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|---|-------------------|------------------------|------------------------|
| SUBJECT: Law Enforcement Agreement between Harris County and Oak Estates Homeowners Association (OEHA, Inc.) | Category # | Page 1 of _____ | Agenda Item # / |
|---|-------------------|------------------------|------------------------|

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| FROM: (Department or other point of origin): Harold L. Hurtt, Chief of Police Houston Police Department | Origination Date 6-26-08 | Agenda Date JUL 01 2008 |
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| DIRECTOR'S SIGNATURE:  | Council Districts affected: C and G |
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| For additional information contact: M. W. Thaler (713) 308-1570 Executive Assistant Chief | Date and identification of prior authorizing Council Action: |
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RECOMMENDATION: (Summary)

Approval of Law Enforcement Agreement between Harris County and Oak Estates Homeowners Association (OEHA, Inc.)

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| Amount and Source of Funding: * N/A | F & A Budget: |
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SPECIFIC EXPLANATION:

The Houston Police Department has no objections to the Law Enforcement Agreement between Harris County and Oak Estates Homeowners Association (OEHA, Inc.). Both parties agree to have one deputy devote eighty percent (80%) of his working time to provide law enforcement services within the Association's geographical area within Harris County, Texas, beginning August 2, 2008, through December 31, 2008.

hlh:mm
Attachment

cc: Marty Stein

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

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Katy Addicks Surface Water Pump Station.
WBS. No. S-001002-0000-4.

Page
1 of 1

Agenda Item #

2

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date
6-26-08

Agenda Date
JUL 0 1 2008

DIRECTOR'S SIGNATURE:


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

Council Districts affected:
A

For additional information contact:

J. Timothy Lincoln, P.E.
Senior Assistant Director


Phone: (713) 837-7074

Date and Identification of prior authorizing Council Action:
Ord. #2002-503 Dated 06/12/2002

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$12,523,020.51 which is 3.63% over the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required.
Original appropriation of \$13,930,000.00 from Water and Sewer System Consolidated Construction Fund, Fund No. 755.

Finance Department:

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's implementation of Surface Water Transmission Program and is required to meet the Harris-Galveston Coastal Subsidence District's requirements. The project will provide surface water to Katy Addicks Service Area and will meet the future water demands.

DESCRIPTION/SCOPE: The project consisted of the construction of a ground storage tank, pump station facilities, chlorine and ammonia facilities, emergency generator, yard piping and an electronic surveillance system. Camp Dresser & McKee, Inc. designed the project with 450 calendar days allowed for construction. The project was awarded to Pepper-Lawson Construction, L.P. with an original Contract Amount of \$12,084,300.00.

LOCATION: The Project area is located at 1456 Brittmoore Road in Key Map grid 449-U.

CONTRACT COMPLETION AND COST: The Contractor, Pepper-Lawson Construction, L.P. has completed the Work under the subject contract. The project was completed within the Contract Time with 567 additional days allowed by Change Order Nos. 2 through 7. The additional days are primarily due to Change Order Nos. 2, 3, and 7 that required modifications to the generator building, upgrades to the electrical system to provide enhanced security, and emergency chemical shutoff modifications required for compliance by the Fire Marshal. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Order Nos. 1 through 7 is \$12,523,020.51, an increase of \$438,720.51 or 3.63% over the original Contract Amount. The cost overrun is primarily due to Change Nos. 1 through 7, which were necessary to complete the Work.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 17.92%. The Contractor achieved a "Satisfactory" rating for M/WBE Compliance.

MSM:JTL:CWS:SKF:mq

S:\E&C Construction\Facilities\Projects\S-1002-00-3 Katy Addicks Surface Water\Closeout\RCA\RCA_CL-2.DOC

c: Velma Laws

Michael Ho, P.E.

File No. S-001002-0000-4 - Closeout

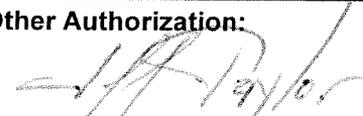
REQUIRED AUTHORIZATION

CUIC ID# 20MZQ043

F&A Director:

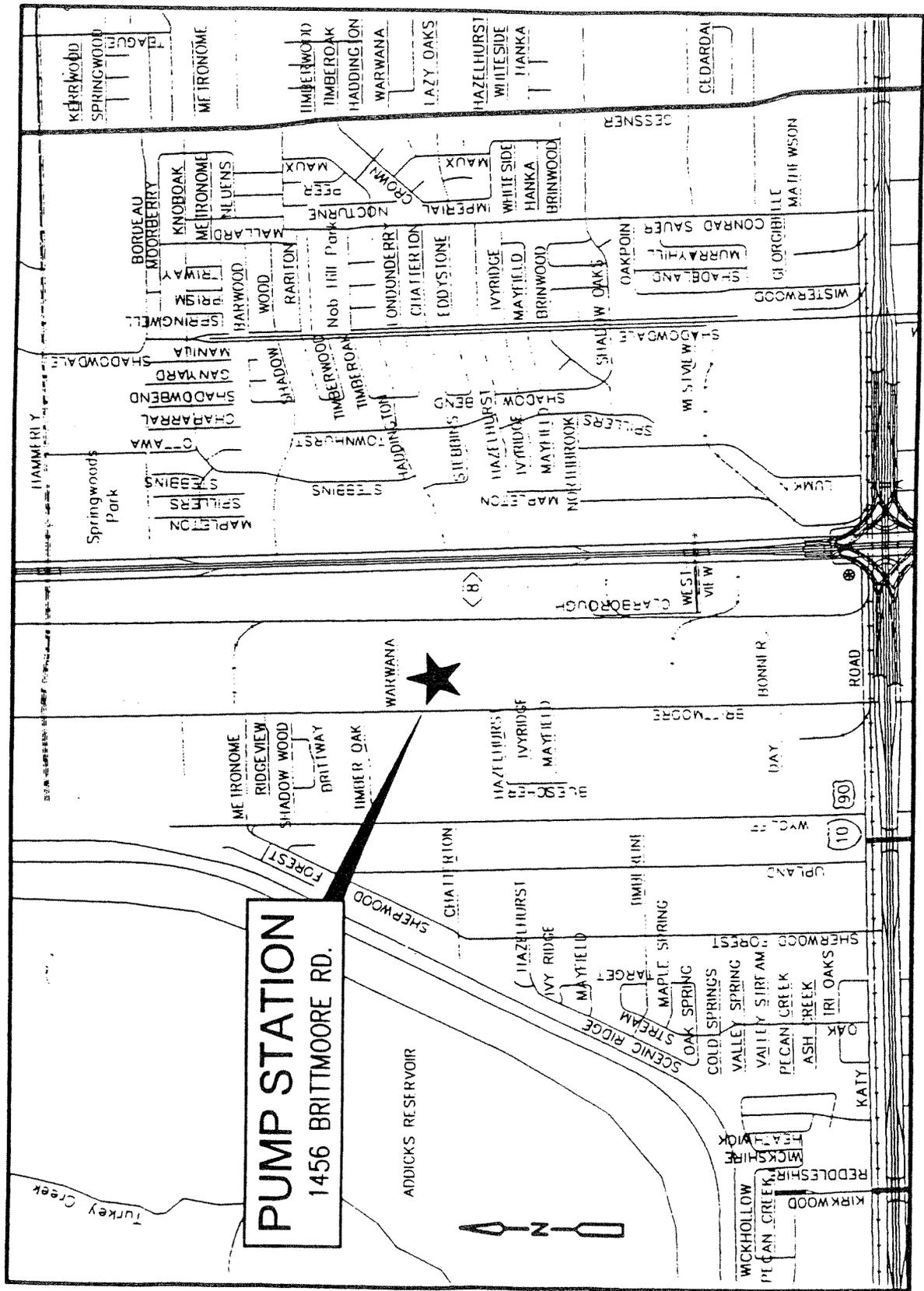
Other Authorization:

Other Authorization:


Jeff Taylor, Deputy Director
Public Utilities Division

Engineering and Construction Division

MOT



PUMP STATION
 1456 BRITTON MOORE RD.

Katy Addicks Pump Station
 Vicinity Map Key Map 449U
 GFS S-1002-00-3 FILE NO WA10502

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| SUBJECT: Amendment to Council Motion 2008-0174. Parcel SY8-046 | Category # 7 | Page 1 of 2 | Agenda Item # 3 |
|---|---------------------|---------------------------|-------------------------------|

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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 6-26-08 | Agenda Date JUL 01 2008 |
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| DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director | Council District affected: H <i>PSM by Do</i> Key Map: 493F |
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| For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate | Date and identification of prior authorizing Council Action: C.M. 2008-0174 (03/05/08) |
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RECOMMENDATION: (Summary) It is recommended City Council amend Council Motion 2008-0174, which authorized the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition, to amend the council motion to grant a right of entry to Houston Independent School District and to delete Item 5. **Parcel SY8-046**

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| Amount and Source of Funding: Not Applicable | F & A Budget: |
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SPECIFIC EXPLANATION:

By Council Motion 2008-0174, City Council approved a council motion for the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition. The applicant, Houston Independent School District, requested a right-of-entry in order to begin construction on the expansion of the Crockett Elementary School campus prior to the closing of this abandonment and sale transaction and to delete Item 5 of Council Motion 2008-0174. The Joint Referral Committee reviewed and approved this request.

Therefore, it is recommended:

1. The City grant a right of entry to Houston Independent School District; and
2. Item 5 of the council motion described as follows be deleted:

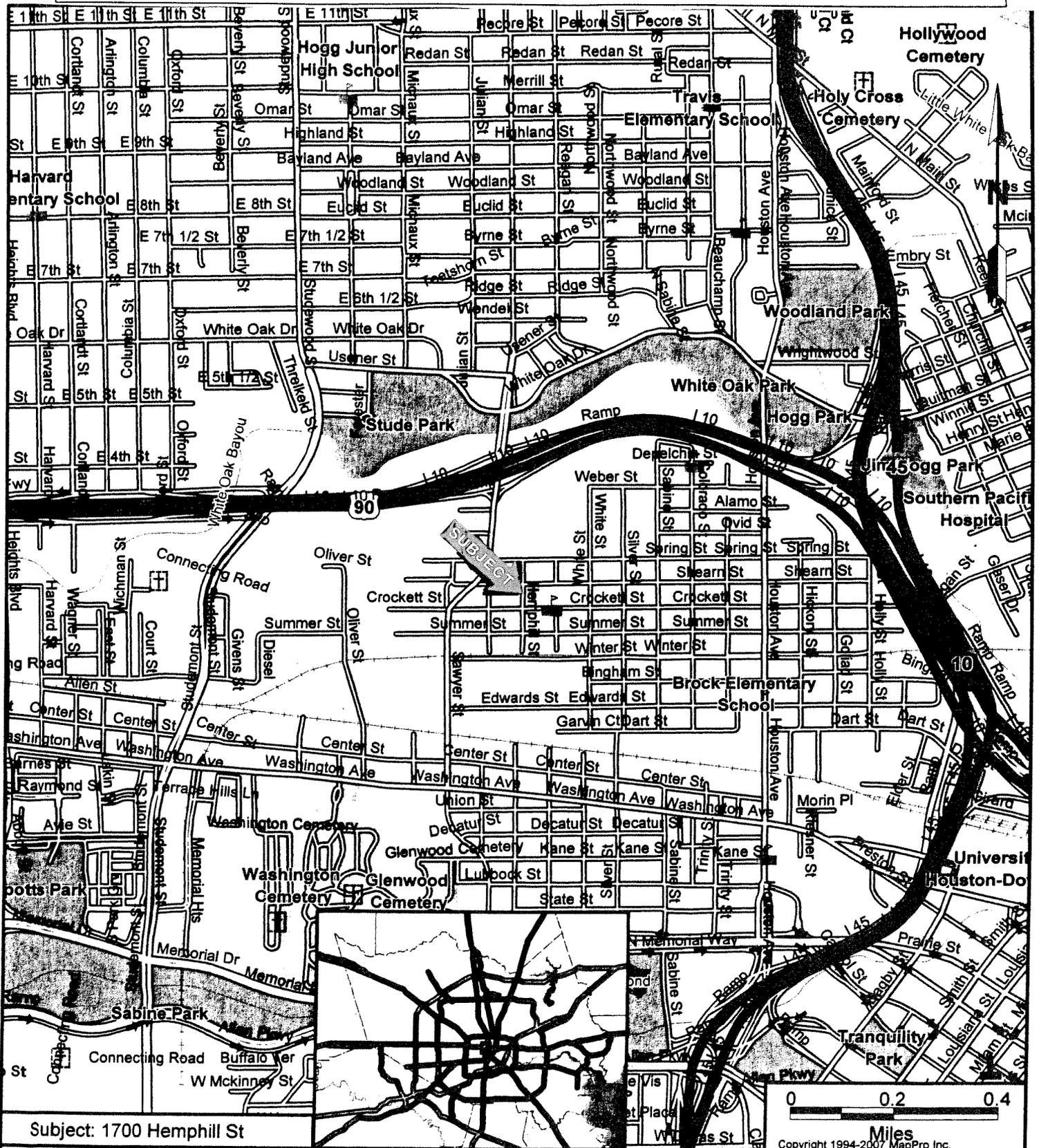
The applicant be required to provide the City with a Letter of Credit covering the estimated construction cost approved by the City for the required work. The applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved 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.

psm\sy8-046.rlc.doc CUIC #20PSM8927A

REQUIRED AUTHORIZATION

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|--------------------------|-----------------------------|---|
| F&A Director: | Other Authorization: | Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division |
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Amendment to Council Motion 2008-0174.
Parcel SY8-046



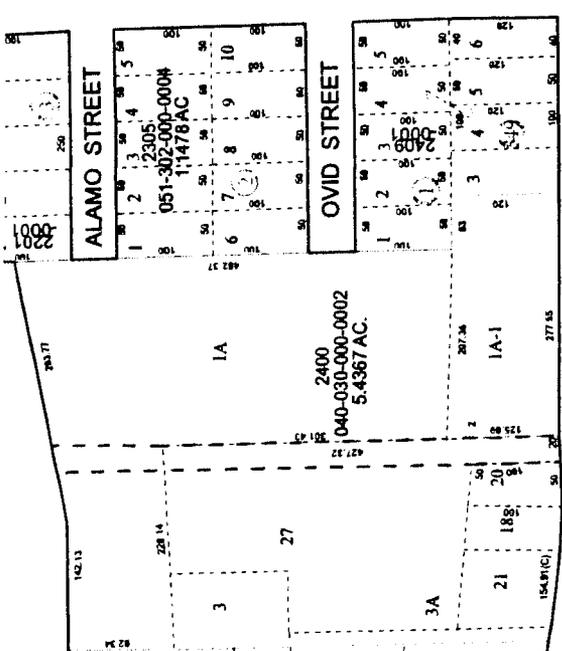
Subject: 1700 Hemphill St

CAUTION:

