOPE:** Work is comprised of three separate projects: (1) the rehabilitation of various air release valves and service manholes in order to comply with TCEQ and City of Houston requirements; (2) relocation of existing buried 20-inch water line and 36-inch sanitary sewer force main into an aerial crossing; (3) support for Condition Assessment of existing 60-inch water line. The contract duration for this project is 160 calendar days. This project was designed by Lockwood, Andrews and Newnam, Inc.

**LOCATION:** This project extends from the intersection of Baker Drive and Alaska Street to the intersection of Mykawa Road and Dixie Drive along Baker, Ogden, Dixie, Donoho, Doolittle, Calais and Pershing. This project also includes Alameda Road at Sims Bayou. This project is located in Key Map Grids: 533V; 534S,T,U,V; 535M,P,Q,R,S,T; 536J; 572Q.

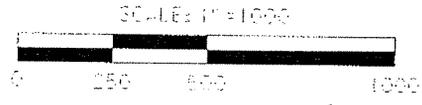
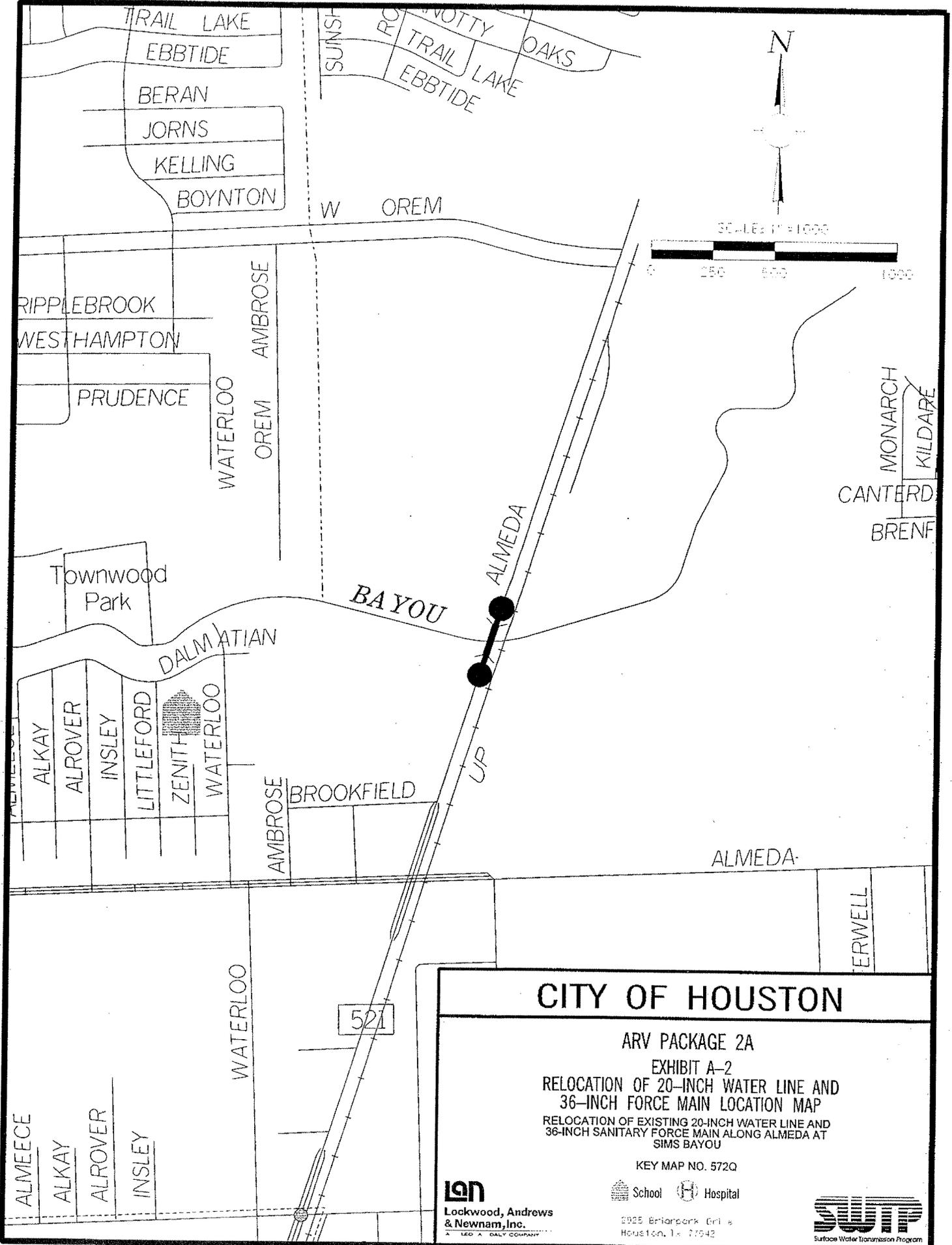
**BIDS:** Bids were received on September 20, 2007. The six (6) bids are as follows:

Bidder	Bid Amount
1. Huff & Mitchell, Inc.	\$3,690,327.00
2. Reytec Construction Resources, Inc.	\$4,197,429.50
3. Texas Sterling Construction Co.	\$4,574,718.75
4. George Construction, Inc.	\$4,646,638.00
5. D.L. Elliot Enterprises, Inc.	\$4,924,443.00
6. Boyer, Inc.	\$5,666,666.66

**REQUIRED AUTHORIZATION** CLIC# 20BLL17

<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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**CITY OF HOUSTON**

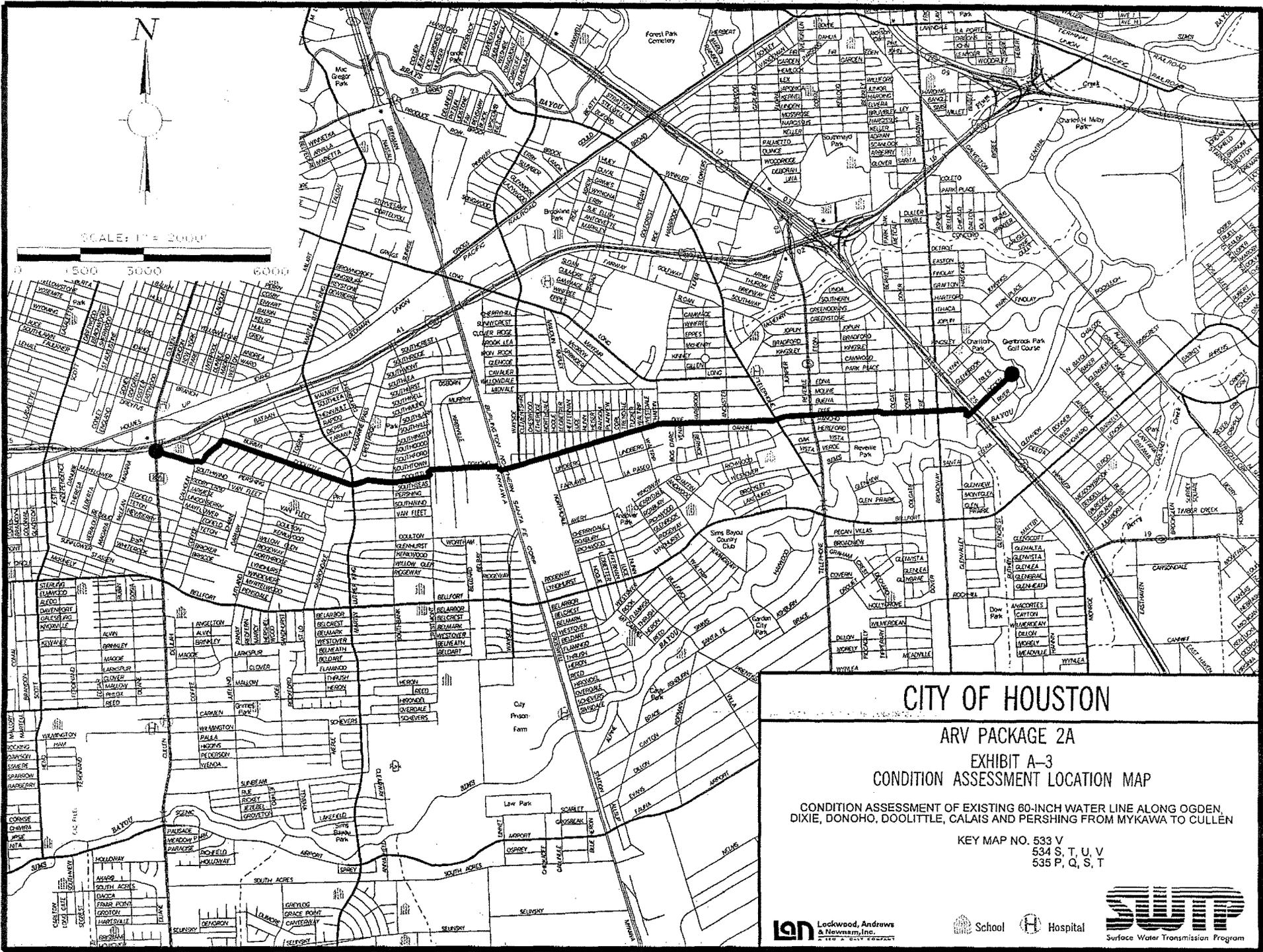
ARV PACKAGE 2A  
EXHIBIT A-2  
**RELOCATION OF 20-INCH WATER LINE AND  
36-INCH FORCE MAIN LOCATION MAP**  
RELOCATION OF EXISTING 20-INCH WATER LINE AND  
36-INCH SANITARY FORCE MAIN ALONG ALMEDA AT  
SIMS BAYOU

KEY MAP NO. 572Q

  
**Lockwood, Andrews  
& Newnam, Inc.**  
A LEAD & CULY COMPANY

 School     Hospital  
 2925 Briarbank Circle  
 Houston, TX 77042

  
Surface Water Transmission Program



# CITY OF HOUSTON

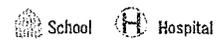
ARV PACKAGE 2A

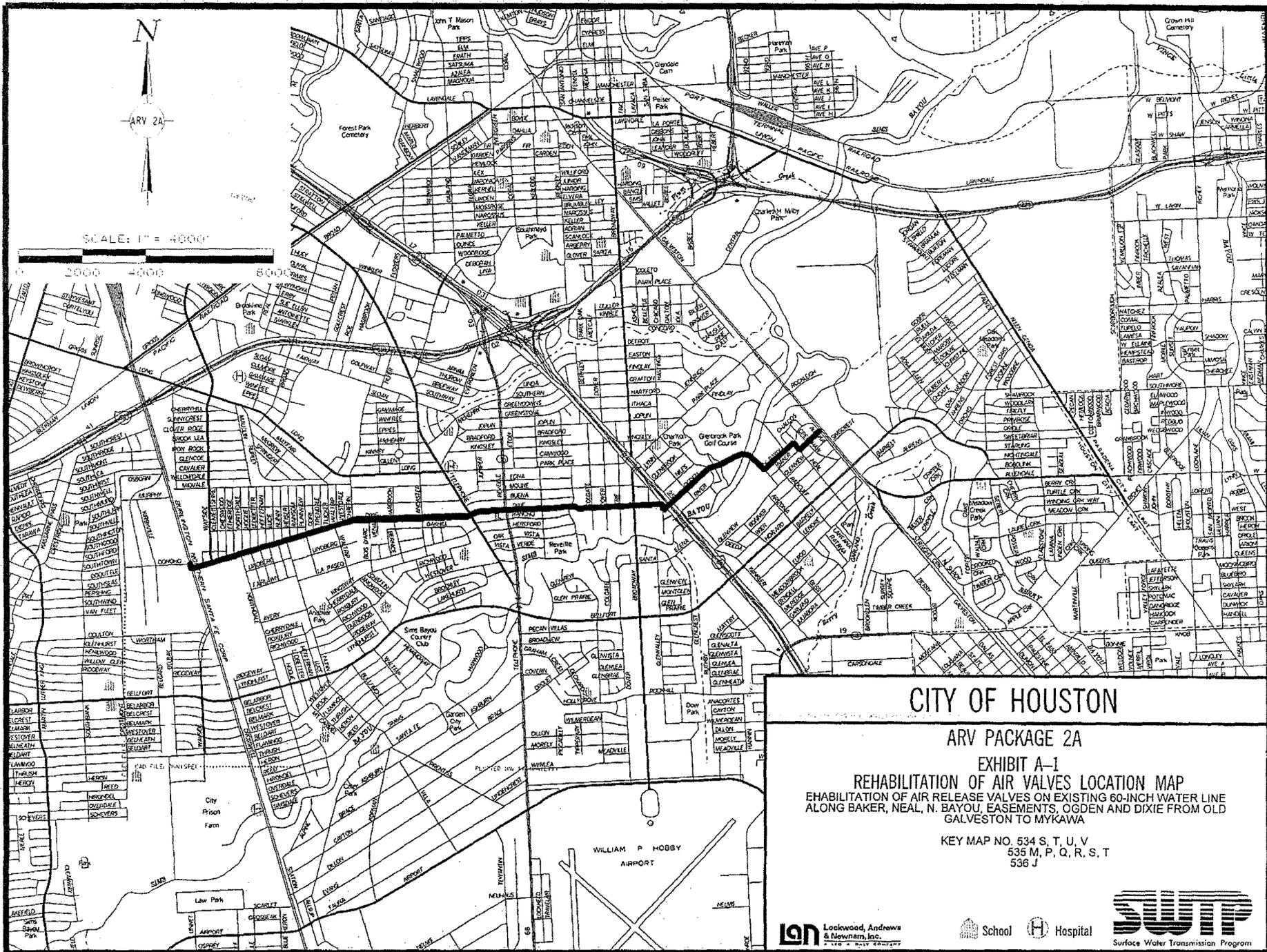
EXHIBIT A-3

CONDITION ASSESSMENT LOCATION MAP

CONDITION ASSESSMENT OF EXISTING 60-INCH WATER LINE ALONG OGDEN, DIXIE, DONOHO, DOOLITTLE, CALAIS AND PERSHING FROM MYKAWA TO CULLEN

KEY MAP NO. 533 V  
 534 S, T, U, V  
 535 P, Q, S, T





# CITY OF HOUSTON

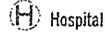
ARV PACKAGE 2A

EXHIBIT A-1

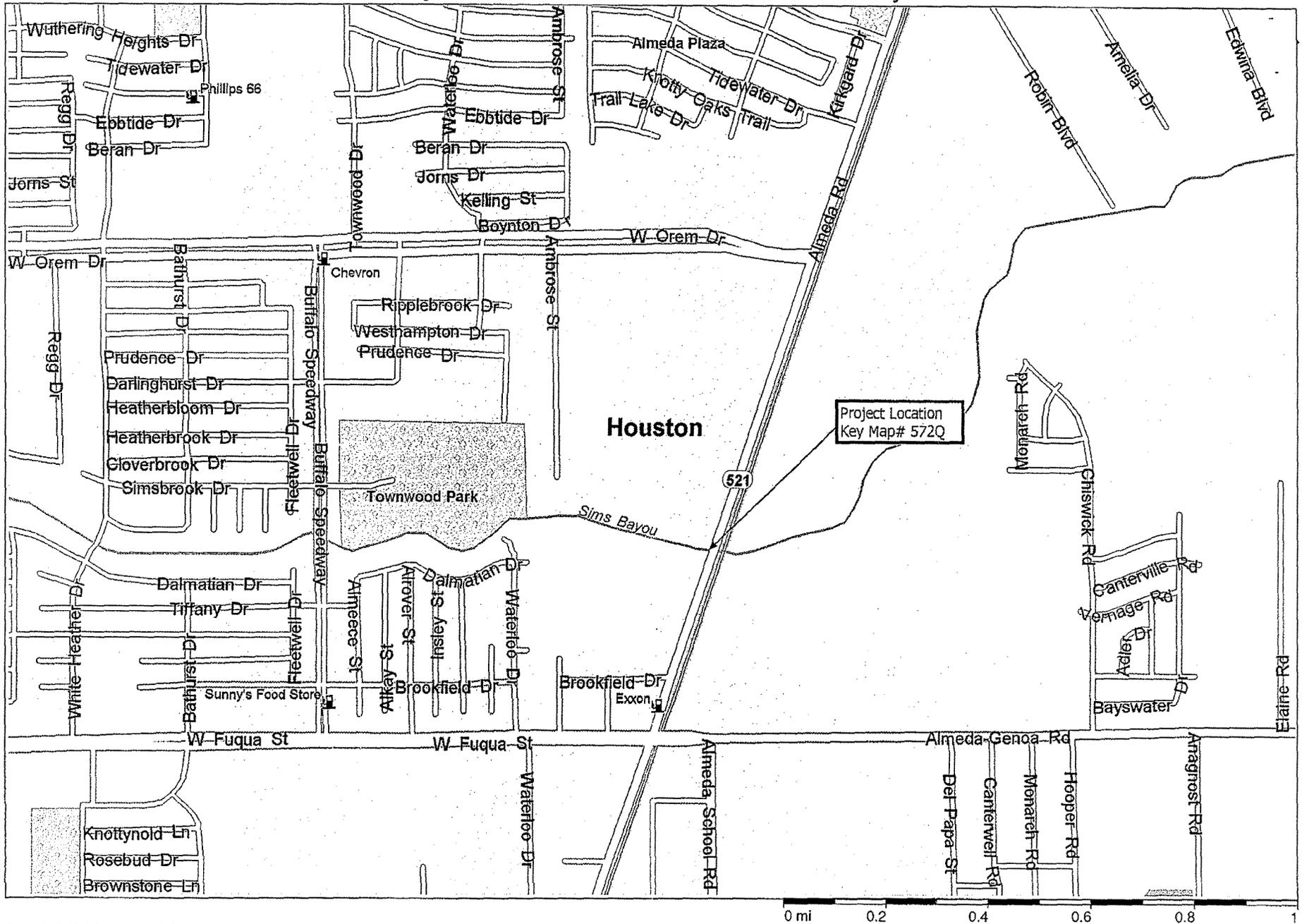
## REHABILITATION OF AIR VALVES LOCATION MAP

EHABILITATION OF AIR RELEASE VALVES ON EXISTING 60-INCH WATER LINE ALONG BAKER, NEAL, N. BAYOU, EASEMENTS, OGDEN AND DIXIE FROM OLD GALVESTON TO MYKAWA

KEY MAP NO. 534 S, T, U, V  
535 M, P, Q, R, S, T  
536 J



# Utility Relocation on Alameda Road @ Sims Bayou





# CITY OF HOUSTON

Legal Department

## Interoffice

Correspondence

To: Anna Russell  
City Secretary

From: Arturo G. Michel  
City Attorney

*AGM* 41  
OCT 24 2007

Date: October 3, 2007

Subject: Frank Aguilar's Appeal to City  
Council from a Decision of the  
General Appeals Board

By the attached memorandum dated July 27, 2007, you have requested advice as to whether an appeal filed by Frank Aguilar regarding the denial of a manufactured home hardship extension by the General Appeals Board ("Board") is timely and may be granted.

The Board denied the extension of Frank Aguilar's manufactured home hardship permit following a hearing held June 28, 2007. Section 112.3 of the Houston Building Code provides that an appeal from a decision of the Board may be perfected by filing a written request with the city secretary within ten days after the date that the written decision of the Board is mailed to the appellant by the Board secretary. Since the Board's written decision was mailed on July 10, 2007, and your date stamp on the request shows filing on July 18, 2007, the appeal is timely.

If you have any questions concerning this memorandum, please advise.