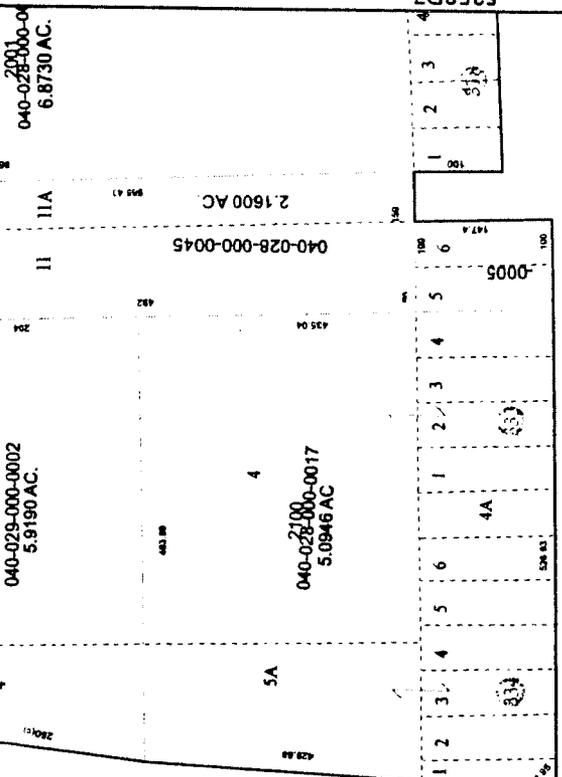
The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

Amendment to Council Motion 2008-0174.
Parcel SY8-046

5358D2

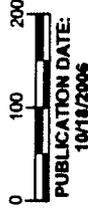


5358D5

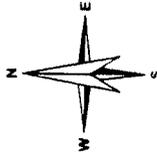


5358D7

Harris County Appraisal District



PUBLICATION DATE:
10/18/2006

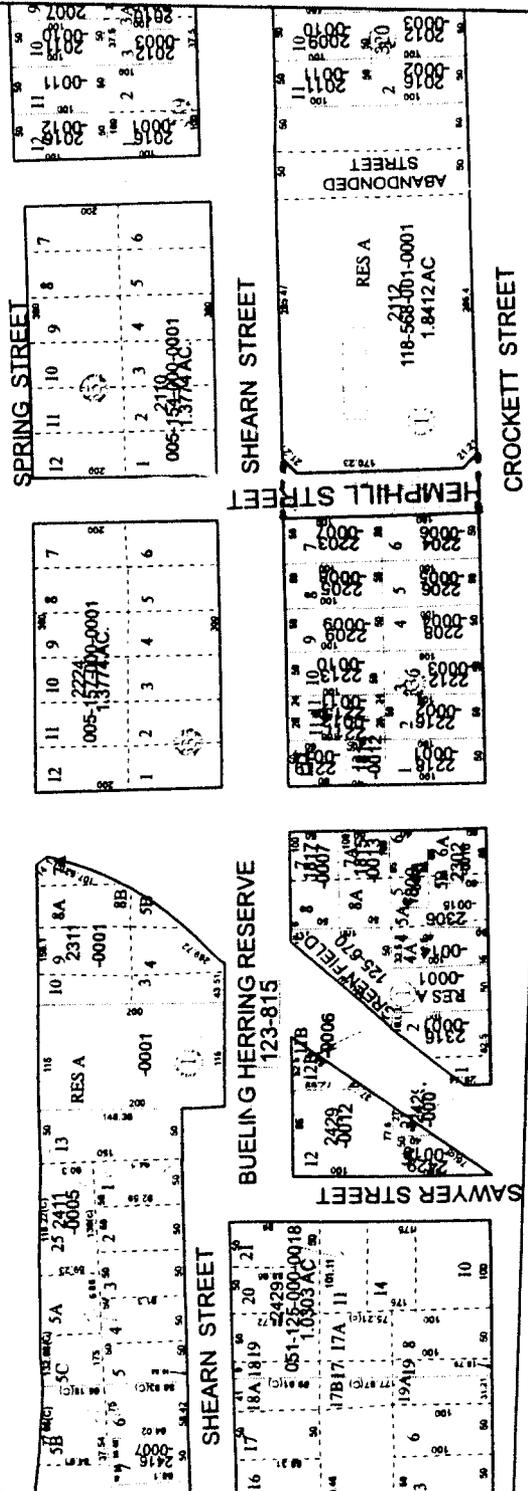


MAP LOCATION



FACET 5358D

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5358D10

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck Davis of C. L. Davis & Company, 1500 Winding Way, Houston, Texas, 77546, on behalf of Houston Independent School District, for the abandonment and sale of Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne & Riordan Addition, Parcel No. SY8-046, be adopted as follows:

1. The City abandon and sell Hemphill Street, from Crockett Street to Shearn Street, located in the Baker, Shearne, & Riordan Addition;
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 cut, plug, and abandon the 8-inch water main within the Hemphill Street right-of-way, from the intersection of Hemphill Street and Crockett Street to the intersection of Hemphill Street and Shearn Street and pay the depreciated value for the water main, at no cost to the City and under the proper permits;
4. The applicant be required to prepare drawings that show all public utilities (water main) 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;
5. The applicant be required to provide the City with a Letter of Credit covering the estimated construction cost approved by the City for the work required in Item 3 above. The applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;

6. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street being abandoned and sold;
7. The Legal Department be authorized to prepare the necessary transaction documents; and
8. John Fox and Patrick O'Connor, 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 Garcia and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell and Noriega voting aye
Nays none

Council Members Green and Jones absent on personal business

PASSED AND ADOPTED this 5th day of March, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is March 11, 2008.



City Secretary

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| SUBJECT: Conveyance to Magellan Pipeline Company, L.P. of a ±4300-square-foot subsurface pipeline easement within an existing Centerpoint easement, located in the Reels and Trobough League, A-59. Parcel SY8-067 | Category # 7 | Page 1 of 2 | Agenda Item # 4 |
|--|---------------------|--------------------|------------------------|

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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 6/5/08 | Agenda Date JUN 07 2008 |
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| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | Council District affected: I Key Map 455V and 456S |
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| For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate <i>RCA for NPC</i> | Date and identification of prior authorizing Council Action: |
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RECOMMENDATION: (Summary) It is recommended City Council approve a council motion authorizing the conveyance of a ±4300-square-foot subsurface pipeline easement within an existing Centerpoint easement, located in the Reels and Trobough League, A-59. **Parcel SY8-067**

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| Amount and Source of Funding: Not Applicable | |
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SPECIFIC EXPLANATION:

GDT Land Consultants, Inc., 12306 Ashford Valley Drive, Sugar Land, Texas 77478, on behalf of Magellan Pipeline Company, L.P., requested the conveyance of a ±4300-square-foot subsurface pipeline easement within an existing Centerpoint easement, located in the Reels and Trobough League, A-59. Centerpoint Energy has completed its review and consents to Magellan Pipeline Company, L.P. having a pipeline easement within its existing easement.

The subject easement is located within the Battaglia Tract. The City acquired the Battaglia Tract via the bequest of John Battaglia, which stipulated its use for charitable purposes only on behalf of the people of Houston, and the method of its expenditure left entirely to the Mayor and the City Council of the City of Houston. Ordinance 45-8080, dated October 12, 1945, the City accepted this bequest and authorized a separate fund be set up subject to the conditions of the will. The City's Administration and Regulatory Affairs Department currently administers this fund. The Houston Area Women's Center has a contract with the City and receives all of the Battaglia fund's annual earnings. The Administration and Regulatory Affairs Department has reviewed and authorized Magellan Pipeline's request.

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 conveyance. The Joint Referral Committee reviewed and approved this request Therefore, it is recommended:

1. The City convey a ±4300-square-foot subsurface pipeline easement within an existing Centerpoint easement, located in the Reels and Trobough League, A-59 to Magellan Pipeline Company, L.P.
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;

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| REQUIRED AUTHORIZATION | | |
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| Finance Department: | Other Authorization:  Alfred J. Moran Jr., Director Administration & Regulatory Affairs Department | Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division |

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|--------------|--|--|-------------------------------------|
| Date: | Subject: Conveyance to Magellan Pipeline Company, L.P. of a ±4300-square-foot subsurface pipeline easement within an existing Centerpoint easement, located in the Reels and Trobough League, A-59. Parcel SY8-067 | Originator's Initials PP | Page <u>2</u> of <u>2</u> |
|--------------|--|--|-------------------------------------|

3. The Legal Department be authorized to prepare the necessary transaction documents; and
4. Inasmuch as the value of the property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.
5. Inasmuch as the Houston Area Women's Center has a contract with the City and receives all of The Battaglia Fund's annual earnings, that any funds resulting from the conclusion of this transaction be deposited into that fund, which is administered by the Administration and Regulatory Affairs Department.



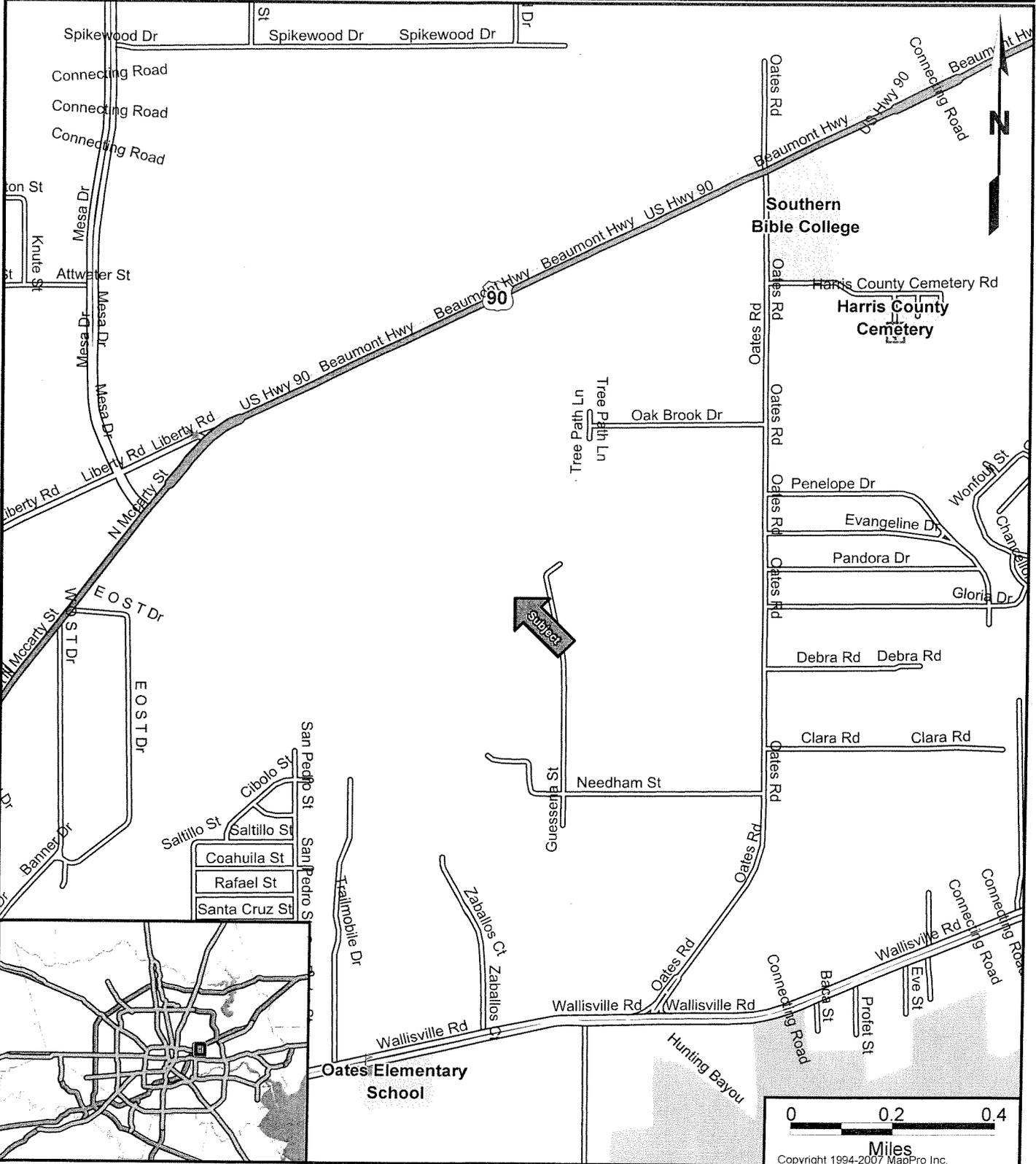
MSM:NPC:poy

c: Phil Boriskie
Marlene Gafrick
Alfred J. Moran, Jr.
Arturo G. Michel
Marty Stein

LOCATION MAP

Description: SY8-067

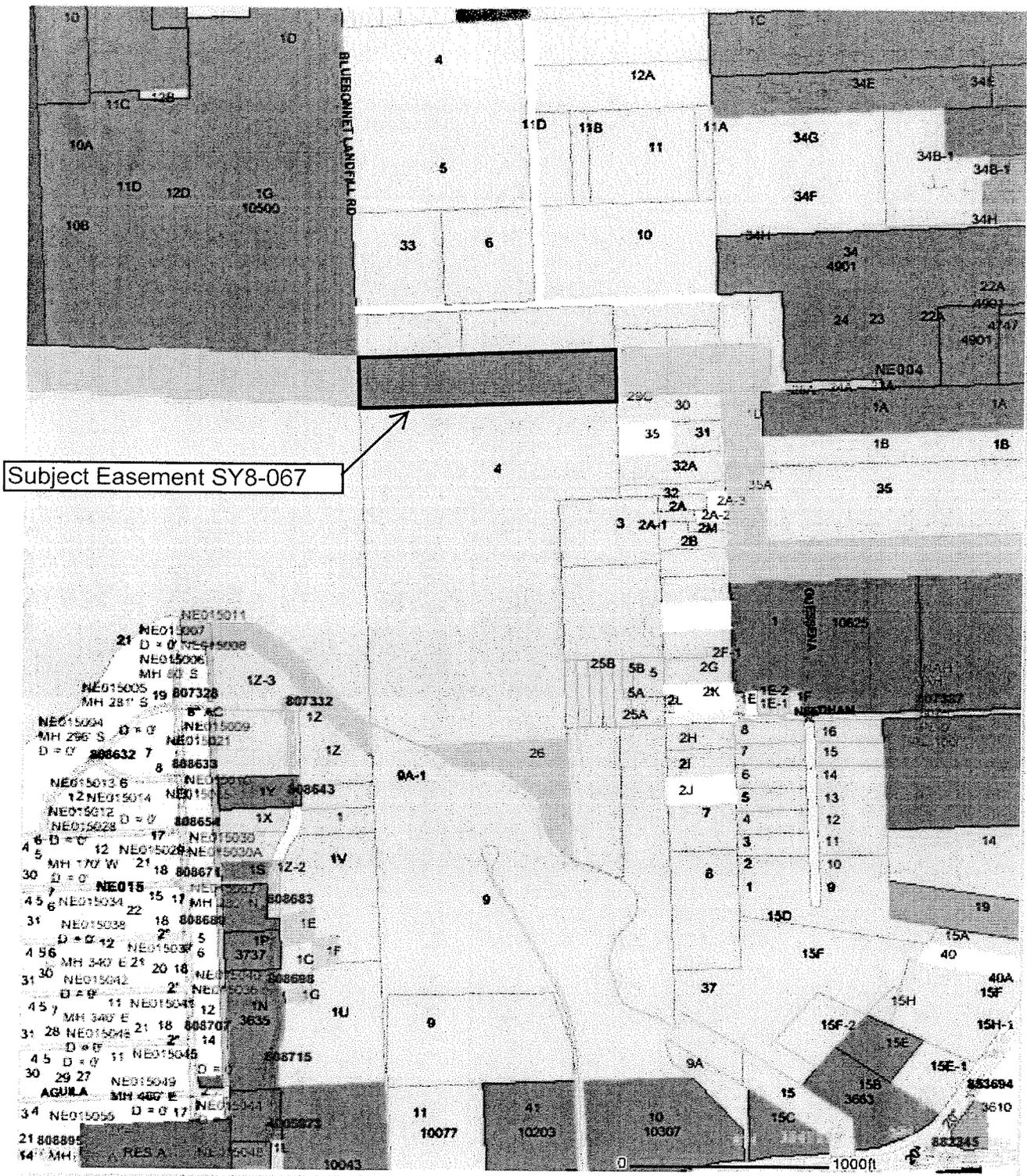
Prepared by: City of Houston, 611 Walker, , Houston, TX 77002