AGM:MNA *(MNA)*

Attachment

cc: Gary Bridges, PWE  
Richard Torres, PWE

G:\GENERAL\MNA\GENAPP\APPMEMO\Aguilar - 2007.wpd

OCT 5 2007  
10:00 AM

**TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION 07-Regency Park Apartments**

<b>SUBJECT:</b> Resolution approving issuance and sale by Houston Housing Finance Corporation of tax-exempt multifamily housing revenue bonds to finance acquisition, construction and equipping of Regency Park Apartments.	Page 1 of 2	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"> <b>Agenda Item #</b>  <div style="font-size: 2em; font-weight: bold; text-align: center;">42</div> </td> <td style="padding: 2px; vertical-align: middle;"> <div style="font-size: 2em; font-weight: bold; text-align: center;">#6</div> </td> </tr> </table>	<b>Agenda Item #</b> <div style="font-size: 2em; font-weight: bold; text-align: center;">42</div>	<div style="font-size: 2em; font-weight: bold; text-align: center;">#6</div>
<b>Agenda Item #</b> <div style="font-size: 2em; font-weight: bold; text-align: center;">42</div>	<div style="font-size: 2em; font-weight: bold; text-align: center;">#6</div>			

<b>FROM (Department or other point of origin):</b> Richard Celli, Director Housing and Community Development Department	<b>Origination Date</b> 09-25-07	<b>Agenda Date</b> OCT 24 2007 <del>OCT 17 2007</del>
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<b>DIRECTOR'S SIGNATURE:</b> <div style="font-size: 1.5em; font-family: cursive; margin-left: 100px;">Richard Celli</div>	<b>Council District affected:</b> CM Wiseman - District E
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<b>For additional information contact:</b> Renee Carrington, Assistant Director Phone: 713-868-8338	<b>Date and identification of prior authorizing Council action:</b> 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 Regency Park Apartments in an amount not to exceed \$14,000,000.

<b>Amount of Funding:</b> There is no City funding or liability.	<b>F&amp;A Budget:</b>
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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. HFI Regency Park Apartments, LP, a Texas limited partnership (the "Borrower"), the general partner of which is HFI Regency Park Development, L.L.C., whose managers are Dwayne Henson and Steve Ford, and whose members are Dwayne Henson Investments, Inc., Resolution Real Estate Services, LLC and JR Mitchell, L.L.C., submitted an application to the Corporation for bond financing to acquire, construct and equip Regency Park Apartments.

Regency Park Apartments is a 252-unit multifamily housing project. It will be located in Council District E, at 10600 Southdown Trace Trail, Houston, Texas 77034. 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. On September 13, 2007, the Texas Department of Housing and Community Affairs approved four percent (4%) Housing Tax Credits for the project. The Bonds will be secured by the Trust Estate as described under the Indenture with respect to the Bonds.

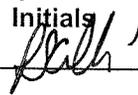
The Borrower is a private, for-profit entity and the project is not exempt from the payment of ad valorem property taxes.

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

Date  
09-25-07

Subject: A Resolution approving issuance of bonds for  
Regency Park Apartments project.

Originator's  
Initials



Page  
2 of 2

On August 21, 2007, the Corporation held a public hearing as required by federal tax law. On September 25, 2007, the Corporation's Board of Directors approval a resolution authorizing the issuance of tax-exempt bonds in an aggregate principal amount not to exceed \$14,000,000.

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. Under the Corporation's Articles of Incorporation and Bylaws City Council approval of the official statement with respect to the bonds is required.

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 October 9, 2007 meeting.

RC:RC

City Secretary  
Mayor's Office  
Legal Department

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

<b>SUBJECT:</b> An ordinance amending Chapter 7 of the Code of Ordinances, Houston, Texas relating to Metal Recycling Entities, Second-Hand Metal Dealers and Second-Hand Dealers	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item</b> #3 #17
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<b>FROM (Department or other point of origin):</b> Harold L. Hurtt, Chief of Police Houston Police Department	<b>Origination Date</b> October 10, 2007	<b>Agenda Date</b> <del>OCT 17 2007</del> OCT 24 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>M.D. [Signature]</i>	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Ceaser Moore, Captain Phone: 713-308-0989	<b>Date and identification of prior authorizing Council action:</b> Ord #79-1036, 6/29/79; Ord 76-271, 2/17/76 Ord #2007-295, 3/21/07
<b>Approved by:</b> <i>[Signature]</i> 10/11/07 Joseph A. Fenninger, Deputy Director Phone: 713-308-1708	

**RECOMMENDATION: (Summary)**  
Approve an ordinance amending Chapter 7 of the Code of Ordinances, Houston, Texas, relating to metal recycling entities, second-hand metal dealers and second-hand dealers.

<b>Amount and Source of Funding:</b> None	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
The Chief of Police recommends that City Council approve an ordinance amending Chapter 7 of the Code of Ordinances, Houston, Texas, relating to metal recycling entities, second-hand metal dealers and second-hand dealers.

Modifications to the ordinance are as follows:

- Sec. 7-58(a)(3)** - This section is amended to exclude the thumbprint impression from the electronic transmission requirement.
- Sec. 7-58(a)(4)** - This is a clerical revision changing a semi-colon to a colon.
- Sec. 7-58(a)(4)** - The forms of acceptable identification that the seller must provide to the dealer under SB 1154 are a driver's license, a state ID, or a U.S. military ID card. This section is amended to reflect those forms of identification.
- Sec. 7-58(a)(11)** - This subsection is added to comply with the requirements of SB 1154 which requires a person selling regulated material to a metal recycling entity to provide documentation evidencing ownership or authority to sell the material or requires the person to sign a written statement saying the same.
- Sec. 7-60(a)** - Subsection (a) is amended to reflect SB 1154 requirements pertaining to the 72 hour hold. The 72 hour holding period does not include weekends or holidays.
- Sec. 7-60(b)** - A new subsection (b) is added to reflect that a peace officer with reasonable suspicion can require an entity to hold material longer than 72 hours, per SB 1154.
- Former Sec. 7-60(b)** - This subsection pertaining to the requirement to tag or label each item maintained for 72 hours is deleted.

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**SUBJECT:** An ordinance amending Chapter 7 of the Code of Ordinances, Houston, Texas relating to Metal Recycling Entities, Second-Hand Metal Dealers and Second-Hand Dealers

**Category #**

**Page**  
2 of 2

**Agenda Item #**

**SPECIFIC EXPLANATION: (Continued)**

8. **Sec. 7-60(c)** - This subsection pertains to the exceptions to the 72 hour holding requirement. It is amended to reflect the exception in SB 1154 which provides that the 72 hour hold is not required if the seller is a business that sells regulated material in the ordinary course of its business.
9. **Sec. 7-60(c)(1)** - Exception (1) under the 72 hour hold, pertaining to items in their original packaging, is omitted because it is not an exception under SB 1154.
10. **Sec. 7-60(c)(2)** - Formerly Subsection (c)(3), is amended by adding that the 72 hour holding period does not apply if the entity verifies that a person has a valid city-issued plumbing or HVAC permit.
11. **Sec. 7-60(c)(3)** - This section is added to provide that a 72 hour hold does not apply if the entity verifies that a person selling material has a state issued professional license or tax identification number.
12. **Sec. 7-62** - This section pertaining to change in business address is amended to provide for a change in business name as well. It provides that an entity must submit a new application and, if applicable, a bond and pay the full license fee. It also provides that the original license must be surrendered to the director upon issuance of the amended license.
13. **Sec. 7-70** - This section is added to provide that it is unlawful for any metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to purchase or receive central air conditioning unit parts from any person offering such property for sale unless the person presents a valid city-issued HVAC permit, state-issued professional license, or a permit issued by the city to a homeowner for the installation, alteration, or repair of an air-conditioning system at a particular address.
14. **Sec. 7-74(n)** - This section is amended to add hours for purchasing materials. State SB 1154 provides that a municipality *may* establish hours during which an entity may purchase regulated material. It also specifically provides that an entity may *not* purchase regulated material from the general public more than 15 consecutive hours in one day or later than 9 p.m. As recommended by F&A, Sec. 7-73(n) provides that a recycling entity or secondhand metal dealer may only purchase from the general public on Monday through Friday between 6 a.m. and 7 p.m., and Saturday between 9 a.m. and 5 p.m.

HLH:MD:CM:tkc

17  
OCT 17 2007

**REDLINE**

**"ARTICLE III. METAL RECYCLING ENTITIES, SECONDHAND METAL DEALERS AND SECONDHAND DEALERS**

**Sec. 7-51. Definitions.**

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

*Building construction materials* means copper pipe, tubing, or wiring, aluminum wire, aluminum siding, plumbing supplies, electrical supplies, window glass, window frames, doors, door frames, downspouts, gutters, lumber, air conditioning units and other similar materials.

*Chief of police* means the chief of police for the City of Houston and such persons as he may designate to perform his duties under this article.

*Clear thumbprint impression* means an intentional recording of the friction ridge detail on the volar pads of the thumb.

*Director* means the director of the finance and administration department or his designee.

*Licensee* means a person who holds a license to conduct business as a scrap metal processor or secondhand dealer.

*Metal recycling entity* means anyone, who from a fixed location engages in the business of utilizing machinery or equipment for the processing of or manufacturing of iron, steel or nonferrous metallic scrap and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for remelting purposes.

*Minor* means any person under 18 years of age.

*Real-time electronic web-based database* means an electronic filing system in which data is organized by fields and records and that is capable of transmitting a file or responding to input immediately via the internet.

*Scrap metal* means a direct product or byproduct of any form of a manufactured, shaped, or processed iron, steel, aluminum, brass, copper, lead, tin, zinc, or other nonferrous metallic material.

*Secondhand metal dealer* means a person who operates or maintains a scrap metal yard or other place in which used or previously purchased metal items or scrap metal is collected or kept for shipment, sale, or transfer.

*Secondhand dealer* means anyone who engages in the business of buying, selling, trading or otherwise dealing in used items, other than metal items.

*Show* means any display and offering of used items for sale or trade by more than one dealer at a single location.

*Used* means any items, goods, products, wares, chattels, or articles of any sort which have previously been owned by someone other than the manufacturer, or a dealer whose business it is to sell such items, goods, products, wares, chattels, or articles when new to the consumer.

**Sec. 7-52. Article inapplicable to automotive dealers.**

This article shall not apply to businesses licensed as automotive dealers under chapter 8, article II of this Code or pawnshops as defined by state law.

**Sec. 7-53. Administrative rules.**

The director and the chief of police shall promulgate rules and regulations to administer the provisions of this ordinance. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary, the office of the chief of police and the office of the director. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law. Failure to comply with any of the promulgated rules or regulation established under this subsection shall be grounds for the revocation of or the refusal to issue or renew any license required of the owner or operator of a metal recycling, secondhand metal or secondhand business under this Code. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

**Sec. 7-54. License required; posting of license.**

No person shall operate as a metal recycling entity, secondhand metal dealer, or secondhand dealer or own any such business without a license as herein provided. Any person who engages in more than one business described herein at the same location must obtain a license only for his principal business activity and not for the other businesses. The provisions of section 7-58, requiring that certain records be kept, apply to all businesses carried on at a single location. A separate license shall be required for each permanent location of any such business. The license shall be posted in a conspicuous place upon the licensed premises.

**Sec. 7-55. Bond.**

(a) The director shall require that an applicant for a metal recycling entity or secondhand metal dealer license file a bond with the application. The bond must be:

- (1) Satisfactory to the director;
- (2) In the amount of \$5,000 for each license;
- (3) Issued by a surety qualified to do business in this state; and
- (4) Valid at the time of the application and remain in effect during the entire term of the license.

(b) The aggregate liability of the surety may not exceed the amount of the bond.

(c) The bond must be in favor of the city for the use of the city and the use of a person who has a cause of action under this article against the metal recycling entity or secondhand metal dealer.

(d) The bond must be conditioned on:

- (1) The metal recycling entity's or secondhand metal dealer's compliance with this article and rules adopted under this article; and
- (2) The payment of all amounts that become due to the city or to another person under this article.

**Sec. 7-56. Application for and issuance or refusal of license.**

(a) Any person desiring a license required by this article shall make application therefor in writing to the director on an application form provided for that purpose. On the application the applicant shall set forth:

- (1) The full name and residential address of the applicant;
- (2) A statement indicating whether the applicant is a citizen of the United States or an alien legally residing in the United States;
- (3) The applicant's social security number or business' federal tax identification number;
- (4) The full name and address of each partner if the applicant is a partnership;
- (5) The full name and address of each officer and director if the applicant is a corporation;
- (6) The fixed and permanent location where the business is to be conducted and proof of his ownership of the private property or a written statement including the name, address and telephone number of the property owner or authorized agent, granting permission for operation of the business at the proposed location where his business 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 one of the principals prior to issuance of any license;
- (7) The regular days and hours of operation;
- (8) The applicant's date of birth, place of birth, and each address where he has resided in the five years immediately preceding his application;
- (9) A statement of whether the individual applicant, any partner in a partnership, or any officer or director of a corporation, has been arrested, charged, or convicted for any criminal offense in this state or any other state or country. If he has been arrested or jailed for any such offense, he shall set out the offense for which he was arrested, jailed, or imprisoned, the date of the arrest or confinement, and the place, court

and case number of the case.

- (10) A statement that neither he nor any business partner, nor, in the case of a corporation, any corporate officer or director, has had a license under this chapter or any preceding city ordinance governing the businesses described herein revoked;
- (11) The signature of the applicant;
- (12) A sworn and notarized statement that all matters stated in the application are true and correct;
- (13) Evidence that he is at least 18 years of age by presentation of valid identification, including a photograph showing the face of the applicant, in the form of:
  - a. A current driver's license from Texas or another state within the United States;
  - b. An identification card issued by the Texas Department of Public Safety; or
  - c. ~~A current passport~~ United States military identification card;
- (14) Such other information as the director finds relevant.
  - (b) The director shall review and approve the application and issue a license unless he finds:
    - (1) The information provided in the application is incomplete, materially false or incorrect or the applicant has failed in any material way to comply with this article and applicable rules and regulations; and
    - (2) The applicant has had a license revoked during the preceding one year period.
  - (c) In the event that the director rejects or refuses to issue an application, the provisions of section 7-75 shall apply.

**Sec. 7-57. License fees; use of license at shows.**

- (a) The license fee for a metal recycling entity, a secondhand metal

dealer or a secondhand dealer with any permanent place of business within the city shall be \$250 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

(b) Each licensee with a permanent business location in the city may use the license for that business when attending shows at other locations in the city.

(c) Any dealer described herein who desires to sell items at shows in the city, but who does not maintain a permanent place of business in the city, must apply for and secure a license for each location. License fees for shows shall be \$10 per day.

(d) Notwithstanding any other provisions of this article, the license fee shall be \$50 yearly for any secondhand dealer who deals exclusively in:

- (1) Used books, magazines and other printed documents;
- (2) Used phonographic records, magnetic audio tapes, audio discs or other recordings of sound which do not include recordings of visual images; and/or
- (3) Used items of clothing, except those made in whole or in part from fur, but not in any other items, goods, products, wares, clothes or articles which are subject to regulation under this article. The said license fee shall be paid prior to the issuance of the license or renewal thereof.

A license issued under this subsection shall be conspicuously marked to indicate that the business is authorized to deal only in the items listed in this subsection.

**Sec. 7-58. Records required to be kept by metal recycling entities, and secondhand metal dealers.**

(a) The provisions of this section apply to all businesses carried on at a single location. With the exception of the sale or transfer of aluminum cans, a metal recycling entity or secondhand metal dealer shall keep at his place of business a record in a real-time electronic web-based database, in a form and method approved by the chief of police, in which he shall enter daily, in English, a full description of each transaction in which personal property is purchased or otherwise received at his place of

business. Such description shall include:

- (1) The date and time of receipt of any item;
- (2) The full name and current address of the person or place of business from whom each item was received;
- (3) A clear thumbprint impression of the person from whom each item is received, which shall be excluded from the requirement for electronic transmission set forth in subsection (b) of this section but shall be maintained by the metal recycling entity or secondhand metal dealer for not less than 3 years and made available to the director in accordance with rules promulgated by the director for administration of this article and peace officers in accordance with rules promulgated by the chief of police for administration of this article;
- (4) Verified evidence that the person transferring, selling or otherwise giving the items is at least 18 years of age by presentation of valid identification, including a photograph of the face of person transferring, selling or otherwise giving the item, in the form of:
  - a. A current driver's license from Texas or another state within the United States;
  - b. An identification card issued by the Texas Department of Public Safety; or
  - c. A ~~current passport.~~ United States military identification card.
- (5) A description of the motor vehicle and/or trailer or other mode of transportation in or on which each item received was carried to, delivered or transported to the metal recycling entity, secondhand metal dealer, or secondhand dealer's place of business, including state and license plate number, if applicable;
- (6) The individual transaction number assigned by the licensee to each item received;
- (7) A description of the items received as part of the transaction including, where customary in the business, the size, weight,

material, length, capacity, and any other designations or descriptions customarily employed in the sale and purchase of such items;

- (8) A digital photograph of each item received;
- (9) If the item received is a junked, abandoned or wrecked automotive vehicle, documentation of ownership and any other information required for receipt of such vehicles as provided in state or federal laws or regulations and any provision of this Code;
- (10) The name or employee number of the employee who facilitates or conducts the transaction; and
- (11) Whether the person either:
  - a. Presented a written document evidencing that the person is the legal owner or is lawfully entitled to sell the regulated material; or
  - b. Signed a written statement that the person is the legal owner of or is lawfully entitled to sell the regulated material offered for sale.

(b) The real-time electronic web-based database described in subsection (a) of this section shall be created and maintained by the police department. The metal recycling entity, or secondhand metal dealer shall forward the required record and descriptions set forth in subsection (a) of this section, excluding the thumbprint, to the police department electronically to the designated police department web site before the close of business on each day on which the metal recycling entity or secondhand metal dealer is open for business. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

(c) The metal recycling entity or secondhand metal dealer, his agents or employees shall obtain a consecutively numbered receipt from the seller or transferor of the property. Such receipt shall be dated on the actual date of the transaction and shall list the items sold or otherwise transferred. A printed version of the record input and transmitted to the real-time electronic web-based database as described in this section shall

satisfy this requirement. An accurate copy or record of receipts obtained shall be retained for a period of not less than three years.

(d) A metal recycling entity or secondhand metal dealer shall, upon request, submit and exhibit the various business records that are required to be maintained under this section for inspection or copying by any peace officer or authorized inspector of the director. Failure to maintain or to so permit the examination or copying of such records when requested shall be a misdemeanor.

(e) Each transaction shall be recorded via video device, and each recording medium shall be maintained for a period of one year from the date of the latest transaction recorded thereon. A metal recycling entity or secondhand metal dealer shall post a notice in each place of business regarding the recording of the transaction via video device pursuant to specifications established by the director and the chief of police. The director shall specify the information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-59. Stock to be open for examination.**

The stock or inventory of any metal recycling entity, secondhand metal dealer, or secondhand dealer that is openly displayed and available to the public shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the director's office. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-60. Articles placed on hold to be retained at least 72 hours; tag; exceptions.**

(a) ~~72-hour hold.~~ Notwithstanding the provisions of subsections (b) and (c) of this section, No metal recycling entity, or secondhand metal dealer shall sell, dismantle, deface or in any manner alter or dispose of any item purchased or otherwise received by him at his licensed place of business for 72 hours after receipt, excluding weekends and holidays. provided that he is not required to keep aluminum cans for more than 24

hours. During such 72-hour period, all items of property shall be stored or displayed at the dealer's business location, in the exact form received, and in a manner so as to be identifiable from the description entered in the database. Such property shall not be kept in such a manner so as to prevent or impede its examination.

(b) A peace officer who has reasonable suspicion to believe that an item of regulated material in the possession of a metal recycling entity or a secondhand metal dealer is stolen may place the item on hold in the manner provided by Section 1956.037 of the Occupations Code.