CAUTION:

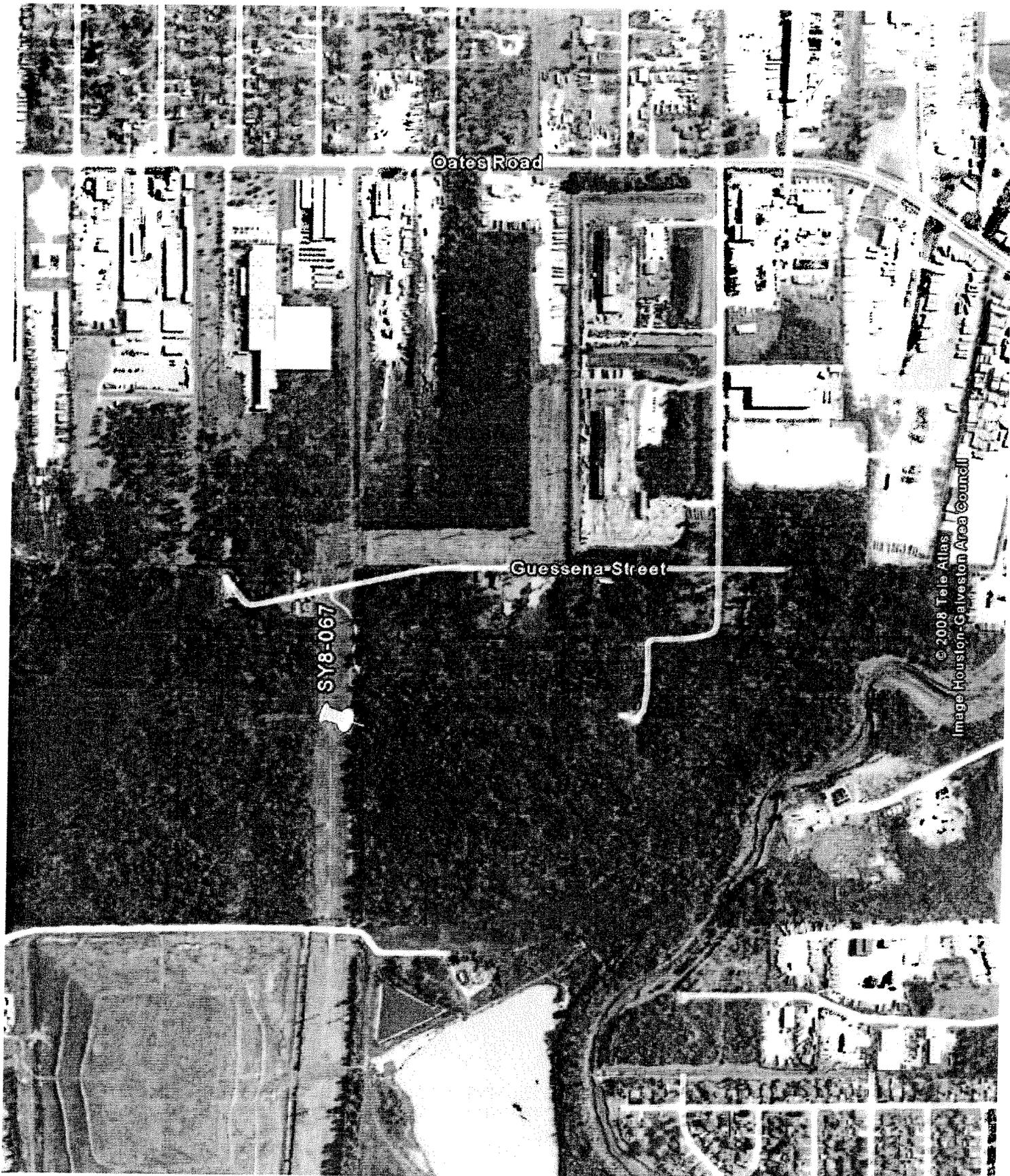
The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

City of Houston
Department of Public Works and Engineering
Geographic Information and Management System (GIMS)



Subject Easement SY8-067

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



Gates Road

Guessena Street

SY8-067

© 2008 Tele Atlas
Image Houston-Galveston Area Council

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| SUBJECT: Request for the abandonment and sale of a 10-foot-wide sanitary sewer easement, from Shearn Street to Spring Street, located in the Shearn Street Addition, out of the John Austin Survey, A-1. Parcel SY8-094 | Category # 7 | Page <u>1</u> of <u>2</u> | Agenda Item # 5 |
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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 6-26-08 | Agenda Date JUL 01 2008 |
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| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | Council District affected: H PSM Key Map: 493F |
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| For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate | Date and identification of prior authorizing Council Action: |
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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 sanitary sewer easement, from Shearn Street to Spring Street, located in the Shearn Street Addition, out of the John Austin Survey, A-1. **Parcel SY8-094**

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| Amount and Source of Funding: Not Applicable | |
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SPECIFIC EXPLANATION:
 This request addresses the fourth phase of a multi-phase project in which the City of Houston will abandon and sell street right-of-way and/or easements to accommodate the construction of a Target store, other retail establishments, and restaurants in the Interstate Highway 10/Taylor Street area. Each phase has been submitted for the City's consideration as that phase of the project was ready to proceed. The City approved Phases One, Two, and Three under Ordinances 2006-348, 2007-480 and 2008-443.

Phase Four is the subject of this Request for Council Action. Creative Consulting, 1517 Monarch Oaks, Houston, Texas 77055, on behalf of Sawyer Heights Village, Ltd. [SHV-GP, LLC, a Texas limited liability company (S. Jay Williams, sole member), General Partner], requested the abandonment and sale of a 10-foot-wide sanitary sewer easement, from Shearn Street to Spring Street, located in the Shearn Street Addition, out of the John Austin Survey, A-1.

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 sanitary sewer easement, from Shearn Street to Spring Street, located in the Shearn Street Addition, out of the John Austin Survey, A-1;
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;

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| REQUIRED AUTHORIZATION | | |
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| Finance Department: | Other Authorization: | Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division |

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| Date: | Subject: Request for the abandonment and sale of a 10-foot-wide sanitary sewer easement, from Shearn Street to Spring Street, located in the Shearn Street Addition, out of the John Austin Survey, A-1. Parcel SY8-094 | Originator's Initials | Page <u>2</u> of <u>2</u> |
|--------------|---|------------------------------|-------------------------------------|

- 3. The Legal Department be authorized to prepare the necessary transaction documents; and
- 4. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Michael Copland and Frank Flores.

MSM:NPC:psm

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

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| SUBJECT: Request for the abandonment and sale of Midvale Avenue from Cedar Crest Boulevard west to its terminus, in exchange for the conveyance to the City of a 20-foot-wide water line easement, located in the Kings Court and Golfview Manor Subdivisions. Parcels SY8-095 and KY8-270 | Category # 7 | Page <u>1</u> of <u>1</u> | Agenda Item # 6 |
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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date 6-26-08 | Agenda Date JUL 01 2008 |
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| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | Council District affected: I Key Map 534Q  |
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| For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate | Date and identification of prior authorizing Council Action: |
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RECOMMENDATION: (Summary) It is recommended City Council approve a council motion authorizing the abandonment and sale of Midvale Avenue from Cedar Crest Boulevard west to its terminus, in exchange for the conveyance to the City of a 20-foot-wide water line easement, located in the Kings Court and Golfview Manor Subdivisions. **Parcels SY8-095 and KY8-270**

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| Amount and Source of Funding: Not Applicable | |
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SPECIFIC EXPLANATION:
 Louis Macey, Sr., of Macey Family Properties, LTD, requested the abandonment and sale of Midvale Avenue from Cedar Crest Boulevard west to its terminus, in exchange for the conveyance to the City of a 20-foot-wide water line easement, located in the Kings Court and Golfview Manor Subdivisions. Macey Family Properties, LTD, the abutting property owner, plans to use the subject property for parking for its development of the adjoining property. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

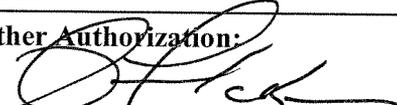
1. The City abandon and sell Midvale Avenue from Cedar Crest Boulevard west to its terminus, in exchange for the conveyance to the City of a 20-foot-wide water line easement, located in the Kings Court and Golfview Manor Subdivisions;
2. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street right-of-way being abandoned and sold;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

MSM: NPC:bam

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

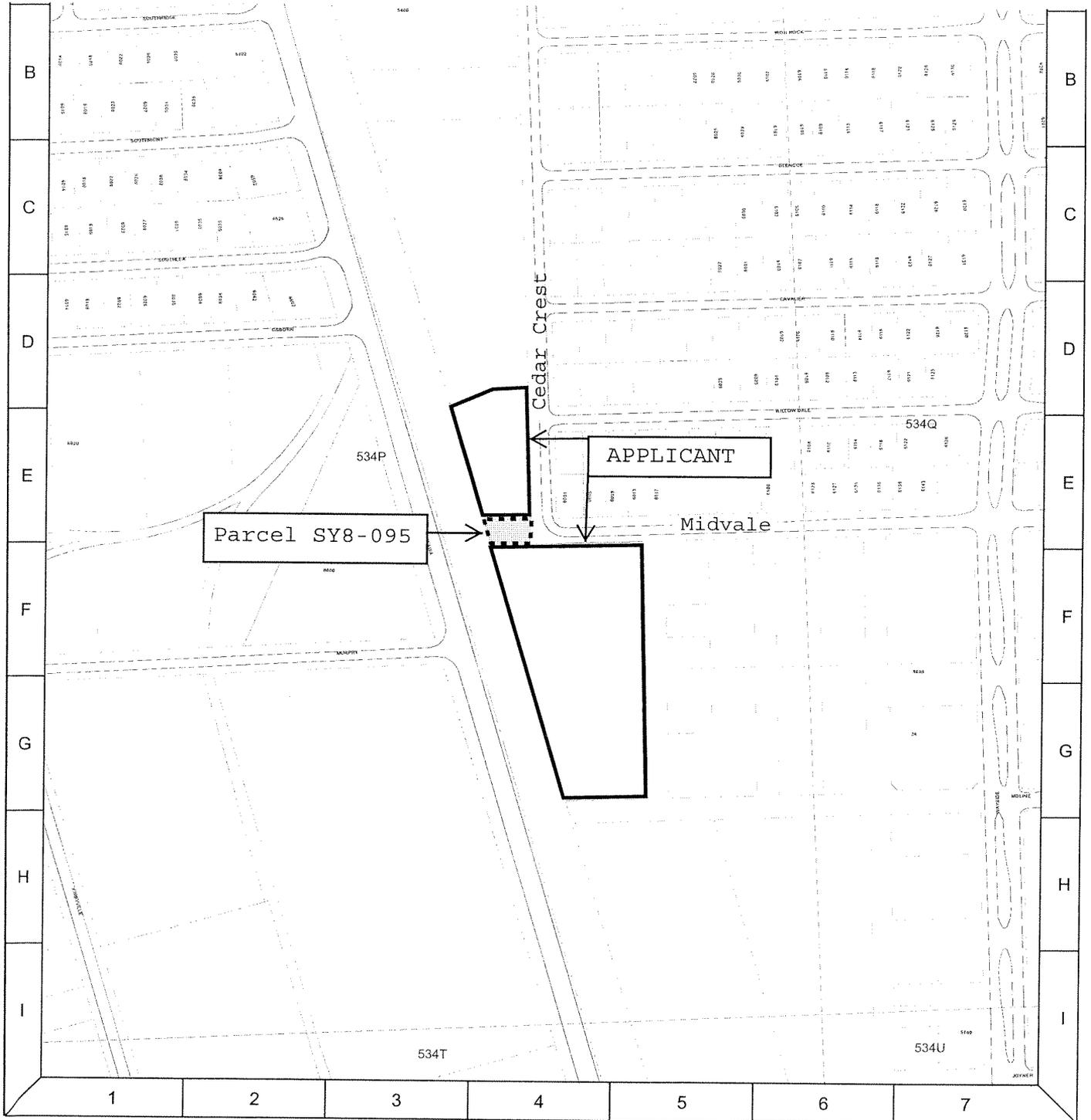
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REQUIRED AUTHORIZATION

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| Finance Department: | Other Authorization: | Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division |
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PARCEL MAP

SUBJECT: Abandonment and sale of Midvale Avenue from Cedar Crest Boulevard west to its terminus, in exchange for the conveyance to the City of a 20-foot wide water line easement, located in the Kings Court and Golfview Manor Subdivisions. Parcels SY8-095 and KY8-270



1 inch equals 320 feet

0 306090120



CITY OF HOUSTON

Department of Public Works & Engineering

Geographic Information & Management System (GIMS)

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7944

Subject: Approve the Purchase of Roof Restoration Services for the Jones Hall Theater from the State of Texas Procurement and Support Services Contract for the Convention & Entertainment Facilities Department S38-C22924

Category #
4

Page 1 of 1

Agenda Item

7

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
June 11, 2008

Agenda Date
JUL 01 2008

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
1

For additional information contact:
Stephen Lewis Phone: (713) 853-8888
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of roof restoration services for the Jones Hall Theater in the amount of \$132,024.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$6,601.20 for a total amount not to exceed \$138,625.20 from the State of Texas Procurement and Support Services Contract for the Convention & Entertainment Facilities Department.

Award Amount: \$138,625.20

Finance Budget

\$138,625.20 - C & E Civic Center Facility Revenue Fund (8601)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of roof restoration services for the Jones Hall Theater in the amount of \$132,024.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$6,601.20 for a total amount not to exceed \$138,625.20 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Convention & Entertainment Facilities Department and that authorization be given to issue purchase orders, as necessary, to the State contract supplier, Design-Build Solutions, Inc. This project is necessary to prevent potential roof leaks and extend the manufacturer's warranty for an additional five years.

The scope of work requires the construction contractor to provide all labor, materials, equipment, permits, insurance, supervision and transportation necessary to restore the entire roof at the Jones Hall Theater (approximately 67,600 square feet). The contractor will also be required to sweep the surface clean of loose debris, clean drip edge, prime expansion joints and torch a base sheet over existing base sheet using full width in 10' lengths maximum, perform repairs to blemishes in the base flashings; repair drains in the equipment sump, re-caulk all pitch pan hoods; prime entire roof at one gallon per square, and apply aluminum coating at two gallons per square. Additionally, the contractor will paint all vertical membrane surfaces with generic white elastomeric and install new walk pads as required after coating is complete. Workmanship for this project is warranted for two years and materials are warranted for five years. The contractor will have 20 days to complete the work on this project upon receipt of the notice-to-proceed.