~~Tag. In addition to the requirements set forth in subsection (a) of this section, a metal recycling entity or secondhand metal dealer shall affix or otherwise attach a tag or label to each item maintained for a minimum of 72 hours under the provisions of this section that includes the date of receipt of the item to which the tag or label is attached, the name and address of the person or place of business from whom such item was received, and the corresponding individual transaction number from the database maintained under section 7-58 of this chapter. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.~~

(c) Exceptions. A metal recycling entity is not required to comply with the provisions of this section if the metal recycling entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has one of the following licenses or permits to establish that he is a manufacturing, industrial, commercial, retail, or other seller that sells regulated material in the ordinary course of its business:

- ~~(1) The metal items are not in their original packaging, in which case the metal recycling entity must comply with section 7-67 of this Code, and~~
- ~~(2) The metal recycling entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has a A valid city-issued metal recycling entity or secondhand metal dealer license, which the metal recycling entity or secondhand metal dealer shall record by photocopying the license or recording the license number in connection with the sale and maintain for a period of not less than three years; or~~

~~(3)(2) The metal recycling entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has a A valid city-issued construction, demolition, or electrical, plumbing or heating, ventilation, air conditioning (HVAC) permit, which the metal recycling entity or secondhand metal dealer shall record by photocopying the permit or recording the project number located on the permit in connection with the sale and maintain for a period of not less than three years. or~~

~~(3) A valid state-issued professional license or a sales tax identification number issued by the Texas Comptroller which the metal recycling entity or secondhand metal dealer shall record by photocopying the license and tax identification number, or recording the license number and tax identification number in connection with the sale and maintain for a period of not less than three years.~~

**Sec. 7-61. Purchasing or receiving goods of minors.**

(a) No metal recycling entity, secondhand metal dealer, or secondhand dealer shall purchase or otherwise receive in the course of his business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless:

- (1) The minor is accompanied by his parent or guardian, who shall state in writing, that such transaction is taking place with such parent's or guardian's full knowledge and consent; or
- (2) The only items offered for sale by the minor are aluminum cans.

(b) It shall be the duty of such metal recycling entity, secondhand metal dealer, or secondhand dealer to preserve and keep on file, and available for inspection, such written statements of consent for a period of not less than three years.

**Sec. 7-62. Change in business name or address.**

Should any licensee change the name of his business or move his place of business from the place designated in such license to a new address, he shall immediately give written notice make application to the director for a new license and pay the full license fee. If the new site and surety bond, if applicable, are approved by the director, a new license

reflecting the new business name or address shall be issued. and have the change noted on his license. A fee of \$2 payable to the director is hereby levied for such change. The original license must be surrendered to the director at the time the amended license is issued to the licensee.

**Sec. 7-63. Revocation of license on verified complaint.**

(a) Upon written verified complaint filed by any person with the director setting out facts alleging that any licensee under this article has, since the license was granted, violated the provisions of this chapter or any health regulation of the city or the state, or any state or federal statute involving the criminal offense of theft, or the provisions of section 37.09 or 37.10 of the Texas Penal Code or that the licensee falsified his original application for a license, the director shall investigate the allegations.

(b) Such complaints shall be investigated, heard, determined, and shall be subject to appeal as provided in section 7-25 as applicable to antique dealers.

**Sec. 7-64. Acceptance of property suspected stolen; peace officer requested holds; violation.**

(a) It shall be the duty of every metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to report immediately to the police department, by filing a formal complaint, any offer to sell to the metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, property that such metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. Such metal recycling entity, secondhand metal dealer or secondhand dealer, his agents, or employees, shall also report any property acquired by the metal recycling entity, secondhand metal dealer or secondhand dealer that the metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, subsequently determine or reasonably suspect to be stolen property, and the metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, shall furnish such other information as might be helpful to the police in investigating the matter.

(b) Notwithstanding the provisions of section 7-60 of this article, it shall be the duty of every metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to hold all suspected stolen property in a secure place for 60 days upon request by a peace

officer. The metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees, may not process or remove the property from the dealer's or entity's premises before the sixtieth day after receipt of the request from a peace officer to hold the property unless:

- (1) The item is released into a peace officer's care, custody and control at an earlier time;
- (2) A peace officer releases the hold on the property upon an earlier date;
- (3) A peace officer makes a written request to extend the holding period for up to 24 months from the date the request is received; or
- (4) A court orders release of the property.

(c) Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-65. Acceptance of building construction materials.**

(a) It shall be unlawful for any metal recycling entity or secondhand metal dealer to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material received by him at his licensed place of business unless he complies with the provisions of sections 7-58 through 7-62 and 7-64 of this Code.

(b) It shall be unlawful for any metal recycling entity or secondhand metal dealer to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material received by him at his licensed place of business unless prior to receiving, selling, dismantling, defacing or in any manner altering or disposing of any building construction material, the metal recycling entity or secondhand metal dealer:

- (1) Records, along with the description of the property, the serial number, or other identifying characteristics of each part or piece of building construction material; and
- (2) Obtains a written, signed statement from the seller attesting

to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

**Sec. 7-66. Government or utility property.**

(a) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, on which are written or affixed the words "Property of the City of Houston" or other words or markings demonstrating ownership by the city except in the following circumstances:

- (1) Where the person offering such property for sale is an employee of the city authorized by the director to make such a sale and provides the metal recycling entity or secondhand metal dealer, his agents or employees, his agents or employees with a written authorization from the city treasurer for the sale of such property; or
- (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the director evidencing the purchase of such property by the person offering such property.

(b) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property that is marked with any form of the name or initials of a governmental agency, including but not limited to the State of Texas and the United States of America and their agencies and political subdivisions or that the metal recycling entity or secondhand metal dealer, his agents or employees know or should reasonably be expected to know belongs to a governmental agency, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, except:

- (1) Where the person offering such property for sale is an employee of the governmental agency authorized by that agency to make such a sale and provides the metal recycling entity or secondhand metal dealer, his agents or employees with a written authorization from the agency for the sale of such property; or

- (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the governmental agency evidencing the purchase of such property by the person offering such property.

(c) It shall be unlawful for any metal recycling entity or secondhand metal dealer, his agents or employees to purchase or receive an item of property that is marked with any form of the name or initials of an electrical, telephone, cable, or other public utility company or that the metal recycling entity or secondhand metal dealer, his agents or employees know or should reasonably be expected to know belongs to a public utility unless the person offering such property for sale presents at the time of such offer a valid receipt from the public utility company evidencing the purchase of such property by the person offering such property.

**Sec. 7-67. Acceptance of property in original packaging.**

It shall be unlawful for any metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to purchase or receive an item of property in its original packaging unless the person offering such item presents a receipt or proof of purchase for that property.

**Sec. 7-68. Acceptance of property inscribed with company name.**

It shall be unlawful for any metal recycling entity or secondhand metal dealer, or his agents or employees, to purchase or receive an item of property that is marked with any form of the name or initials of a private company or that the metal recycling entity or secondhand metal dealer knows or should reasonably be expected to know belongs to a private company unless the person offering such property for sale presents at the time of such offer a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

**Sec. 7-69. Acceptance of property delivered by shopping cart.**

It shall be unlawful for any metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to purchase or receive an item of property that is transported to the metal recycling entity, secondhand metal dealer or secondhand dealer's place of business by a shopping cart that is marked with any form of the name or initials of a private company or that the metal recycling entity, secondhand metal dealer or secondhand dealer knows or should reasonably be expected to know belongs to a private company unless the person operating the

shopping cart presents at the time of transportation of property to the metal recycling entity, secondhand metal dealer or secondhand dealer presents a valid receipt from the owner of the shopping cart evidencing the purchase of the shopping cart by the person operating the shopping cart.

**Sec. 7-70. Acceptance of air conditioning unit parts.**

It shall be unlawful for any metal recycling entity, secondhand metal dealer or secondhand dealer, his agents or employees to purchase or receive any central air conditioning unit parts from any person offering such property for sale unless the person presents a valid city-issued HVAC permit, state-issued professional license, or a permit issued by the city to a homeowner for the installation, alteration, or repair of an air-conditioning system at a particular address. This provision shall not apply to window air conditioning units.

**Sec. 7-7071. Exemptions--From license fee.**

An organization engaged in a business described herein, but which has qualified as nonprofit and which is exempt from taxation under the provisions of Section 501(c)(3) of Title 26 (Internal Revenue Code) of the United States Code, must obtain a license as required herein; provided, however, that such organization shall be exempt from paying the license fee required herein. All other provisions of this article apply to such organizations.

**Sec. 7-7472. Inapplicability of certain chapter provisions.**

Notwithstanding any other provision of this article that might be construed to the contrary, the provisions of sections 7-58 and 7-60 of this Code shall not be applicable to the sale, receipt, transfer or holding of:

- (1) Used books, magazines and other printed documents;
- (2) Used phonograph records, magnetic audio tapes, audio discs or other recordings of sound which do not include recordings of visual images; and
- (3) Used items of clothing, except those made in whole or in part from fur.

**Sec. 7-7273. Operation of yards used by secondhand dealers.**

- (a) *Compliance.* All lots or tracts of land used for the purpose of

carrying on the business or trade of a secondhand dealer or used for open storage by a secondhand dealer shall comply with the requirement of this section.

(b) *Removal of flammable liquids from vehicles.* All gasoline, gasohol and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is placed in any yard owned or operated by a secondhand dealer. All flammable liquids drained from any vehicle shall be stored in a safe manner and in strict accordance with the city Fire Code.

(c) *Fencing, wall requirements.* Every yard owned or operated by a secondhand dealer within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of such yard which extends generally parallel to, and within 100 feet of any public street right-of-way shall be bounded by a solid fence or wall at least eight feet in height.
- (2) All sides of such yard not included in item (1) above shall be bounded by a solid fence or wall at least six feet in height.
- (3) The term "solid" as used herein shall mean constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

(d) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side shall be bounded by a fence or wall constructed of only one of the above materials.
- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.

- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(e) *Use of wall, door of building as part of fence or wall.* Any part of a fence or wall required by subsection (c) hereof may consist, in whole or in part, of a solid wall and door, or walls and doors of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.

(f) *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to such yards shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal daytime business hours.

(g) *Use of premises outside enclosure.* It shall be unlawful for any owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom or any other new or used metal materials outside of or above the herein required fence or wall.

(h) *Arrangement of materials.* All automotive vehicles, parts and other materials located in or on the premises of any yard owned or operated by a secondhand dealer in the city shall be so arranged to allow reasonable access to, and inspection of, the premises by authorized fire, neighborhood protection and police officials of the city.

(i) *Control of vegetation.* It shall be unlawful for the owners or operators of any yard used by a secondhand dealer to allow grass or other vegetation to grow to a height of more than nine inches above the ground.

(j) *Compliance with regulations and ordinances.* All yards used by a secondhand dealer must at all times be in full compliance with all city ordinances regarding health and safety, including specifically, without limitation, all requirements of the Fire Code.

(k) *Improved surface.* All lots or tracts of land used as a yard by a secondhand dealer must have an all-weather surface of concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, shell, slag or other hard fill surface and appropriate drainage.

(l) *Storage of materials.* Any materials stored in a yard owned and operated by a secondhand dealer must be stored at least six inches above

the improved surface of the yard. The requirements of this subsection shall not apply to any materials stored wholly inside a building.

(m) *Violations and penalties.* Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a secondhand dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

**Sec. 7-7374. Operation of yards used by metal recycling entities and secondhand metal dealers; hours for purchasing materials.**

(a) *Compliance.* All lots or tracts of land used for the purpose of carrying on the business or trade of metal recycling entities or secondhand metal dealers shall comply with the requirement of this section.

(b) *Removal of flammable liquids from vehicles.* All gasoline, gasohol and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is placed in any yard owned or operated by a metal recycling entity or secondhand metal dealer in the city. All flammable liquids drained from any vehicle shall be stored in a safe manner and in strict accordance with the city Fire Code.

(c) *Fencing, wall requirements.* Every equipment and inventory storage and processing yard owned or operated by a metal recycling entity or secondhand metal dealer within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of such yard which extends generally parallel to, and within 100 feet of any public street right-of-way shall be bounded by a solid fence or wall at least six feet in height.
- (2) All sides of such yard not included in item (1) above shall be bounded by a solid fence or wall at least six feet in height.
- (3) The term "solid" as used herein shall mean constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

(d) *Construction, maintenance of fence or wall.* Every fence or wall

herein required shall be constructed and maintained in good repair as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side shall be bounded by a fence or wall constructed of only one of the above materials.
- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(e) *Use of wall, door of building as part of fence or wall.* Any part of a fence or wall required by subsection (c) hereof may consist, in whole or in part, of a solid wall and door, or walls and doors of any completely enclosed building on said premises, if such wall or door meets all construction requirements hereinabove set forth.

(f) *Gates at openings in enclosure.* Openings in the prescribed enclosure which are necessary to permit reasonable access to such yards shall be equipped with a gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Such gates shall be closed and securely locked at all times except during normal business hours.

(g) *Use of premises outside enclosure.* It shall be unlawful for an owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom or any other new or used metal materials outside of the herein required fence or wall.

(h) *Arrangement of materials.* All automotive vehicles, parts and other materials located in or on the premises of any yard owned or operated by a metal recycling entity or secondhand metal dealer in the city shall be so arranged to allow reasonable access to, and inspection of, the premises by authorized fire, health and police officials and the neighborhood protection official of the city. No materials shall be stored at

a height greater than six feet within ten feet of the fence required herein.

(i) *Control of vegetation.* It shall be unlawful for the owners or operators of any yard used by a metal recycling entity or secondhand metal dealer to allow grass or other vegetation to grow to a height of more than nine inches above the ground.

(j) *Compliance with regulations and ordinances.* All yards used by a metal recycling entity or secondhand metal dealer must at all times be in full compliance with all city ordinances regarding health and safety, including specifically, without limitation, all requirements of the city Fire Code.

(k) *Improved surface.* All lots or tracts of land used as a yard by a metal recycling entity or secondhand metal dealer must have an all-weather surface of concrete, asphalt, black-top, stone, macadam, limestone, iron ore, gravel, shell, slag or other hard fill surface and appropriate drainage. This subsection shall not include those areas of a yard which are utilized for purposes of inventory storage and processing.

(l) *Vector and rodent control.* Any materials stored in a yard owned and operated by a metal recycling entity or secondhand metal dealer must be stored at in a manner which will allow adequate vector and rodent control measures. An owner or operator shall provide for vector and rodent control at least once within a 90-day period or more frequently as needed.

(m) *Violations and penalties.* Failure to comply with any provisions of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity or secondhand metal dealer under this Code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this Code.

(n) A metal recycling entity or secondhand metal dealer may only purchase regulated material from the general public on Monday through Friday between the hours of 6:00 a.m. and 7:00 p.m. and Saturday between the hours of 9:00 a.m. and 5:00 p.m.

**Sec. 7-7475. Rejection; refusal to renew; revocation; hearing; penalty.**

(a) *Grounds for rejection, refusal to renew or revocation.* The director may reject an original application, or an application for a renewal of any existing license, if, as a result of inspections by the police department, the finance and administration department, or other city

department, it appears that the applicants' place of business is not in compliance with or violates any provision of this article. Failure to comply with any provisions of this Code shall be grounds for the rejection of an original application, renewal or revocation of any license required of a metal recycling entity, secondhand metal dealer or secondhand dealer under this article. Any person violating any provision of this article shall be punished as provided by section 1-6 of this Code.

(b) *Notice.* If the director rejects an application, refuses to renew or revokes any license issued under this article to a metal recycling entity, secondhand metal dealer or secondhand dealer for failure to comply with any provision of this article, the director shall give written notice by certified mail to the applicant at the address stated in the application of the metal recycling entity, secondhand metal dealer or secondhand dealer. The written notice shall specifically set forth the reasons for the rejection, refusal or revocation.

(c) *Appeal.* The metal recycling entity, secondhand metal dealer or secondhand dealer shall have 30 days from the date of the mailing of the notice of rejection, refusal or revocation of his license to appeal the rejection, refusal or revocation of the license to the director. Upon receipt of such notice, the director shall notify the metal recycling entity, secondhand metal dealer or secondhand dealer of the date and time of the hearing, to be held at the earliest time practicable.

(d) *Hearings.*

- (1) All hearings shall be held before a hearing officer appointed by the director, who shall not designate any person to perform the duties of hearing officer under this section who has prior knowledge of the circumstances regarding the rejection, refusal, or revocation of the license. The hearing officer may, prior to the hearing, receive a copy of the notice given to the applicant or license holder.
- (2) An assistant city attorney may be present at the hearing to advise the hearing officer as to procedural matters; however, the attorney shall not participate in any determination of the facts.
- (3) All hearings shall be conducted under rules established by the director that are consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:
  - a. All parties shall have the right to representation by an

attorney licensed to practice in Texas though an attorney is not required.

- b. Each party may present witnesses in his own behalf.
  - c. Each party has the right to cross examine all witnesses.
  - d. Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.
- (4) The hearing officer may affirm or reverse a license rejection, refusal to renew or a license revocation. The decision of the hearing officer shall be final and shall be delivered in writing to the applicant or license holder in the same manner as a notice under subsection (b) of this section.

**Sec. 7-7576. Abatement of operations for unlawful operation of a metal recycling, secondhand metal, or secondhand business.**

(a) *Declaration; notice.* The continued ownership and operation of or engaging in a business that participates in buying, selling, trading or otherwise dealing in new or used metal in violation of this article is declared to be a public nuisance where (1) the metal recycling entity, secondhand metal dealer or secondhand dealer is convicted three or more times for violations under this article in a 24 month period, (2) the director finds and determines that the owner or operator habitually violates the provisions of this article and that issuance of citations and subsequent convictions for violations of this article are no longer adequate remedies to address unlawful operations, and (3) that pursuit of a civil action will promote preservation and protection of property of the city or its inhabitants. Whenever the existence of a public nuisance under this section shall come to the knowledge of the director, the director shall cause a written notice, as provided in subsection (b) of this section, to be sent to the owner identifying the business in violation of this article and directing that the unlawful activity cease within a reasonable time to be determined by the director.

(b) *Notice.*

- (1) The notice under this section must be given:
  - a. Personally to the owner in writing;

- b. By letter addressed to the registered agent of the partnership or corporation for service of process, or to the individual owner at the owner's latest address according to the records of the director.
  - c. If personal service cannot be obtained:
    - (i) By publication at least once;
    - (ii) By posting the notice on or near the front door of each building on the property to which the violation relates; or
    - (iii) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (2) If the director mails a notice to a property owner in accordance with subsection (a) of this section, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.
- (3) A notice provided under this section shall state that the owner is entitled to request a hearing to be held in the manner described in section (c) of this section.

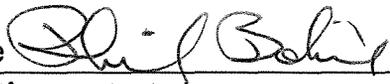
(c) *Abatement hearing.* The owner subject to abatement under this section may request a hearing by notifying the director within ten (10) days following the date the city mails the required notice under subsection (b) of this section. The hearing shall be conducted in accordance with the procedures set forth in section 7-74(d) of this Code by a hearing official designated by the director for the purpose of determining whether the metal recycling entity, secondhand metal dealer or secondhand dealer has operated his business in violation of this article and the criteria set out in subsection (a) of this section are satisfied. At the hearing, the owner and the director may present any evidence relevant to the proceedings. If the hearing official determines that the metal recycling entity, secondhand metal dealer or secondhand dealer has operated his business in violation of this article or any other provision of this Code affecting metal recycling entity, secondhand metal dealer or secondhand dealer, and that the criteria set out in subsection (a) of this section for the designation of public nuisance have been satisfied, the hearing official shall issue an order so stating and direct that the owner cease the unlawful operations.

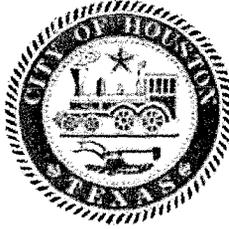
(d) *Abatement by city; expenses and liens.* If the owner fails to timely cease unlawful operations within 10 business days of the hearing official's order, then the city attorney shall be authorized to exercise all other remedies available to the city relating to the subject matter hereof as set out in subsection (e) of this section.

(e) *Remedies cumulative, civil enforcement, other action not limited.* The procedures set forth in this section are cumulative of all other remedies available to the city relating to the subject matter hereof. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking any other available actions. Specifically, the city attorney may institute any legal action to enforce this ordinance or enjoin or otherwise cause the abatement of any condition described in this article, as well as for the recovery of all expenses incurred in connection therewith, including without limitation administrative and legal expenses, attorneys fees and costs, and for civil penalties as provided by law. The city attorney is hereby authorized to file a civil suit in a court of competent jurisdiction to prevent the violation of any of the provisions of this article. This remedy shall be cumulative and in addition to any other remedies.