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

Buyer: Lena Farris
PR10053020

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

SP

mca

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7975

Subject: Formal Bids Received to Furnish and Install Laboratory Equipment for the Public Works & Engineering Department S12-N22864

Category #
4

Page 1 of 1

Agenda Item

8

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
June 18, 2008

Agenda Date
JUL 01 2008

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Danelle Belhateche Phone: (713) 837-0847
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Dionex Corporation on its low bid meeting specifications in the total amount of \$116,678.27 to furnish and install a ion chromatograph system for the Public Works & Engineering Department.

Award Amount: \$116,678.27

Finance Budget

\$116,678.27 Combined Utility System General Purpose Fund (8305)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Dionex Corporation on its low bid meeting specifications in the total amount of \$116,678.27 to furnish and install a ion chromatograph system for the Public Works & Engineering Department and that authorization be given to issue a purchase order. This ion chromatograph system will be used to test potable drinking water samples for the presence of anions in the form of Nitrates, Nitrites, Chloride, Fluoride, Sulfates and Phosphates as required and regulated by the Environment Protection Agency (EPA) for environmental pollutants.

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

| | <u>Company</u> | <u>Total Amount</u> |
|----|-----------------------------|--|
| 1. | Microgenics Corporation | \$ 59,725.00 (Did Not Meet Specifications) |
| 2. | Metrohm-Haworth Corporation | \$115,110.30 (Did Not Meet Specifications) |
| 3. | Dionex Corporation | \$116,678.27 |

The scope of work requires the contractor to furnish all labor, equipment, materials, tools, supervision, transportation and insurance necessary to furnish and install an ion chromatograph system with the applicable hardware and software packages at the Department's Drinking Water Operations Branch Water Quality Laboratory. The new system will come with a two-year warranty and the life expectancy is ten years.

Buyer: Martin L. King

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

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

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

From: Roy Breaux

Date: 10/19/2007

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: S23-N22657

Estimated Dollar Amount: \$200,000.00

Anticipated Advertisement Date: 11/1/2007

Solicitation Due Date: 11/29/2007

Goal On Last Contract: N/A

Was Goal met: Yes No

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

Name and Intent of this Solicitation:

Furnish & Install Laboratory Instruments for Public Works & Engineering Department

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

The contractor shall furnish & install Laboratory Instruments for Public Works Department. These analyzers and testing equipment will be used for performing analysis on drinking water to identify anions, and sources of drinking water for the presence of herbicides, pesticides and PCB's. In addition the raw & treated water samples shall also be tested for organic carbon, inorganic carbon and nitrogen. These chromatographs and Total Organic Carbon analysis system will be shipped directly from the manufacturer to the City end-user. Therefore, there is no potential for M/WBE participation on this one-time procurement.

Concurrence:

SPD Initiator

Doug Moore
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.

RECEIVED

R

REQUEST FOR COUNCIL ACTION

RCA# 7933

TO: Mayor via City Secretary

Subject: Sole Source Purchase of Magnetic Flowmeters for the Public Works & Engineering Department
S12-N22908

Category #
4

Page 1 of 1

Agenda Item

9

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
May 15, 2008

Agenda Date
JUL 0 1 2008

DIRECTOR'S SIGNATURE


Council District(s) affected
All

For additional information contact:
Joseph Majdalani Phone: (713) 641-9182
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the sole source purchase from ABB, Inc. in an amount not to exceed \$154,779.42 to furnish and install magnetic flowmeters for the Public Works & Engineering Department.

Award Amount: \$154,779.42

Finance Budget

\$154,779.42 - Combined Utility System General Purpose Fund (8305)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the sole source purchase from ABB, Inc. in an amount not to exceed \$154,779.42 to furnish and install magnetic flowmeters for the Public Works & Engineering Department (PW&E) and that authorization be given to issue a purchase order. These magnetic flowmeters (aka magmeters) will be utilized by the Department's Wastewater Treatment Branch to monitor the influent feed to the wastewater treatment reactors.

ABB, Inc. is the sole manufacturer and distributor of ABB MFF MagMaster Series 42" heavy-duty magmeters; there are no third-party providers of ABB, Inc. equipment and services.

The ABB, Inc. MFF Magmaster Series heavy-duty magmeters are designed and manufactured to be permanently submerged in hazardous environments, such as wastewater treatment pits, and allow the plant operator to monitor and adjust the waste treatment process in order to minimize ammonia discharges. These magmeters are necessary to maintain compliance with the Environmental Protection Agency, Texas Commission on Environmental Quality, and the National Pollutant Discharge Elimination System's pollutant discharge mandates.

The scope of work requires the contractor to furnish all labor, equipment, materials, tools, supervision, transportation and insurance necessary to replace three 21-year-old, inoperable and non-repairable magnetic flowmeters at the Department's Southwest Wastewater Treatment Plant. The new magmeters will come with a full two-year warranty and the life expectancy is approximately 20 to 25 years. The old units will be removed and environmentally disposed of by the contractor.

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

Buyer: Martin L. King
PR No. 10032761

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

11
JUL 01 2008

City of Houston Ordinance No. 2008-_____

AN ORDINANCE ADDING A NEW ARTICLE VII TO CHAPTER 45 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS, PROVIDING FOR THE CREATION OF A SPEED FEEDBACK SIGN PROGRAM; MAKING OTHER FINDINGS AND OTHER PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * *

WHEREAS, speed feedback signs are devices which serve as a traffic safety educational tool designed to increase the awareness of the applicable speed limit; and

WHEREAS, the use of speed feedback signs remind motorists to remain cognizant of their actual speed in comparison to the statutory speed limit, thereby allowing them to reduce speed accordingly; and

WHEREAS, the use of speed feedback signs will act as a deterrent to excessive speeds on city streets, contributing to the protection of the health, safety, and welfare of the city's inhabitants; **NOW, THEREFORE**,

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

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

Section 2. That Chapter 45 of the Code of Ordinances, City of Houston, Texas, is hereby amended by adding Article VII to read as follows:

"ARTICLE VII. SPEED FEEDBACK SIGN PROGRAM

Sec. 45-161. Program created.

There is hereby created within the public works and engineering department the Speed Feedback Sign Program (the 'program').

Sec. 45-162. Purpose.

The purpose of this article shall be to create a program to set criteria for the use of speed feedback devices in public street right-of-ways. The speed feedback signs authorized herein shall be used to provide to the driver of a vehicle real-time feedback by radar of the vehicle's speed, and to bring attention to posted speed limits. Such devices are not approved as traffic control devices in the Texas Manual of Uniform Control Devices and are thus not designed to hinder, prevent, or aid in any police function.

Sec. 45-163. 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:

Applicant means property owners' associations, and public or private school districts which express an interest in participating in the program by completing an application and by taking all other steps as required herein to participate in the program.

Department means the department of public works and engineering.

Property owners' association means that entity as defined in Section 204.004 of the Texas Property Code.

Program means the public safety video program.

Public way or public street right-of-way shall be as defined in section 40-121 of this Code.

Site means the location where the speed feedback sign will be placed.

Speed feedback sign or sign means each sign used in the program that gives real-time feedback of a vehicle's actual speed to the driver of the vehicle by the use of radar.

Sec. 45-164. Application for participation.

(a) The traffic engineer is hereby authorized to prepare an application in such form as shall be consistent with the requirements of this article for the participation of qualified members of the public and private sector in the program.

(b) As a minimum, the application shall require the following:

- (1) Applicant's name, telephone number, and email address;
- (2) Applicant's type of entity (property owners' association or school district);
- (3) Applicant's mailing address and street address of main office;
- (4) A description of the public street right-of-way where the speed feedback sign will be located and the applicant's interest therein; and
- (5) Any other information the traffic engineer deems appropriate.

(c) The applicant shall also be required to make the following representations and accept the following obligations as part of the application:

- (1) That the person completing the application is authorized to do so and to legally bind the applicant to the representations made in the application.
- (2) That the applicant agrees at its sole cost and expense to purchase, install, and maintain (and, if deemed necessary by the traffic engineer, dismantle and remove) signs conforming with the technical standards and requirements of the department subject to the supervision, direction and control of the department.
- (3) That the applicant will, at its sole cost and expense, comply with all city codes, rules, regulations, and other requirements and will obtain all necessary permits as part of the process of installation of the sign.
- (4) That the applicant will, at its sole cost and expense, pay all monthly charges associated with the operation of the sign, transmission system, monitors, and other peripherals, including the cost of power, maintenance, parts replacement, etc.
- (5) That the applicant will, in accordance with the department's technical standards and requirements, and at its sole cost and expense, pay any and all costs associated with the installation and maintenance of the sign.

- (6) That the applicant recognizes and agrees that the department reserves the right at any time to change or modify the program as the department deems appropriate, or to terminate applicant's participation in the program at any time and for any reason, without recourse by applicant.
- (7) That if the applicant is terminated from participation in the program by the department, or if the applicant voluntarily withdraws from the program, the applicant shall as soon as possible and at applicant's sole cost and expense remove any equipment encroaching into the city's public way and repair any damage to the public way associated with said removal.

(d) The applicant's representative shall sign the application agreeing to the terms, conditions, and representations contained in the application.

Sec. 45-165. Review and approval of application.

(a) In reviewing each application the department shall determine if the proposed applicant is appropriate for inclusion in the program. In doing so, the department may consider the following:

- (1) The completeness of the application;
- (2) The appropriateness of the proposed site;
- (3) The availability of departmental staffing for performing related activities;
- (4) The promptness with which the applicant can meet the department's deadlines for installation and availability of the sign;
- (5) Any other criteria related to the efficacy of the program that the department deems appropriate.

(b) The traffic engineer is authorized, based on his review of the application and the representations and promises made therein, the results of consultations with the city legal department, and any other information he deems relevant or appropriate, to accept and approve the applicant for participation in the program; to deny the application; or to accept and approve the applicant subject to such conditions as the traffic engineer shall specify. The traffic engineer is not required to approve any application which

the traffic engineer determines is not in the best interest of the program or the city.

Sec. 45-166. Technical requirements.

The department shall establish technical specifications and standards for all equipment, apparatus, and software used in the program.

Sec. 45-167. Use of city public street right-of-way authorized.

The department is hereby authorized to utilize those portions of the city's public street right-of-way where such use is necessary to accommodate the placement of a feedback sign as part of the program. Before any public way may be used, the traffic engineer and the legal department shall consult to determine if the proposed use of the public way will impair the city's primary use of said public way or pose any legal issues with regard to the city's right to so use said public way. Any installation of any program equipment in the public way must be approved in advance by the traffic engineer.

Sec. 45-168. Operation.

(a) The traffic engineer may establish rules and regulations for the implementation of the program.

(b) The feedback sign is to be installed as a matter of public safety. Its primary use will be to reduce overall vehicle speed and improve the safety of city streets. It is to be installed at the direction of the department and it is to be installed and operated in a manner such that it will not hinder or interfere with the police department's enforcement of all traffic laws of this city and all of the state vehicle laws applicable to traffic in this city."

Section 3. That if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of this Ordinance to any person or set of circumstances, is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall 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, invalidity or unenforceability 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 _____, 2008.

APPROVED this ____ day of _____, 2008.

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. Kristy J. Orr 
Assistant City Attorney
Requested by Raymond Chong, City Traffic Engineer, Public Works and Engineering
LD File # _____

REQUEST FOR COUNCIL ACTION

| | | | |
|--|-----------------------------|--|------------------------------------|
| SUBJECT: Ordinance amending Chapter 19 of the Code of Ordinances relating to Flood Plain | | Page 1 of | Agenda Item # 10 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date: June 27, 2008 | Agenda Date: JUL 01 2008 |
| DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director | | Council District affected: All | |
| For additional information contact: Andrew F. Icken <i>AFI</i> Phone: (713) 837-0510 Deputy Director | | Date and identification of prior authorizing Council action: Ord. 2006-894 Aug. 30, 2006 | |
| RECOMMENDATION: Adopt Ordinance amending Chapter 19 of the Code of Ordinances relating to development in the Flood Plain | | | |
| Amount and source of funding: not applicable | | | Finance Dept. |
| EXPLANATION: <p>Communities that adopt and enforce flood plain management regulations are eligible to participate in the FEMA-administered National Flood Insurance Program (NFIP). The provisions now found in Chapter 19 were added to the Code of Ordinances in 1985 to ensure the availability of reasonably priced flood insurance. Houston's flood plain regulations are based on a model ordinance developed by FEMA, and Chapter 19 has been revised over the years to meet or exceed FEMA's minimum requirements. The last revisions were approved by City Council in August 2006. The administration is proposing to amend development regulations that apply to FEMA-defined flood plain maps, in order to address issues that have arisen since implementing the amended ordinance in October 2006.</p> <p>The current ordinance makes no distinction between the reconstruction of existing structures related to flooding or to other catastrophic events, such as fire, wind or hail. The proposed amendments would continue current requirements for flood-related reconstruction, but would allow the City Engineer to issue a development permit for reconstruction necessitated by other catastrophe, as long as the reconstruction is on an existing slab and will not increase the footprint of the slab.</p> <p>The proposed amendments also provide that a development permit will be granted for reconstruction or expansion of existing structures in the floodway if they will be built on pier and beam, at certain elevations above the basic flood level and if the applicant provides an engineer-certified plan for flood mitigation at the site.</p> <p>Similarly, construction on vacant floodway property may have a development permit issued, if built on pier and beam, above certain elevations and if on-site or off-site flood conveyance mitigation is provided.</p> <p>All permits issued for permissible floodway construction and reconstruction will require that the applicant be notified of increased flood insurance premiums that will apply to such development. The development permit issued will require inspection by the City Engineer upon completion of construction and at any subsequent transfer of title to the property.</p> <p>Other proposed Chapter 19 revisions include the deletion of provisions regarding 10-year accumulation of improvements to structures, and revised regulations for boathouses and piers based on a revised definition of the floodway on portions of Lake Houston.</p> <p>The Department of Public Works and Engineering has been working with stakeholders to develop the proposed revisions. Participants included floodway property owners, the engineering, environmental and development communities and applicable government entities. The Council Committee on Flooding and Drainage Committee considered proposed Chapter 19 revisions on May 6 and June 19, 2008. These amendments will become effective September 1, 2008.</p> | | | |
| REQUIRED AUTHORIZATION | | | |
| Other Authorization: | Other Authorization: | Other Authorization: | |

Chapter 19

FLOOD PLAIN*

ARTICLE I.

IN GENERAL

Sec. 19-1. Statement of purpose.

(a) The purpose of this chapter is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health.
- (2) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (3) Minimize prolonged business interruptions.
- (4) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.
- (5) Provide for the sound use and development of floodprone areas in such a manner as to minimize the future flood-blight areas.

(b) This chapter provides a regulatory system to monitor the issuance of plats and permits to reduce the likelihood that development within this city will increase the dangers of flooding. To accomplish this purpose, this chapter utilizes the following methods:

- (1) Restrictions or prohibitions of land uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities.
- (2) Requirements that land uses particularly vulnerable to floods, including facilities that serve such land uses, be protected against flood damage at the time of initial construction.
- (3) Maintenance of control of the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- (4) Mitigation of filling, grading, dredging and other development which may increase flood damage.
- (5) Prevention or regulation of the construction of flood barriers which will unnaturally divert floodwaters or which may otherwise increase flood hazards to other lands.

(c) The degree of regulation for flood protection established by this chapter is considered reasonable for regulatory purposes and is based on maps promulgated by the Federal Emergency Management Agency which are required to be used as a condition of obtaining flood insurance. These maps are based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Neither the regulations established hereunder nor the issuance of permits hereunder or other approvals granted pursuant to this chapter are intended to imply that lands outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage.

(d) These rules and regulations shall be applicable throughout the city. The special flood hazard areas identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for the City of Houston", dated April 20, 2000, with accompanying flood insurance rate maps and flood boundary-floodway maps, and any subsequent revisions or amendments thereto are hereby adopted by reference and declared to be a part of this chapter. The provisions of this chapter shall take precedence over any less restrictive conflicting laws, ordinances, codes, or official determinations. For purposes of this chapter, the city engineer shall determine which of these conflicting laws are most restrictive and his decision in this regard shall be final.

(e) The flood insurance study and the flood insurance rate map, and any subsequent revisions or amendments thereto that are being administered as provided in Section 19-4 of this Code, shall be available for public inspection in the office of the city engineer during normal business hours. The city engineer shall be custodian of these records for all purposes.

(f) The director of the public works and engineering department is authorized to promulgate guidelines for administration of this chapter that are consistent with the requirements of this chapter and applicable state and federal laws and regulations.

Sec. 19-2. Definitions.

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

AO, AH, or VO Zones (areas of shallow flooding) shall mean those areas designated on the flood insurance rate map with a one percent or greater chance of flooding to an average depth of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Addition shall mean any alteration to an existing structure that increases its footprint.

Basement shall mean any area of a building having its floor subgrade (below natural ground elevation) on all sides.

Base flood shall mean a flood having a one percent chance of being equalled or exceeded in any one year.

Base flood elevation (BFE) or base flood level shall mean the elevation above mean sea level that

floodwaters have been calculated to reach during the base flood at a specific location.

Base flood level--See definition of "base flood elevation."

Board--See definition for "general appeals board."

Breakaway wall shall mean an open wooden lattice, insect screening or any other suitable building material approved by the city engineer that is not part of the structural support of the associated structure and that is intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the structure or damage to the structural integrity of the structure on which breakaway walls are used. In addition, breakaway walls must be designed so that if carried downstream they will not cause damage to any other structure. Breakaway walls must have a design safe loading resistance of not less than ten and not more than 20 pounds per square foot. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by city or state codes) may be permitted only if a professional engineer, licensed in the State of Texas, certifies that the designs proposed meet the following conditions:

- (1) Wall collapse shall result from a water load less than that which would occur during the base flood; and
- (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (one hundred-year mean recurrence interval).

Certificate of compliance shall mean a notarized statement, from the applicant for any permit issued under this chapter, to the effect that the applicant has received all permits, licenses, or approvals then required by federal law, statute or regulation, including but not limited to, permits issued under the authority of Section 404 of the Federal Water Pollution Control Act Amendments of 1972, or required by or under any statute, rule or regulation of the State of Texas.

Coastal high hazard area--See definition of V1 through V30 Zones, VE Zones or V Zones.

Conveyance shall mean, unless otherwise determined by the city engineer, the flow of water during the base flood with a velocity that is greater than one foot per second or a depth that is greater than one foot.

Cost of improvement shall mean that cost required for any addition, restoration, repair, or other construction that increases the value of the structure based on an estimate prepared, signed, and dated by a professional engineer or architect, each licensed by the State of Texas, or other documentation acceptable to the city engineer.

Cost of restoration shall mean that cost required to restore a structure to its condition prior to the

event causing damage, based on an estimate prepared, signed, and dated by an insurance adjustor, professional engineer or architect, each licensed by the State of Texas, or other documentation acceptable to the city engineer.

Critical facilities shall mean facilities that materially affect the public health and welfare. Such facilities include, but are not be limited to:

- (1) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- (2) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood;
- (3) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood; and
- (4) Structures or facilities that produce, use, treat, store, or dispose of highly volatile, flammable, explosive, toxic, and/or water-reactive materials.

Development shall mean any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

Development permit shall mean a permit issued under the provisions of this chapter for any development of a site located within a special flood hazard area. The term shall also include a permit for the placement of a recreational vehicle for more than 180 days in Zones A1-A30, AH and AE.

Elevation certificate shall mean a statement from an engineer or surveyor licensed by the State of Texas on the most current FEMA form certifying that the lowest floor of the structure has been elevated at least as high as required by this chapter.

Existing structure shall mean a structure that was lawfully constructed prior to the promulgation of the FIRM that established the floodplain or floodway for the property on which the structure is located.

FIRM or flood insurance rate map shall mean the official flood insurance rate map promulgated by the federal insurance administrator of the Federal Emergency Management Agency which delineates both the special flood hazard areas and the risk premium zones applicable to the city, as amended and supplemented from time to time. Under certain circumstances as provided in section 19-4 of this Code, the effective FIRM may be supplemented with additional flood elevation data for purposes of the administration of this chapter.

Fill shall mean any material that is placed in an area and increases the elevation of that area or displaces water volume.

Flood shall mean a general and temporary condition of complete or partial inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (3) A combination of (1) and (2).

Floodproofing shall mean any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodproofing certificate shall mean a certificate issued by a registered professional engineer licensed in the State of Texas which states that he has developed and/or reviewed the structural design, specifications, and plans for the construction of the structures or improvements covered by the certificate and that the design and methods of construction are in accordance with accepted standards of practice for meeting the following requirements:

- (1) The floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and,
- (2) Together with attendant utility and sanitary facilities, the structures are designed so that below the base flood level the structures are watertight with walls impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than the height specified for the site in the flood insurance study.

Floodway conveyance offset volume shall mean the volume of material that must be excavated and removed from the special flood hazard area to provide an equivalent storage volume necessary to reduce loss of conveyance associated with development within the floodway.

Flood insurance rate map--See definition of "FIRM."

Flood insurance study shall mean the effective report provided by the Federal Emergency Management Agency containing current flood profiles of the water surface elevations of the base flood as well as the flood boundary-floodway map.

Functionally dependent use shall mean a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

General appeals board shall mean that board organized and created under the provisions of the Building Code.

Highest adjacent grade shall mean the highest natural elevation of the ground surface next to the proposed walls of a structure immediately prior to construction.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) Individually listed on the Texas Inventory of Historic Places.

Lake Houston shall mean, for purposes of this chapter, the shoreline of an area bounded on the south by the Lake Houston Dam, on the northwest by the West Lake Houston Parkway Bridge and on the northeast by an imaginary line running generally east to west that intersects the confluence of Luce Bayou and the East Fork of the San Jacinto River, and is more particularly described as beginning at a point located at 30° 2' 31.67" N, 95° 7' 12.09" W and running generally west to 30° 2' 32.02" N, 95° 7' 36.14" W.

Lowest floor means the lowest floor of the lowest enclosed area (including basement) of a structure. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of this chapter or any other state or federal statute, rule, or regulation.

Manufactured home shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities including, but not limited to, a manufactured home as defined in section 29-1 of this Code.

Manufactured home park or *subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale including, but not limited to, a manufactured home park or manufactured home subdivision as defined in section 29-1 of this Code.

Market value shall mean the value of a structure as established by one of the following:

- (1) The improvement value assigned to the structure by the central appraisal district for the county in which the structure is located;

- (2) The computed actual cash value as determined by the FEMA-approved Residential Substantial Damage Estimator (RSDE) methodology;
- (3) An appraisal performed by a certified real estate appraiser licensed by the Texas Appraiser Licensing and Certification Board; or
- (4) Any other similar method acceptable to the city engineer.

Market value shall not include land value.

Mean high tide shall mean the average of all recorded high tides as recorded and reported by the National Weather Service.

Mean sea level shall mean the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the FIRM are referenced.

Minimum flood protection elevation shall mean the base flood elevation plus 12 inches.

Modular home shall mean a structure or building module that is manufactured at a location other than the location where it is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. This term shall include the plumbing, heating, air conditioning and electrical systems contained in the structure. This term does not include a manufactured home as defined herein or building modules utilizing concrete or masonry as the primary structural component.

New construction shall mean the initial construction of a structure.

Permit shall mean a development permit issued under the provisions of this chapter.

Plat means any of the following: a Class II or Class III subdivision plat and a street dedication plat as those terms are defined in chapter 42 of this Code or a manufactured home subdivision plat as that term is used in chapter 29 of this Code.

Recreational vehicle shall mean a vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~*Repetitive loss* shall mean flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. For the purpose of this definition, the market value of a structure is established on October 1, 2006, or on the date of the first flood-related loss, whichever occurs later.~~

Riverine means relating to, formed by, or resembling a river (including tributaries), stream or brook.

Special area--See definition of "special flood hazard area."

Special flood hazard area or *special area* shall mean the land in the floodplain within the city, that is subject to a one percent or greater chance of flooding in any given year and is designated as unnumbered A Zones, AE Zones, AO Zones, AH Zones, A1 through A99 Zones, VO Zones, V1 through V30 Zones, VE Zones or V Zones.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act, 16 U.S.C. § 3501 et seq.) shall include substantial improvement, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the placement of concrete slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure shall mean an edifice or building of any kind or piece of work that is artificially built up or composed of parts joined together in a definite manner, including, but not limited to, a modular home or a manufactured home, or a gas or liquid storage tank when such tank is principally located above ground.

Substantial damage shall mean the damage of any origin sustained by a structure whereby the cost of restoration of the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure. For the purpose of this definition, the market value refers to the value of the structure immediately preceding the event that caused substantial damage.

Substantial improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term shall include structures that have incurred repetitive loss or substantial damage, regardless of the repair work performed. This term also shall include any combination of repairs for flood damage or additions, occurring during any period of ten years, for which the cumulative percentage of the cost of each addition or repair divided by the

~~market value of the structure before the start of construction of each addition or repair equals or exceeds 50 percent. The term shall not include either:~~

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Utilities shall mean all building utilities including, but not limited to, electrical, heating, ductwork, ventilating, plumbing, air conditioning equipment, and any other service facilities.

Utility construction permit means a permit issued to a developer under chapter 47 of this Code to construct a water or sewer main.

V1 through V30 Zones or VE Zones or V Zones or coastal high hazard area shall mean an area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis.

Variance shall mean a grant of relief to a person from the requirements of this chapter that allows development in a manner otherwise prohibited by this chapter.

Watercourse shall mean any river, channel or stream for which base flood elevations have been identified in the flood insurance study for the city.

Sec. 19-3. Certain prohibitions relating to recreational vehicles.

All recreational vehicles placed in Zones A1-30, A99, AH, AE or V, VE, V1-30 on the FIRM must be:

- (1) On the site for less than 180 consecutive days, and ready for highway use; or
- (2) Be permitted under article IV herein and meet the elevation and anchoring requirements for manufactured homes.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site by quick disconnect type utilities and security devices, has no permanently attached additions and has current vehicle registration and inspection stickers or tags affixed.

Sec. 19-4. Use of other flood hazard data to supplement the effective firm.

(a) From time to time elevation and flooding studies are undertaken by or under the auspices of the Federal Emergency Management Agency and local political subdivisions, such as the Harris County Flood Control District, that have responsibility to abate flooding. Upon determination that the data generated by such a study appears to be reliable and based upon sound engineering and surveying practices and further that the study's data indicate that the effective FIRMs are materially inaccurate, the city engineer may cause the study data to be administered for purposes of this chapter as though it were a part of the effective FIRM. Any such

determination shall be issued in writing and a copy shall be placed on file in the office of the city secretary.

(b) Where the study data are being administered as provided in subsection (a), the following procedures shall apply:

- (1) To the extent of any inconsistencies between the study data and the effective FIRM, the more restrictive base flood elevations and special flood hazard areas shall be controlling, and in no instance may any determination or designation that is based on the effective FIRM be reduced by study data.
- (2) If alternative base flood elevations exist for the property because of the administration of supplemental data as provided in this section 19-4, the applicant shall provide two surveys, one of which shall be based in the effective FIRM and one of which shall be based on the study data.
- (3) Any applicant for a plat, permit or other approval that is denied because of the application of the study data may appeal the denial of the permit, plat or other approval based on the validity of the study data as applied to the applicant's property or project. The appeal shall be considered in the same manner as a variance application under article II of the chapter. In any such appeal, the city engineer shall provide the documentation for the study data; however, the burden of demonstrating that the study data are incorrect as applied to the applicant's property shall rest upon the applicant, and must be supported by the agency then responsible for the study data. Any appeal pursuant to this section shall not result in the change in any of the study data. In addition, if the study data being used has been published by the Federal Emergency Management Administration for comment as a draft or preliminary FIRM:
 - a. The appeal process shall be limited to the application of the study data by the city to the specific application that is the subject of the appeal;
 - b. The appeal process shall not be regarded as an appeal under part 67, or a request for map amendment under part 69, of Title 44 of the Code of Federal Regulations;
 - c. Any outcome of the appeal to the city is in no way binding on the Federal Emergency Management Administration, nor will it affect or limit any action the agency may take; and
 - d. Any challenge to the use of the study data as the basis for a FIRM should be separately addressed to the Federal Emergency Management Administration under the applicable federal rules.

(c) For any special flood hazard area for which a floodway has not been designated, the applicant may submit an engineering analysis by a registered professional engineer licensed in the State of Texas that defines the floodway with respect to the site for which a development permit is sought.

Secs. 19-5--19-10. Reserved.

ARTICLE II.

REGULATORY SYSTEM FOR PERMITS AND PLATS

DIVISION 1.

GENERALLY

Sec. 19-11. In general.

No building permit, paving permit, utility construction permit or other permit required for a structure or development shall be issued, and no plat shall be approved, unless the applicant demonstrates that the permit or plat meets the applicable requirements of this chapter, or unless a variance, excepting such structure or development from the provisions of this chapter, is granted under the terms of this chapter.

Sec. 19-12. Duties of city engineer.

The city engineer is charged with exercising best engineering judgement in the administration and implementation of the provisions of this chapter. His duties in this regard shall include, but are not limited to, the following:

- (1) Maintaining and holding open for public inspection all records pertaining to the provisions of this chapter including a record of all floodproofing certificates filed hereunder with the specific elevation (in relation to mean sea level) to which such structures are floodproofed.
- (2) Reviewing, approving, or denying all applications for development permits required by the adoption of this chapter.
- (3) Reviewing applications for development permits to ensure that all necessary licenses, approvals, or permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (4) Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), making the necessary interpretation of the maps which shall be liberally construed by the city engineer in favor of inclusion of the site in a special flood hazard area.
- (5) Notifying adjacent communities, the Harris County Flood Control District and the Texas Commission on Environmental Quality prior to any alteration or relocation of a watercourse within the city, and submitting evidence of such notification to the Federal Emergency Management Agency.
- (6) Cooperate with the responsible local, state and federal agency to maintain the flood-carrying capacity of the altered or relocated portion of any watercourse within the city.
- (7) When and where base flood elevation data has not been provided, obtaining, reviewing and reasonably utilizing any base flood elevation data and floodway data available from a federal,

state or other source including any information obtained in connection with the provisions of section 19-13(b) of this chapter, as criteria in administering the applicable provisions of this chapter.

- (8) Where an amendment or supplement to a FIRM that is being administered as provided in section 19-4 of this Code expresses base flood elevation based on different data than the FIRM it amends or supplements, reconciling the conflicting data to determine the more restrictive base flood elevation.

DIVISION 2.

PLAT PROCEDURE

Sec. 19-13. Plat approval; issuance.