**Secs. 7-7677--7-80.Reserved."**

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

<b>SUBJECT:</b> Amendment to the City of Houston Fire Code affecting "Atrium" style buildings between three and six stories.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> 4419
<b>FROM (Department or other point of origin):</b> City of Houston Fire Department		10-11-07	<del>OCT 17 2007</del> <b>Agenda Date</b> OCT 24 2007	
<b>DIRECTOR'S SIGNATURE:</b> MS Fire Chief Phil Boriskie 		<b>Council District affected:</b>  All		
<b>For additional information contact:</b> Captain Karen DuPont 713.247.4049		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b>  Approve Ordinance to amend the City of Houston Fire Code				
<b>Amount of Funding</b> None Required		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)				
<b>SPECIFIC EXPLANATION:</b>  The Fire Chief recommends adopting the proposed amendment (Appendix I) to the City of Houston Fire Code. The amended Fire Code will require existing "Atrium" style buildings between 3 and 6 stories to install a fire protection system in accordance with NFPA 72 or NFPA 13.  Specific Code requirements and the compliance schedules are clearly listed in Appendix I., Section I104. Building owners will have the option of choosing between an alerting system of detectors and alerting devices placed throughout the building and tied to a central alarm panel; or a fire protection system utilizing an overhead sprinkler system. The amendment sets benchmarks of two, five and seven years based on the system the building owner chooses to install.  Upon passage, building owners will be required to provide a letter of intent on or before July1, 2008, formalizing their choice of fire protection system with the Fire Marshall. The building owner's choice of system will define the benchmarks for compliance for that particular building.  This ordinance will affect buildings between 3 and 6 stories with an open central shaft design. The central shaft goes from ground to ceiling and all corridors and balconies front the open area. All "Atrium" style buildings currently in the City Limits and any buildings located in areas annexed in the future will be required to comply with this ordinance.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director</b>		<b>Other Authorization:</b> 		<b>Other Authorization:</b>



# **Council Committee on Public Safety and Homeland Security**

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**Council Member Adrian Garcia**

**CHAIR**

District H

**Toni Lawrence**

Vice Chair

District A

Carol Alvarado  
District I

Ada Edwards  
District D

Melissa Noriega  
At-Large Postion 3

Sue Lovell  
At-Large Postion 2

MJ Khan  
District F

Addie Wiseman  
District E

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## **COMMITTEE RECOMMENDATION**

**October 8, 2007**

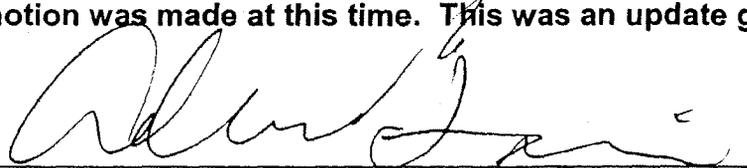
Review changes to the Scrap Metal Ordinance – Michele Austin, Legal, Captain Ceaser Moore and Sgt. Mike McGinty, HPD. **Recommendation to send to Council with Committee approval with a change in Sec. 7-56 (13)(c) to read A Military ID passed.**



Review Mid-Rise Ordinance – Chief Phil Boriskie, District Chief Perry Schindewolf, HFD. **Recommendation to send to Council with Committee approval passed.**

Review HFD False Alarm Ordinance – Chief Phil Boriskie and Asst. Chief Matejka. **No motion was made at this time to allow for industry input.**

Public Safety Radio Project Update – Richard Lewis, IT and Tom Sorley, IT. **No motion was made at this time. This was an update given by IT.**

  
\_\_\_\_\_  
Adrian Garcia, Chair

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

**AN ORDINANCE AMENDING THE CITY OF HOUSTON FIRE CODE RELATING TO REQUIREMENTS FOR ATRIUM BUILDINGS; 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 the City of Houston Fire Code, which was adopted by Ordinance 2003-738 and previously amended by Ordinances Nos. 2004-1015, 2005-859, 2005-1267, 2006-825, and 2006-888, is hereby amended as follows:

**A.** Section 101.2.1 is hereby amended to read as follows:

"**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted. Appendices A, B, C, D, E, F, G, H, I, and J are hereby adopted and made part of this code."

**B.** A new Appendix I is added to read as set forth in Exhibit A, attached hereto.

**Section 2.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 3.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect January 1, 2008.

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

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

 Prepared by Legal Dept.   
KO: asw 06/15/2007 Assistant City Attorney   
Requested by Phil Boriskie, Chief, Houston Fire Department  
L.D. File No. 0390700393001

**Appendix I**  
**AUTOMATIC SPRINKLER SYSTEMS, FIRE ALARM AND**  
**DETECTION SYSTEMS IN EXISTING NON HIGH-RISE ATRIUM**  
**BUILDINGS**

**SECTION I101**  
**GENERAL**

**I101.1 Purpose.** The purpose of this appendix chapter is to provide a reasonable degree of safety to persons occupying existing atrium buildings by providing for the installation of automatic sprinkler systems or fire alarm and detection systems in buildings that do not already have such systems in compliance with this appendix.

**I101.2 Application.** This appendix chapter shall apply to existing atrium buildings within the corporate limits of the jurisdiction on January 1, 2008, and any atrium buildings annexed into the corporate limits after that date.

**Exception:** The provisions of this appendix shall not apply to the following:

1. Atrium buildings built in accordance with Section 1717 as added to the *City of Houston Building Code* by Ordinance 81- 879 or subsequent versions of that Section.
2. Existing high-rise buildings, as defined in Appendix J.

**SECTION I102**  
**DEFINITION**

**I102.1 Definition.** The following term shall, for the purpose of this appendix, have the meaning ascribed in this section.

**ATRIUM.** An opening connecting three or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505 of the *Building Code*.

**SECTION I103**  
**FIRE PROTECTION AND DETECTION SYSTEMS**

**I103.1 Required.** All existing atrium buildings shall be equipped with one of the following:

1. An automatic and manual fire alarm system in accordance with NFPA 72 and smoke detectors installed in every room exceeding 40 square feet as well as all common areas according to the compliance schedule set forth in Section I104.
2. An automatic sprinkler system with total coverage throughout the building in accordance with NFPA 13 and with the capability to alarm all occupants throughout the building using

alarm notification appliances as required by Section 907. Such sprinkler system shall be installed according to the compliance schedule set forth in Section I104.

## **SECTION I104 COMPLIANCE SCHEDULE**

**I104.1 Letter of intent.** On or before July 1, 2008, or within six months after the date of annexation of the building into the jurisdiction, owners of existing atrium buildings shall provide the code official with a letter expressing the owner's intent to comply with this section.

**I104.2 Compliance check points.** Except as provided by this section, owners of existing atrium buildings shall comply with the following schedule:

1. If the owner chooses to install an alarm system and smoke detectors in accordance with subsection 1 of Section I103.1, the total square footage of the building shall be equipped with an operational automatic and manual fire alarm system and smoke detectors on or before January 1, 2010, or within two years of annexation into the jurisdiction.
2. If the owner chooses to install a sprinkler system in accordance with subsection 2 of Section I103.1:
  - 2.1 Fifty percent of the building shall be equipped with an operational automatic sprinkler system with the capability to alarm all occupants throughout the building on or before January 1, 2013, or within five years of annexation of the building into the jurisdiction.
  - 2.2 The total square footage of the building shall be equipped with an operational automatic sprinkler system with the capability to alarm all occupants throughout the building on or before January 1, 2015, or within seven years of annexation of the building into the jurisdiction.

**REQUEST FOR COUNCIL ACTION**

HCDO7-188

<b>SUBJECT:</b> Ordinance adopting Administrative Guidelines for the Workforce Housing Downpayment Assistance Program and appropriating funds	<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> 45 <del>23</del>
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<b>FROM (Department or other point of origin):</b> Housing and Community Development	<b>Origination Date:</b> October 8, 2007	<b>Agenda Date:</b> <del>OCT 17 2007</del>
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> OCT 24 2007 ALL
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<b>For additional information contact:</b> Richard Celli, Director 713-868-8305	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:**  
Approve ordinance appropriating \$400,000 out of the TIRZ Affordable Housing Fund and adopting Administrative Guidelines for the Workforce Housing Downpayment Assistance Program

<b>Amount and source of funding:</b> \$400,000 TIRZ Affordable Housing Fund (2409)	<b>F&amp;A Budget:</b>
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**EXPLANATION:**

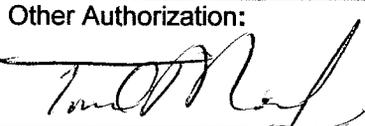
The Housing and Community Development Department has created the Workforce Housing Downpayment Assistance Program to assist qualified applicants to purchase new affordable housing in areas that have been designated by the Mayor for revitalization. Unlike existing downpayment assistance programs that use federal funds and target lower income applicants, the proposed program would provide assistance to potential homebuyers earning from 80% to 110% of area median income adjusted for family size. HCDD will administer the program in accordance with the attached proposed Administrative Guidelines.

The guidelines specify the amount of assistance at \$30,000 per applicant, to be used for downpayment, closing costs and certain pre-paid items. The applicant must occupy the property as his or her principal residence for 10 years, and the sales price of the house may not exceed \$150,000.

Funding for the program would come from an appropriation of \$400,000 from the TIRZ Affordable Housing Fund.

Attachment: WHDAP Administrative Guidelines

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b> 	<b>Other Authorization:</b> 	<b>Other Authorization:</b>
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**Administrative Guidelines  
for the  
Workforce Housing  
Downpayment Assistance Program**

The City of Houston (City) Housing and Community Development Department (HCDD) has designed the Workforce Housing Downpayment Assistance Program to provide Houston residence the opportunity to purchase a new home in any area/neighborhood designated by the Mayor of Houston for revitalization. This program will provide families whose gross annual income are 80 – 110 percent of Houston’s median income with downpayment, closing cost and pre-paid items assistance. The level of assistance provided to each approved applicant will be \$30,000. HCDD staff will administer the program according to the procedures and guidelines set forth in this document.