(a) Any person who is required or elects to obtain a plat shall also comply with the provisions of this chapter, if applicable.

(b) When a person files an application for approval of a plat, the approval of the plat is subject to the approval of a drainage plan for the property that is the subject of the plat application if the property is located in whole or in part in a special flood hazard area within the city. The drainage plan shall include the base flood elevation data for the property certified as true and correct on the face of the drainage plan by a registered professional engineer licensed in the State of Texas. If alternative base flood elevations exist for the property because of the administration of supplemental data as provided in section 19-4 of this Code, the drainage plan shall include both base flood elevations.

(c) The city engineer shall review the drainage plan and determine whether the development will be reasonably safe from flooding and whether such proposed development is:

- (1) Consistent with the need to minimize flood damage within the special flood hazard area;
- (2) To be constructed so that all public utility facilities including, but not limited to, sanitary sewer, gas, water and electrical systems are located and constructed so as to minimize flood damage from the base flood;
- (3) To be constructed so that drainage is provided to reduce exposure of such development to flood hazards; and
- (4) Would comply with the applicable requirements of article III of this chapter.

(d) If the proposed development satisfies the criteria in subsection (c) of this section, the city engineer shall approve the drainage plan and shall so notify the city planning commission in writing.

(e) The city planning commission shall not approve a final plat until the city engineer has approved the drainage plan for that site. If the proposed development requires mitigation pursuant to section 19-17(e) or section 19-43 of this Code, the final plat and deed shall identify the location and volume of the mitigation as a

feature of the property. The obligation to have a mitigation feature shall continue in perpetuity and shall run with all the land covered by the development permit. The owner of the land shall have the obligation to have and comply with the development permit unless that obligation is transferred to another person pursuant to rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code.

Secs. 19-14, 19-15. Reserved.

DIVISION 3.

PERMIT PROCESS

Sec. 19-16. Regulatory process for permits; term.

(a) Any development within a special flood hazard area shall be unlawful without a development permit, regardless of whether a plat is required under chapter 42 of this Code. A development permit is required in addition to any other permit that may be required for the development activities.

(b) A development permit will expire if development has not commenced within 18 months of issuance, and upon completion of the project for which it is granted, or after five years has elapsed from the date of permit issuance, whichever occurs first.

Sec. 19-17. Development permit application.

(a) An applicant for a development permit shall submit a development permit application on forms furnished by the city engineer for that permit along with plans in duplicate, drawn to scale, showing:

- (1) The existing topography and the location, dimensions, and elevation of any proposed alterations;
- (2) Existing and proposed structures;
- (3) The location of the proposed alterations in relation to special flood hazard areas;
- (4) Elevation in relation to mean sea level of the lowest floor of all proposed structures and substantial improvements;
- (5) Elevation in relation to mean sea level to which any structures will be or have been floodproofed;
- (6) If the site is adjacent to a watercourse or drainage channel, the definition of how that watercourse or drainage channel will be impacted;
- (7) Base flood elevations from effective FIRM data for all structures and substantial improvements; except that, this information is not required for Zone A where base flood elevation data has not been provided and must be developed from federal, state, or other sources; and
- (8) For all new construction, additions to existing structures, and substantial improvements, all base flood elevation lines and corresponding labels, as shown on the FIRM, that intersect the

proposed development, as well as the nearest base flood elevation lines and corresponding labels both upstream and downstream of the site.

Each sheet in the plans on which elevations are marked shall include the vertical datum and adjustment, consistent with the effective FIRM, along with the site benchmark used for vertical control; except that, if the plan elevations are not on the same vertical datum as the base flood elevations shown on the effective FIRM, each sheet in the plans on which elevations are marked shall also show tabulated vertical datum differences.

(b) The applicant shall also provide a certificate of compliance with copies of all supporting permits, licenses and approvals, and a floodproofing certificate where floodproofing is or may be required by the applicable provisions of this chapter.

(c) For areas that the city engineer has determined have no conveyance capacity, the applicant shall submit documentation that demonstrates that the development will not, at any time, diminish the storage volume of the special flood hazard area and:

- (1) Identifies an amount of de minimis fill associated with pier and beam construction for which mitigation is not required, in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or
- (2) Demonstrates that any loss of storage volume will be mitigated on-site, such that there is no net fill; or
- (3) Demonstrates that any loss of storage volume will be mitigated off-site in accordance with rules and regulations promulgated by the director pursuant to subsection (f) of section 19-1 of this Code; or
- (4) Demonstrates any combination of items (1) through (3) of this subsection.

(d) For areas that the city engineer has determined to have conveyance capacity and for areas for which the city engineer has made no determination of conveyance capacity, the applicant shall submit an engineering analysis certified by a professional engineer licensed in the State of Texas that demonstrates that the development will not, at any time, either change the conveyance capacity or diminish storage volume of the special flood hazard area; except that, if the applicant submits a Conditional Letter of Map Revision approved by the Federal Emergency Management Agency, the engineering analysis need only demonstrate that the development will not, at any time, diminish storage volume of the special flood hazard area.

(e) The director shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid by an applicant for a development permit or a variance, as set forth in section 19-21 of this Code. Payment of any applicable fees when due is a condition of the processing of any application under this article.

(f) In addition to other responsibilities under this Code or the Construction Code, the city engineer shall review each permit application to verify compliance with the provisions of this chapter.

Sec. 19-18. Additional requirements for permit applications.

At the discretion of the city engineer, an applicant may be required to submit any or all of the following:

- (1) Plans with the "official coordinate system" of the city as defined in section 33-81 of this Code as their horizontal datum. Where required, each sheet shall be marked with horizontal datum information and with the combined scale factor required to convert from surface coordinates to grid coordinates;
- (2) Datum differences between the vertical datum and adjustment of elevations used on the sheet and any other vertical datum(s) and adjustment(s) typically used in the watershed tabulated on each sheet in the plans on which elevations are marked, or separate survey(s) based on said additional vertical datum(s) and adjustment(s);
- (3) A survey of property ownership of the site, which is signed and sealed by public surveyor licensed in the State of Texas;
- (4) An interim drainage plan for the site during the activity;
- (5) An indication of the source of fill material and the proposed disposal site, if applicable, and the expected duration of the activity;
- (6) An engineering analysis signed and sealed by a registered professional engineer licensed in the State of Texas as required by the city engineer; and
- (7) Any other relevant documentation requested by the city engineer.

Sec. 19-19. Review.

(a) The city engineer shall review permit applications and the plans submitted in accordance with sections 19-17 and 19-18 of this Code and shall either approve or deny the issuance of the permit. Approval or denial of a permit by the city engineer shall be based on compliance with the applicable provisions of this chapter. In addition to employing the standards contained in article III of this chapter, the city engineer may deny a permit application if the issuance of the permit could result in:

- (1) Danger to life or property due to flooding or erosion damage in the vicinity of the site;
- (2) Susceptibility of the development and the contents of any structure to flood damage and the effect of such damage on the individual owner;
- (3) Danger that materials may be swept onto other lands to the injury of others;
- (4) Impairment of the access to and exit from the site in times of flood for ordinary and emergency vehicles; or

- (5) Unusually high costs of providing governmental services during and after flood conditions, including maintenance and repair of streets, bridges, public utilities and facilities such as sewer, gas, electrical and water systems.
- (b) In connection with this determination, the city engineer shall consider the following factors:
 - (1) Unusual circumstances affecting the expected height, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site in the presence of floodwaters;
 - (2) The necessity of a waterfront location for the structure, where applicable; and
 - (3) The lack of alternative locations not subject to flooding or erosion damage for the proposed use.
- (c) A permittee shall submit an elevation certificate to the city engineer before the framing of a structure has started. Failure to do so may result in the revocation of a permit issued hereunder.
- (d) The city engineer may enter any structure or premises to perform any duties or responsibilities imposed by this chapter.

Sec. 19-20. Variance procedure.

(a) Any applicant for a permit may apply for a variance from the requirements of this chapter. Except as may be otherwise provided in subsection 19-22(f), A variance may be sought only on the basis that the imposition of the requirements of this chapter for the issuance of a permit to the applicant constitutes an exceptional hardship. ~~Variances^(ep) shall not be granted for development within any floodway if the development cannot meet the requirements of section 19-43 (b) of this Code~~

(b) An applicant may file a request for variance at any time. However, no variance may be granted for development on vacant land in a floodway, and no variance may be granted after an applicant has complied with the provisions of this chapter and a permit has been issued. An applicant shall file the application for a variance on a written form to be supplied by the city engineer, and shall specify in connection therewith:

- (1) The particular requirement from which a variance is sought;
- (2) The nature of the hardship presented by the imposition of the requirements;
- (3) The proposed alternative method or procedure to be utilized in lieu of the required method, practice or procedure that is proposed;
- (4) The effect of the proposed construction on flood levels within the city;
- (5) The estimated cost in dollars of complying with the requirement;
- (6) The estimated cost in dollars of construction by the proposed alternative method of procedure;

- (7) The size, in acres, of the land area or the number of lots involved in the permit application; and
 - (8) The existence of lots contiguous to or surrounding the land area which are located below the base flood level.
- (c) In addition, the applicant shall file a verified acknowledgment that:
- (1) The granting of a variance for construction below the flood level will result in increased flood insurance rates commensurate with the increased risk resulting from the reduced lowest floor elevation; and,
 - (2) Construction below the base flood level increases risks to life and property to the applicant and the residents of this city and the surrounding area.

Sec. 19-21. Restriction on applicants; fee for application.

A variance application may be filed by the owner of the property or the attorney-in-fact for the owner of such property. Such application shall be submitted as a verified statement. A fee as provided in subsection 19-17(e) of this Code shall accompany each variance application.

Sec. 19-22. Review by the board of variance application; determination by city engineer.

(a) The city engineer shall receive, and transmit to the general appeals board, all applications for variances, except for those applications specified in subsection 19-22(f). Except for those applications specified in subsection 19-22(f), ~~the board shall be the body that determines whether a variance is to be granted.~~ The board may consider the granting of a variance under the following circumstances:

- (1) The application is for the reconstruction, rehabilitation, or restoration of an historic structure and the reconstruction, rehabilitation, or restoration of the structure will not preclude the structure's continued designation as an historic structure.
- (2) The application is for improvement of an existing structure that is required to correct an existing violation of a state or local health, sanitary or safety code specification that has been identified by the neighborhood protection official and that is the minimum necessary to ensure safe living conditions.
- (3) The application is for a development for which the city engineer finds that the granting of the variance is consistent with the procedures and standards established for the granting of variances. As the lot size increases, the burden on the applicant to provide a technical justification in favor of a variance under the facts of the case shall increase.
- (4) The application is for an addition, new construction of, or substantial improvements to, a structure necessary for the conduct of a functionally dependent use provided that:
 - a. The applicable requirements of sections 19-20, 19-21 and 19-22 are met;

- b. The structure will be protected by methods designed to minimize flood damage during the base flood; and
 - c. The structure will create no additional threats to public safety.
- (5) The variance is in effect an appeal from the application of a special flood hazard area or base flood elevation determination or both being administered on the basis of supplemental data pursuant to section 19-4 of this Code and the applicant demonstrates, with the concurrence of the agency then responsible for the study data, that the determination is scientifically or technically incorrect. The variance shall be limited to approval, with or without conditions, or denial of the permit, plat or other approval that was denied and shall not constitute a change in the study data.

The board shall deny variances to disaggregated lots of proposed larger developments or subdivisions or structures when that larger development has been the subject of or included within a permit application that has been previously disapproved by the city engineer.

(b) In addition, in order to grant a variance, the board must affirmatively find that:

- (1) The imposition of the requirements of this chapter constitutes an exceptional hardship on the applicant;
- (2) No feasible method or procedure is currently available to comply with the requirement; and
- (3) The imposition of the requirements of this chapter to the particular circumstances would be unjustified in light of a good and sufficient cause which can be demonstrated to the board.

(c) In granting a variance, the board must find that the variance, if allowed, will not have the effect of:

- (1) Increasing flood level height due to impedece of the stream of channel flow;
- (2) Introducing or increasing any threat to public safety;
- (3) Creating a nuisance which unreasonably interferes with the use of adjacent property;
- (4) Causing a fraud to be worked upon the public or any individual member of the public;
- (5) Causing extraordinary public expense for any reason; and;
- (6) Creating conflict with the codes and ordinances of the city, or with any provisions of a state or federal regulation other than the applicable requirements of this chapter.

(d) The board, in granting a variance, shall grant only the minimum variance necessary to afford relief from the complained of hardship.

(e) A notice of variance shall be addressed to the applicant, and shall be signed by the chairman of

the board or in his absence, the vice-chairman, and shall state:

- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced lowest floor elevation; and,
- (2) The construction under a variance of any structure below the base flood level may increase risks to life and property to the applicant and the residents of this city and the surrounding area.

Upon receipt of the notice of variance, the applicant shall file a copy of that notice in the permanent deed records of the county or counties in which the property is located. Upon the receipt of a copy of the notice of variance certified by the county clerk of the county in which the property is located, the city engineer shall issue a permit complying with all provisions of this chapter with the exception of the variance granted.

(f) The city engineer shall grant a variance for reconstruction of an existing structure damaged by fire, hail, wind or other event that is not flooding, if the applicant proposes to reconstruct on an existing slab that is currently below the minimum flood protection elevation, and the reconstruction will not increase the footprint of the slab.

(fg) The city engineer shall maintain a permanent public record of all notices of variance and the variances granted. The written justification for the granting of each variance shall be included in such records.

(hg) The denial of a variance by the board shall be final and is not subject to reconsideration.

Sec. 19-23. Revocation of permits.

(a) In addition to the remedies provided in section 19-91 of this Code, whenever the city engineer finds that there are grounds for revocation of a permit, he shall give written notice to the permittee by personal service or by certified mail, return receipt requested, addressed to the applicant at the address set forth in the permit application. That notice shall set forth:

- (1) The specific grounds upon which the permit in question may be revoked;
- (2) The fact that there will be a hearing before the board in which the city will seek the revocation of the permit;
- (3) The date, time and place of such hearing; and
- (4) The fact that the permittee may appear in person or be represented by an attorney.

(b) All hearings shall be held by the board. The chair of the board or, in the chair's absence, the vice-chair of the board, shall serve as the hearing officer for all hearings held hereunder, moderating the discussion and ensuring the rules of this section are observed. However, no person shall perform the duties of hearing officer under this section if the person has participated in the investigation or has prior knowledge of the allegations or circumstances discovered in the course of said investigation except as may be set forth in the

notice given pursuant to this section.

(c) All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, that the following rules shall apply to such hearings:

- (1) All parties shall have the right to representation by a licensed attorney, though an attorney is not required.
- (2) Each party may present witnesses in his own behalf.
- (3) Each party has the right to cross-examine all witnesses.
- (4) Only evidence presented before the board at such hearing may be considered in rendering the final order.

(d) If the permittee fails to appear at the hearing at the date and time specified, the city engineer shall introduce evidence to establish a prima facie case on behalf of the city showing that grounds exist for revocation of the permit in question.

(e) After completion of the presentation of evidence by all parties appearing, the board shall make written findings and render a written order as to whether or not there are grounds for revocation of the permit. If there are such grounds, the board shall revoke the permit; provided, the board may, in the interest of justice, take such other lesser actions as the board may deem appropriate including, but not limited to, the temporary suspension of the permit, the revision of the permit, or the addition of permit conditions. A true and accurate copy of the board's order shall be personally delivered or mailed by certified mail, return receipt requested, to the permittee.

(f) In the event a permit is revoked, suspended, or revised hereunder by the board, the city shall not be liable to any person for any refund of any part of the any permit fees.

(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed de novo to the city council upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered. Such an appeal of a revocation, suspension, or revision of a permit shall not operate to suspend the board's order thereupon.

Secs. 19-24--19-30. Reserved.

ARTICLE III.

STANDARDS FOR FLOOD HAZARD REDUCTION

DIVISION 1.

GENERALLY

Sec. 19-31. General construction of structures.

All structures, including modular homes, shall be constructed, regardless of location within the city, so as to be reasonably safe from flooding. For those structures located within a special flood hazard area, the provisions of the Construction Code and division 2 of this article shall apply. For those structures to be constructed in a watercourse or floodway, the provisions of the Construction Code and divisions 2 and 3 of this article shall apply. For those structures located within a coastal high hazard area, the provisions of the Construction Code and divisions 2 and 4 of this article shall apply.

DIVISION 2.

STANDARDS IN SPECIAL FLOOD HAZARD AREAS

Sec. 19-32. General standards.

All new construction and improvement of any existing structure in special flood hazard areas shall be performed so as to keep the structure reasonably safe from flooding and in accordance with the following standards:

- (1) All improvements shall be designed or so modified so as to be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in the presence of floodwaters;
- (2) All improvements shall be constructed by methods and practices so as to minimize flood damage;
- (3) All improvements shall be constructed with materials and equipment resistant to flood damage;
- (4) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All water supply systems shall be designed to prevent or eliminate infiltration of floodwaters into the system;
- (6) All sanitary sewer systems shall be designed to prevent or eliminate infiltration of floodwaters into the structure's systems and discharge of sewage into floodwaters;
- (7) All on-site disposal systems, including but not limited to sewage treatment plants and septic tank systems located on the site of the structure, shall be located so as to prevent impairment of the function of those systems in the presence of floodwaters and to prevent contamination of floodwaters from those systems during flooding; and
- (8) Fully enclosed areas below the lowest floor that are used solely for parking, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered

architect or professional engineer licensed in the State of Texas or meet or exceed the following minimum criterion: have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, with the top of all such openings no higher than one foot above grade or BFE, whichever is lower. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

Sec. 19-33. Base flood elevation requirements in special flood hazard areas.

- (a) The following additional requirements shall apply in Zones A1-30, AE, AH, A and A99:
 - (1) All additions to, and new construction and substantial improvement of, any residential structures within the special flood hazard areas shall have the lowest floor and all utilities elevated to at least the minimum flood protection elevation. If the flood elevation of a garage attached to an addition is lower than the minimum flood protection elevation, the garage must meet the requirements of item (8) of section 19-32 of this Code.
 - (2) All additions to, and new construction and substantial improvement of, nonresidential structures:
 - a. Shall be elevated to at least the minimum flood protection elevation measured to the lowest floor; or
 - b. Shall, along with sanitary sewerage facilities, be floodproofed to the minimum flood protection elevation.
- (b) The following additional requirements shall apply in Zone AO:
 - (1) All additions to, and new construction and substantial improvement of, any residential structure within Zone AO shall have the lowest floor and all utilities elevated above the highest adjacent grade to at least 12 inches above the depth number in feet specified on the FIRM for the site or at least three feet above the highest adjacent grade if no depth number is specified. If the floor elevation of a garage attached to an addition is lower than the minimum flood protection elevation, the garage must meet the requirements of item (8) of section 19-32 of this Code.
 - (2) All additions to, and new construction and substantial improvement of, any nonresidential structure within Zone AO shall have the lowest floor elevated above the highest adjacent grade at least 12 inches above the depth number specified in feet on the FIRM or at least three feet above the highest adjacent grade where no depth number is specified or, together with utility and sanitary sewerage facilities, be completely floodproofed to or above that level.
- (c) All structures to be constructed in whole or in part within these zones shall be designed with adequate drainage paths around structures on slopes to guide floodwaters around and away from those structures.
- (d) For critical facilities located in an area that is subject to a 0.2 percent or greater chance of flooding in any given year (shaded Zone X), all additions, new construction, and substantial improvements shall

have the lowest floor elevated or floodproofed to at least 12 inches above the elevation that is subject to a 0.2 percent or greater chance of flooding.

Sec. 19-34. Reserved.

Secs. 19-35--19-40. Reserved.

DIVISION 3.

DEVELOPMENT IN A WATERCOURSE AND FLOODWAY

Sec. 19-41. Generally.

In addition to complying with the standards set out in division 2 of this article, development in a watercourse or a floodway shall comply with the provisions of this division.

Sec. 19-42. Watercourses.

The alteration or relocation of any watercourse maintained by a county or a county agency shall not be permitted unless the county engineer who is responsible for flood control in the county in which the property is located certifies in writing to the city engineer that the flood-carrying capacity of the watercourse will be the same as or greater than the flood-carrying capacity that existed prior to the proposed development.

Sec. 19-43. Floodways.

(a) Except as may be otherwise provided in this chapter, no permit shall hereafter be issued for a development to be located in any floodway, or any special flood hazard area for which a floodway has not been designated, if that development provides for:

- (1) Encroachment by the deposition of fill, or other similar construction, within the floodway, or the special flood hazard area if no floodway has been designated; or
- (2) New construction, additions to existing structures, or substantial improvement of any structure within the floodway, or the special flood hazard area if no floodway has been designated.

(b) For those facilities necessary to protect the health, safety and welfare of the general public, the city engineer may issue a permit for development of a site or the new construction, addition to an existing structure, or substantial improvement of a structure within the floodway, or any special flood hazard area for which a floodway has not been designated, if a professional engineer licensed in the State of Texas submits supporting documentation or an engineering analysis acceptable to the city engineer and written certification to the effect that:

- (1) The cumulative effect of the proposed development when combined with all other existing development, and if a floodway has not been designated, all anticipated development, will not have an adverse effect on flood levels at any point within the city during occurrence of the base flood;

- (2) The construction will not impede the flow of floodwaters; and
- (3) The construction will not result in an adverse effect on the conveyance capacity during the occurrence of the base flood.

(e) —

(c) The city engineer may issue a permit for development for the repair, renovation, replacement or reconstruction of an existing structure in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The repair, renovation, replacement or reconstruction is not the result of flood damage;

(2) The bottom of its lowest horizontal structural member will be elevated at least 18 inches above the base flood level;

(3) The foundation system for the structure will be pier and beam construction;

(4) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant's site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. The applicant shall also comply with the requirements of section 19-17(c), including the obligation to have a mitigation feature that continues in perpetuity; and

(5) The applicant has paid all fees required by section 19-17(e) of this Code.

(d) While the community acknowledges the increased risks associated with development on vacant land in the floodway, the city engineer may issue a permit for such development in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

(1) The bottom of the lowest structural member of the structure will be elevated at least 18 inches above the base flood level;

(2) The foundation system for the structure will be pier and beam construction;

(3) The applicant has submitted an engineering analysis acceptable to the city engineer, certified by a professional engineer licensed in the State of Texas, that demonstrates that the applicant will provide floodway conveyance offset volume at a rate defined by the city engineer. The floodway conveyance offset volume may be provided on applicant's site or at an off-site mitigation facility located within one-quarter mile upstream and in the same watershed as the site. The applicant shall also comply with the requirements of section 19-17(c), including the obligation to have a mitigation feature that continues in perpetuity;

(4) The applicant has filed a verified acknowledgement that:

a. construction in a floodway will result in increased flood insurance rates commensurate with the resulting increased risk; and

b. construction in the floodway increases risks to life and property to the applicant and the residents of this city and the surrounding area; and

(5) The applicant has paid all fees required by section 19-17(e) of this Code.

If the applicant cannot provide the on-site or off-site mitigation required by item (3) of this subsection, the applicant may request the city to provide mitigation for the development upon payment of the cost of the mitigation as established by the city council.

(e) The city engineer may issue a permit for development for the construction of a bridge or the repair or replacement of an existing bridge in a floodway, or any special flood hazard area for which a floodway has not been designated, if the city engineer determines that:

- (1) The cumulative effect of the proposed construction when combined with all existing development, and if a floodway has not been designated, all anticipated development, will result in a zero increase in flood levels at any point within the city during occurrence of the base flood; and
- (2) The bottom of the lowest horizontal structural member of the bridge, excluding the pilings or columns, will be elevated at least 18 inches above the base flood level. If the city engineer determines that construction to this elevation is not practical based upon the application of sound engineering principles to the proposed construction, the elevation geometry, the attendant roadway geometry, and the necessity for the bridge to be built or reconstructed in the proposed location, the city engineer may approve deviation from this standard.

(f) Whenever a permit is denied pursuant to section 19-43 (a), (b), (c) or (e)(2) of this Code and the general appeals board finds and determines in writing that:

- (1) The improvement is insubstantial;
- (2) This insubstantial construction will not increase flood levels during occurrence of the base flood; and
- (3) This insubstantial improvement will not impede the flow of floodwaters,

then the city engineer shall issue a permit only if all of the other applicable provisions of this chapter have been met by the applicant for the permit.

Sec. 19-44. Boathouses and piers; Lake Houston.

Where a floodway has been designated, the city engineer may issue a permit for construction of a boathouse or pier provided the proposed development meets the requirements for bridge construction outlined in 19-43(e). No development permit shall be necessary for construction of a boathouse or a pier on Lake Houston.

Secs. 19-445- -19-50. Reserved.

DIVISION 4.

COASTAL HIGH HAZARD AREAS

Sec. 19-51. Generally.

Within special flood hazard areas, certain areas have been designated as coastal high hazard areas. These areas have special flood hazards associated with high velocity waters requiring additional conditions on construction within these areas.

Sec. 19-52. Building restrictions.

(a) In addition to the requirements of division 2 of this article, the following provisions shall apply in coastal high hazard areas:

- (1) All buildings or structures shall be located landward of the reach of the mean high tide.
- (2) All structures shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor, exclusive of pilings or columns, is elevated at least the minimum flood protection elevation, with all space below the lowest horizontal structural member open so as not to impede the flow of water.
- (3) All structures shall be elevated on and securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash and to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- (4) Pilings or columns used as structural support shall be designed and anchored so as to withstand velocity water and hurricane wave wash and to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components (wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval)).
- (5) There shall be no fill used as structural support of any structure.
- (6) There shall be no alteration of the topography prior to development that would increase potential flood damage.
- (7) Breakaway walls are allowed below the base flood elevation but the space enclosed by

breakaway walls may be used only for parking of vehicles, building access, or storage.

- (8) If breakaway walls are utilized, the space enclosed by the breakaway walls shall not be used for human habitation.
- (9) No alteration, repair, reconstruction, or improvement to a structure or other obstruction shall enclose or obstruct the space below the lowest floor, except for breakaway walls as provided herein.

(b) When a development permit application is filed under the provisions of section 19-17, a registered professional engineer licensed in the State of Texas shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction of the structure to be built are in accordance with accepted standards of practice for meeting the provisions of subsections (a)(2), (a)(3) and (a)(4) hereof when built. Plans for any structure that include breakaway walls must be specifically identified as such when submitted to the city engineer for approval.

Secs. 19-53--19-60. Reserved.

ARTICLE IV.

MANUFACTURED HOMES

DIVISION 1.

REQUIREMENTS IN ADDITION TO MANUFACTURED HOME CODE

Sec. 19-61. Generally.

(a) The provisions of this chapter shall be in addition to all other requirements, standards, and restrictions contained in the Code of Ordinances relating to manufactured homes, including, but not limited to, chapter 29 of the Code of Ordinances. In the event of conflict between the requirements of this chapter and any other requirement of the Code of Ordinances, the provisions of this chapter shall prevail.

(b) The applicants for a city manufactured home permit where the manufactured home will be located within a special flood hazard area shall submit a development permit application and shall comply with the standards set forth in this chapter specifically including those standards contained in this article.

Secs. 19-62--19-70. Reserved.

DIVISION 2.

PLACEMENT STANDARDS

Sec. 19-71. Generally.

All manufactured homes shall be placed in locations in the city that are reasonably safe from flooding,

and the city engineer is hereby authorized to promulgate such written standards as may be deemed appropriate to determine such flood safety. In addition to such standards within special flood hazard areas, the requirements of this division 2 shall apply.

Sec. 19-72. Flood safety.

The manufactured home and its site and substantial improvements to manufactured home sites shall:

- (1) Be designed or modified to prevent flotation, collapse, or lateral movement of the manufactured home in the presence of floodwaters;
- (2) Be constructed with materials and types of utility equipment which are resistant to flood damage; and,
- (3) Be constructed by methods and practices that minimize flood damage.

Sec. 19-73. Utility systems protection.

(a) All new and replacement water supply systems for manufactured homes shall be designed to prevent or eliminate the infiltration of floodwaters into the water supply system and the utility system supplying water to the manufactured homes.

(b) All new and replacement sanitary sewage systems for manufactured homes shall be designed to prevent:

- (1) The infiltration of floodwaters into such system; and,
- (2) Discharge from such systems into floodwaters.

(c) All on-site disposal systems, including but not limited to, sewage treatment plants and septic tanks located on the lot or site of the manufactured home or connected by a utility system to the manufactured home, shall be located so as to:

- (1) Prevent impairment of the function of the system during flooding; and
- (2) Prevent contamination of floodwaters from the system during flooding.

Sec. 19-74. Special requirements for manufactured homes.

All manufactured homes placed in, and all substantial improvements to manufactured home sites within, special flood hazard areas shall be secured as follows:

- (1) *Anchors:* All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement in the presence of floodwaters by providing over-the-top or frame ties to

ground anchors. All ground anchors shall be set in concrete poured to a depth resistant to natural erosion caused by floodwater. In addition, all anchoring systems shall comply with all applicable provisions of state law or regulations. All components of the anchoring system for manufactured homes shall be capable of carrying a force of 4,800 pounds.

(2) *Tie-downs:*

- a. Over-the-top ties shall be provided at each of the four corners of the manufactured home.
- b. Manufactured homes in excess of 50 feet in length shall have two side ties in addition to the above-described corner ties, which shall be placed at intermediate locations; manufactured homes less than 50 feet in length shall have one additional tie per side.

(3) *Frame ties:*

- a. A frame tie shall be placed at each corner of the manufactured home.
- b. Manufactured homes in excess of 50 feet in length shall have five additional ties placed on each side at intermediate locations; manufactured homes less than 50 feet in length shall have four additional ties per side placed at intermediate locations.

(4) *Additions to manufactured homes:* All additions to a manufactured home shall be anchored in the same manner as a manufactured home.

(5) *Flood elevation of manufactured home:*

- a. The stand or lot on which a manufactured home is placed shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is at least at the minimum flood protection elevation.
- b. Adequate surface drainage and access for a hauler shall be provided at each manufactured home lot or stand and at the entrance of a manufactured home park or subdivision.
- c. A manufactured home placed on pilings shall be placed on a lot large enough to permit steps wholly on the manufactured home lot.
- d. Pilings shall be placed in stable soil not more than ten feet apart, center to center, and shall be reinforced if they extend more than six feet above ground level. A registered professional engineer licensed in the State of Texas must certify in writing that the size, strength, and treatment processes for wooden pilings and methods of reinforcement for those pilings are sufficient to prevent flotation, collapse or lateral movement of the manufactured home in the presence of floodwaters.