**SECTION I - Applicant Requirements**

The following criteria must be met in order for a family to qualify for the assistance:

1. The applicant must occupy the property as his/her principal residence during the affordability period of ten (10) years.
2. The applicant’s combined anticipated family income must fall between 80 – 110% of Houston’s area median income adjusted for family size (see Exhibit A). The following documentation must be provided by all persons over eighteen years of age living in the future property in order to properly determine the families income:
  - a. A written Verification of Employment (VOE) and three (3) calendar months of paycheck stubs dated within ninety (90) days of file submission.
  - b. Copy of all award letters, income verification forms and/or third party verification forms to verify all sources of income such as child support, social security, social security supplemental income (SSI), pension, annuities, etc.
  - c. The last two (2) years of completed tax returns including all schedules, W-2’s or 1099’s. However, if the applicant is self employed three (3) years of completed tax returns are required.
  - d. Three (3) calendar months of bank statements dated within ninety (90) days of file submission.
  - e. Copies of all household members state issued driver’s license, Social Security Card(s), and/or Permanent/Temporary Resident Alien Card(s).
  - f. Verification of Deposits (VOD), bank statements and/or cashier’s check to verify that the borrower has at least \$1000 in reserves. The borrower cannot have more than \$50,000 in liquid assets (excluding retirement accounts).
  - g. Provide birth certificates or legal documentation of adoption or guardianship for all household members seventeen (17) years of age or under.

- h. If applicable, addition documents/statements from the applicant(s) related to marital status, i.e., divorce decree, legal separation documents, and/or death certificate.
    - i. If the applicant income is considered to have overtime, seasonal work, tips, etc., the applicant will have to submit from their employer a minimum of three (3) years average for the work described above. The amount obtained by income averaging will be added to the applicant's projected gross annual income.
3. Demonstrate the ability to obtain a mortgage loan and sustain ownership over the period of affordability. Similar to any normal mortgage loan, applicant must meet the credit and underwriting criteria established by the participating Affordable Lending Partner (ALP) providing the loan.
4. The applicant must complete at least eight (8) hours of homebuyer education from any Participating HUD Approved Housing Counseling Agency. It is the responsibility of the applicant to pay all costs incurred with signing up for a homebuyer education course. The Participating HUD Approved Housing Counseling Agency will prepare a Counseling Certificate and present it to the applicant after the course completed.
5. The applicant's back ratio or DTI for the loan cannot exceed 45% and the PITI must be included in the total monthly payment.
6. The applicant cannot owe the City or any of its' facilities.
7. All loan types available to the Lender the applicant's can use such as conventional, portfolio, FHA, VA or other types. However, adjustable rate mortgages are not acceptable.
8. The applicant's interest rate cannot exceed 8%. However, the borrower may pay up to 3% of the loan amount towards discount points and permanent interest rate buy-downs.
9. The borrower must invest at least \$500 into the transaction plus have at least \$1,000, but not more than \$50,000, in reserves (excluding retirement accounts). The cost of the appraisal, credit report, inspection, earnest money and/or cash brought to closing qualifies under this requirement.

## **SECTION II - Property Eligibility Criteria**

Financial assistance is restricted to the purchase of new homes in any area/neighborhood designated by the Mayor of Houston. The selected property must be the applicant's principal residence in order to be eligible for funds. Properties assisted with funds must be free from any defects that pose a danger to the health or safety of occupants before transfer of ownership. The property must follow the criteria listed below in order to qualify for assistance.

1. The sales price for the property cannot exceed \$150,000.

2. The property must be in full compliance with the City's new construction codes and if applicable any state requirements for new construction, including documentation that the structure complies with energy efficiency requirements as contained in Chapter 11 of the state's International Residential Code (IRC). Prior to the commitment of funds, HCDD Inspection Services Section will conduct an independent inspection on the property.
3. The property must be occupied as the principal residence by the homebuyer throughout the full affordability period (10 years) commencing on the date of closing.

### **Section III - Loan Financing and Closing Requirements**

The property must be occupied as the principal residence by the applicant throughout the loan maturity period commencing on the date of closing. A Second Lien Deed of Trust will be obtained to secure Homebuyer's compliance with the affordability period and all other requirements of this program. The applicant will also execute the Second Loan Note.

The Second Lien Deed of Trust and Loan Note will require an affordability period. Payments on the loan are to be "deemed paid" if there is no change in use and/or occupancy during the loan affordability period (10 years). Should a change in ownerships (including foreclosure) or occupancy occur during the loan affordability period a prorated amount would immediately become due and payable to the City.

#### **A. Program Loan**

The terms for assistance require 0% interest, deferred payment loan. There are four (4) key requirements to this "Soft Second" loan:

- The loan is not assumable.
- Owner financing is not acceptable under this program.
- No cash out home equity loan.
- **Subordination of the city's soft-second lien is at sole discretion of the city. Requests for subordination must be submitted to the city for review and approval. Such request will be considered only acceptable changes to the interest rate and/or term, and be subordinate.**

#### **B. Closing Cost**

- Closing cost will be limited to actual cost.
- The ALP may charge no more than one percent (1%) origination fee or \$500 whichever is greater.
- In addition to the ALP loan origination fee described above, all ALP fees that are not paid to

a third party are limited to \$650.

- Participating Realtor fees are not eligible closing costs.
- Mortgage wholesale or broker transaction fees paid by the applicant are limited to \$650.

### **C. Liens**

The only liens to be placed on the property purchased through HCDD will be the ALP's First Lien Deed of Trust and the City's Second Lien Deed of Trust. There will be no third lien recorded related to the purchase of property without prior written approval of the HCDD Director. Violations can result in ALP debarment from participation in HAP.

### **D. Homebuyer Assistance Program Closing Procedures**

Once HCDD has received a **complete** file, an evaluation of the information will be performed in order to determine the prospective homebuyer's eligibility for assistance and the amount of financial assistance required to facilitate the purchase of the housing unit. If the file is not complete upon receipt, the ALP will be notified and give the opportunity to submit the required information. If for any reason the prospective homebuyer does not qualify for financial assistance, a letter of explanation will be sent to the ALP and homebuyer. The ALP and prospective homebuyer will be given an opportunity to provide additional pertinent information and then re-submit the file. The review process will be the same for the re-submitted file. When an applicant is certified as eligible for the GNND Program and the amount of financial assistance has been determined, then HCDD will utilize the step-by-step closing procedure as follows:

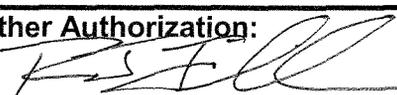
1. ALP will be notified via fax/telephone of approval or deficiencies within fifteen (15) business days of HCDD receipt of a complete application.
2. HCDD Inspection Services Section will perform an inspection(s) on the property within three (3) business days of HCDD receipt of a complete application.
3. If the file has been approved, HCDD will fax a copy of the client approval letter with the loan amount to the ALP and title company. HCDD will request the preliminary HUD I, first page of First Lien Deed of Trust and Schedule A & B of the title commitment from the ALP. HCDD will review the HUD I to determine if charges are eligible pursuant to the program guidelines. HCDD will notify the ALP of the outcome of the review.
4. During the HUD I review process; HCDD will prepare the Second Lien Deed of Trust, Loan Note, and Closing Instructions.
5. Once the HUD I has been accepted, HCDD will contact the appropriate title company to pick up a check and all prepared and executed documents.
6. After closing, the title company will submit to HCDD the original recorded and executed

Second Lien Deed of Trust, Loan Note, HUD I Settlement Statement and a copy of the ALPs recorded First Loan Note and Deed of Trust. It should be noted that the HUD I, first page of First Lien Deed of Trust and Schedule A & B of Title Commitment must be received at HCDD by 10:00 a.m. if the file is scheduled to close the next business day. No exceptions will be made. These Guidelines incorporate the following documents which will be utilized to administer the Workforce Housing Downpayment Assistance Program and which are attached hereto as **Appendix I:**

- a. Loan Note for Workforce Housing Downpayment Assistance Program (Deferred Payment)
- b. Second Lien Deed of Trust for Workforce Housing Downpayment Assistance Program

### **Section V - Sex Offenders**

No financial assistance will be provided to persons who are registered sex offenders. HCDD is authorized, without further resort to City Council, to adopt internal procedures to enforce the above-stated prohibition.

<b>SUBJECT:</b> Approval of an ordinance authorizing the issuance of up to \$10 million in Authority obligations by the Memorial City Redevelopment Authority dba TIRZ #17 Redevelopment Authority.	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item</b> #46 <del>31</del>
<b>FROM: (Department or other point of origin):</b> Finance & Administration	<b>Origination Date</b> October 1, 2007		<b>Agenda Date</b> <del>1 7 2007</del> OCT 24 2007
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> A and G		
<b>For additional information contact:</b>  Tom Mesa <b>Phone:</b> 713.837.9857 Robert Fiederlein <b>Phone:</b> 713.437.6491	<b>Date and identification of prior authorizing Council Action:</b> 7/21/99 Ord. 99-759; 8/11/99 Ord. 99-852; 8/14/02 Res. 02-26		
<b>RECOMMENDATION: (Summary)</b> That City Council approve an ordinance authorizing the issuance of up to \$10 million in Authority obligations by the Memorial City Redevelopment Authority dba TIRZ #17 Redevelopment Authority.			
<b>Amount and Source of Funding:</b> No Funding Required		F & A Budget	
<b>Specific Explanation:</b>  To implement its FY 2008 City Council-approved budget and capital improvement plan (CIP), the Memorial City Redevelopment Authority dba TIRZ #17 Redevelopment Authority (the "Authority") will need to shortly obtain financing to fully fund its current year design and construction plans. On August 14, 2002, City Council approved an agreement between the City of Houston Reinvestment Zone Number Seventeen, the City of Houston, Texas, and the Memorial City Redevelopment Authority (the "Tri-Party Agreement") authorizing the Authority to issue up to \$3 million in Authority obligations (notes and/or bonds). To implement its FY 2008 budget and CIP the Authority will need to issue up to \$10 million in Authority obligations.  Approval of this ordinance will allow the Authority to issue up to \$10 million in obligations to provide the capital needed to support its activities with respect to redevelopment of the Zone, which include, major road and drainage construction projects. Included among these projects is a joint project with TxDOT to reconstruct a portion of Gessner Road and in a joint project with the City of Houston to reconstruct Bunker Hill from I-10 north to Long Point. Construction of both projects is scheduled for the first quarter of CY 2008.  cc:      Marty Stein, Agenda Director Anna Russell, City Secretary Deborah McAbee, Senior Assistant City Attorney Arturo Michel, City Attorney			
<b>REQUIRED AUTHORIZATION</b>			
<b>F&amp;A Director:</b>	<b>Other Authorization:</b> 	<b>Other Authorization:</b>	