Sec. 19-75. Manufactured home placement in a floodway or coastal high hazard area.

Manufactured homes to be placed in a floodway or a coastal high hazard area shall also specifically

comply with divisions 3 and 4 of article III of this chapter.

Secs. 19-76--19-80. Reserved.

DIVISION 3.

SUBDIVISIONS AND DEVELOPMENT

Sec. 19-81. Plats for manufactured home parks and subdivisions.

No plat shall be issued for a manufactured home park or subdivision unless it complies with the provisions of section 19-13 and the provisions of this article.

Sec. 19-82. Evacuation plan.

All persons who operate a manufactured home park or subdivision within any special flood hazard area and who are licensed by the city under chapter 29 of the Code of Ordinances shall file an evacuation plan with the fire chief indicating alternate vehicular access and escape routes for such park or subdivision prior to the granting of a permit.

Secs. 19-83--19-90. Reserved.

ARTICLE V.

ENFORCEMENT

Sec. 19-9191. Actions authorized to enforce chapter.

(a) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to file an action in a court of competent jurisdiction to:

- (1) Enjoin any person from violating the terms, conditions and restrictions of any permit issued under this chapter;
- (2) Enjoin the violation of the provisions of this chapter;
- (3) Recover civil penalties for violation of the terms, conditions and restrictions of any permit issued under this article;
- (4) Recover civil penalties for violation for the provisions of this article; or
- (5) Recover damages from the owner of a site in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this chapter.

This authority is in addition to all provisions of this Code and the Construction Code relative to the definition of offenses and the provision of penalties for violations of such ordinances.

(b) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions and restrictions of any permit issued under this article or the provisions of this article.

(c) The city engineer is authorized to:

- (1) Whenever any work authorized by a development permit is being performed contrary to the provisions of this chapter, or other pertinent laws or ordinances implemented through the enforcement of this article, order the work (other than work to cure a violation) stopped by notice in writing served on any persons performing the work or causing the work to be performed. Any such persons shall forthwith stop the work until authorized by the city engineer to proceed with the work.
- (2) At the time a stop order is issued, the person performing the work and the permit holder shall be given notice of a right to a hearing on the matter pursuant to Section 116.2 of the Building Code for permits authorized by that Code. Upon request, such a hearing shall be held within three business days unless the permit holder or person who was performing the work requests an extension of time. Any stop order that has been issued shall remain in effect pending any hearing that has been requested unless the stop order is withdrawn by the city engineer.

Sec. 19-9292. Criminal sanctions.

Any person violating any provision of this chapter within the corporate limits of the city shall be guilty of a misdemeanor punishable by a fine of not less than \$250.00 nor more than \$2,000.00. Each day that any violation continues shall constitute a separate offense.

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

| | | |
|--|-----------------------|-----------------------------------|
| SUBJECT: An Ordinance adding a new Article VII to Chapter 45 of the code of ordinances providing for the creation of a Speed Feedback Sign Program. | Page 1 of 1 | Agenda Item # // |
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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date June 26, 2008 | Agenda Date JUL 01 2008 |
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| DIRECTOR'S SIGNATURE: <i>msf</i>  Michael S. Marcotte, P.E., DEE, Director | Council District affected: All |
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| For additional information contact: Larry Schenk or Jeff Weatherford Phone: (832) 393-6447 (713) 881-2044 <i>JSW</i> | Date and identification of prior authorizing Council action: None |
|--|---|

RECOMMENDATION: (Summary)
Adopt an ordinance adding a new article VII to the Code of Ordinances creating a Speed Feedback Sign Program.

Amount and Source of Funding:
None

SPECIFIC EXPLANATION:

This ordinance was created at the request of the Regulation, Development and Neighborhood Protection Committee. The Committee met and discussed this program at the meeting on March 26, 2008 and again on April 30, 2008 at which time they recommended this ordinance to full Council.

This ordinance would create a program designed to provide property owners' associations and public and private schools the opportunity to purchase, install and maintain speed feedback signs in City rights-of-way adjacent to subdivisions or schools. The signs advise motorists of their speed and have been successful in getting motorists to observe the posted speed limits. They are not used as actual traffic control or enforcement devices.

The applicant will bear the sole cost and expense of the sign, including the cost of installation and removal. The devices are solar powered and require no substantive outside support once installed.

The Public Works and Engineering Department will be in charge of the program, including accepting and processing applications, approving the equipment and locations, and supervising the installation and removal of the signs. The program will begin 60 days after approval by Council.

CUIC 20RXC26

11
JUL 01 2008

City of Houston Ordinance No. 2008-_____

AN ORDINANCE ADDING A NEW ARTICLE VII TO CHAPTER 45 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS, PROVIDING FOR THE CREATION OF A SPEED FEEDBACK SIGN PROGRAM; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

* * *

WHEREAS, speed feedback signs are devices which serve as a traffic safety educational tool designed to increase the awareness of the applicable speed limit; and

WHEREAS, the use of speed feedback signs reminds motorists to remain cognizant of their actual speed in comparison to the statutory speed limit, thereby allowing them to reduce speed accordingly; and

WHEREAS, the use of speed feedback signs will act as a deterrent to excessive speeds on city streets, contributing to the protection of the health, safety, and welfare of the city's inhabitants; **NOW, THEREFORE**,

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

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

Section 2. That Chapter 45 of the Code of Ordinances, City of Houston, Texas, is hereby amended by adding Article VII to read as follows:

"ARTICLE VII. SPEED FEEDBACK SIGN PROGRAM

Sec. 45-161. Program created.

There is hereby created within the public works and engineering department the Speed Feedback Sign Program.

Sec. 45-162. Purpose.

The purpose of this article shall be to create a program to set criteria for the use of speed feedback devices in public street right-of-ways. The speed feedback signs authorized herein shall be used to provide to the driver of a vehicle real-time feedback by radar of the vehicle's speed and to bring attention to posted speed limits. Such devices are not approved as traffic control devices in the Texas Manual of Uniform Control Devices and are thus not designed to hinder, prevent, or aid in any police function.

Sec. 45-163. 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:

Applicant means property owners' associations and public or private school districts which express an interest in participating in the program by completing an application and by taking all other steps as required herein to participate in the program.

Department means the department of public works and engineering.

Property owners' association means that entity as defined in Section 204.004 of the Texas Property Code.

Program means the Speed Feedback Sign Program.

Public way or public street right-of-way shall have the definition ascribed to the term 'public way' in section 40-121 of this Code.

Site means the location where the speed feedback sign will be placed.

Speed feedback sign or sign means each sign used in the program that gives real-time feedback of a vehicle's actual speed to the driver of the vehicle by the use of radar.

Sec. 45-164. Application for participation.

(a) The traffic engineer is hereby authorized to prepare an application in such form as shall be consistent with the requirements of this article for the participation of qualified members of the public and private sector in the program.

- (b) As a minimum, the application shall require the following:
- (1) Applicant's name, telephone number, and email address;
 - (2) Applicant's type of entity (property owners' association or school district);
 - (3) Applicant's mailing address and street address of main office;
 - (4) A description of the public street right-of-way where the speed feedback sign will be located and the applicant's interest therein;
 - (5) The estimated length of time necessary to acquire the required equipment; and
 - (6) Any other information the traffic engineer deems appropriate.

(c) The applicant shall also be required to make the following representations and accept the following obligations as part of the application:

- (1) That the individual preparing the application is authorized to do so and to legally bind the applicant to the representations made in the application.
- (2) That the applicant agrees at its sole cost and expense to purchase, install, and maintain (and, if deemed necessary by the traffic engineer, dismantle and remove) signs conforming with the technical standards and requirements of the department subject to the supervision, direction and control of the department.
- (3) That the applicant will, at its sole cost and expense, comply with all city codes, rules, regulations, and other requirements and will obtain all necessary permits as part of the process of installation of the sign.
- (4) That the applicant will, at its sole cost and expense, pay all monthly charges associated with the operation of the sign, transmission system, monitors, and other peripherals, including the cost of power, maintenance, parts replacement, etc.

- (5) That the applicant will, in accordance with the department's technical standards and requirements, and at its sole cost and expense, pay any and all costs associated with the installation and maintenance of the sign.
 - (6) That the applicant recognizes and agrees that the department reserves the right at any time to change or modify the program as the department deems appropriate, or to terminate applicant's participation in the program at any time and for any reason, without recourse by applicant.
 - (7) That if the applicant is terminated from participation in the program by the department, or if the applicant voluntarily withdraws from the program, the applicant shall as soon as possible and at applicant's sole cost and expense remove any equipment encroaching into the city's public way and repair any damage to the public way associated with said removal.
- (d) The individual preparing the application shall sign the application as the applicant's representative agreeing to the terms, conditions, and representations contained in the application.

Sec. 45-165. Review and approval of application.

- (a) In reviewing each application the department shall determine if the proposed applicant is appropriate for inclusion in the program. In doing so, the department may consider the following:
- (1) The completeness of the application;
 - (2) The appropriateness of the proposed site;
 - (3) The availability of departmental staffing for performing related activities;
 - (4) The promptness with which the applicant can meet the department's deadlines for installation and availability of the sign;
 - (5) Any other criteria related to the efficacy of the program that the department deems appropriate.
- (b) The traffic engineer is authorized, based on his review of the application and the representations and promises made therein, the results

of consultations with the city legal department, and any other information he deems relevant or appropriate, to accept and approve the applicant for participation in the program; to deny the application; or to accept and approve the applicant subject to such conditions as the traffic engineer shall specify. The traffic engineer is not required to approve any application which the traffic engineer determines is not in the best interest of the program or the city.

Sec. 45-166. Technical requirements.

The department shall establish technical specifications and standards for all equipment, apparatus, and software used in the program.

Sec. 45-167. Use of city public street right-of-way authorized.

The department is hereby authorized to utilize those portions of the city's public street right-of-way where such use is necessary to accommodate the placement of a feedback sign as part of the program. Before any public way may be used, the traffic engineer and the legal department shall consult to determine if the proposed use of the public way will impair the city's primary use of said public way or pose any legal issues with regard to the city's right to so use said public way. Any installation of any program equipment in the public way must be approved in advance by the traffic engineer.

Sec. 45-168. Operation.

(a) The traffic engineer may establish rules and regulations for the implementation of the program.

(b) The feedback sign is to be installed as a matter of public safety. Its primary use will be to reduce overall vehicle speed and improve the safety of city streets. It is to be installed at the direction of the department and it is to be installed and operated in a manner such that it will not hinder or interfere with the police department's enforcement of all traffic laws of this city and all of the state vehicle laws applicable to traffic in this city."

Section 3. That if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of this Ordinance to any person or set of circumstances, is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or

sets of circumstances shall 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, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the sixtieth day next following the date of its passage and approval by the Mayor.

PASSED AND APPROVED this ___ day of _____, 2008.

Mayor of the City of Houston

Prepared by Legal Dept. Kristy J. Orr 
Assistant City Attorney
Requested by Michael S. Marcotte, P.E., Director, Public Works and Engineering
LD File #0750700048001 _____

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|-----------------------------|--|--|
| SUBJECT: Rescheduling of City Council Meetings | | Page 1 of 1 | Agenda Item # 12 |
| FROM (Department or other point of origin): Mayor's Office | | Origination Date: June 25, 2008 | Agenda Date: JUL 01 2008 |
| DIRECTOR'S SIGNATURE: MS Martha L. Stein | | Council District affected: all | |
| For additional information contact: Marty Stein Agenda Director | | Date and identification of prior authorizing Council action: ORD. #2007-1315 November 28, 2007 | |
| Phone: 832-393-1095 | | | |
| RECOMMENDATION: Adopt ordinance amending 2008 Council meeting schedule to change the Fall Office Work Week. | | | |
| Amount and Source of funding: none | | | |
| EXPLANATION: City Council's adopted meeting schedule calls for the postponement of meetings on September 9 and 10, 2008, in order to accommodate a Fall Office Work Week for Council Members and staff. The Administration now proposes to move the break week one week later, to the week of September 14, 2008. The proposed ordinance would reinstate Council's regular meetings on Tuesday, September 9 and Wednesday, September 10. The meetings that normally would be held on Tuesday, September 16 and Wednesday, September 17, would be postponed to the following week. | | | |
| REQUIRED AUTHORIZATION | | | |
| F&A Budget: | Other Authorization: | Other Authorization: | |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

08-AFH

HCDD08-84

SUBJECT: An Ordinance authorizing the execution of a contract between the City of Houston and AIDS Foundation Houston, Inc. for the administration of a HOPWA Grant.

Page 1 of 2

Agenda Item # 13

FROM (Department or other point of origin):
Richard R. Celli, Director
Housing and Community Development Department

Origination Date
4/29/08

Agenda Date
JUL 9 1 2008

DIRECTOR'S SIGNATURE: *R. Celli*

Council District affected:
All

For additional information contact: Keith Bynam
Phone: 713-868-8396

Date and identification of prior authorizing Council action:
N/A

RECOMMENDATION: (Summary)

Approval of an ordinance authorizing the execution of a contract between the City of Houston and AIDS Foundation Houston, Inc. for operation of multiple community residences, administration of a short-term rent, mortgage and utility assistance program, a tenant based rental assistance program, an information and identification program, and supportive services under the Housing Opportunities for Persons with AIDS ("HOPWA") Act.

Amount of Funding: \$4,380,270.00 (2 years)
\$2,190,135.00 HOPWA Grant
\$2,190,135.00 Renewal HOPWA Grant

Finance Budget:

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) Grant Fund (5000)

SPECIFIC EXPLANATION:

The Housing and Community Development Department ("HCDD") recommends approval of a contract between the City of Houston and AIDS Foundation Houston, Inc. ("AFH") for the administration of a Housing Opportunities for Persons with AIDS ("HOPWA") grant – funded 1) Community Residences; 2) Short-Term Rent, Mortgage and Utility Assistance Program; 3) a Tenant Based Rental Assistance Program, 4) Information and Resource Identification Program, and Supportive Services for persons living with AIDS and their families.

AFH, Inc. is a Texas 501(c)(3) non-profit corporation and has operated in Houston/Harris County for twenty-three years, serving the HIV/AIDS community. AFH currently owns/manages "A Friendly Haven" a thirty-one (31) unit permanent housing complex for HIV positive women and their children. AFH will also incorporate Project Help House, a twenty (20)-unit permanent housing complex into their current services delivery system. In addition, AFH will continue to administer the Short-Term Rent, Mortgage and utility Assistance Program, the Tenant Based Rental Assistance Program, and supportive services to existing clients and their families.

| Service Category | Number of Persons Receiving Services |
|---|---|
| Tenant based rental assistance (12 month assist) | 95 households |
| Community Residence Support (A Friendly Haven) | 45 women and their family members; 20 individuals |
| Short-Term Rent, Mortgage and Utility assistance (21 week housing assistance) | 210 individuals and their family members |
| Housing Information/ Resource Identification (housing referral and client management) | 555 individuals |
| Supportive services (Life skills, housing case management) | All clients entering HOPWA Program |

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Michael McCall

107

| | | | |
|-------------------------|---|--|---------------------------------|
| Date: 4/29/08 | Subject: An Ordinance authorizing the execution of a contract between the City of Houston and AIDS Foundation Houston, Inc. for the administration of a HOPWA Grant. | Originator's Initials  | Page 13 2 of 2 |
|-------------------------|---|--|---------------------------------|

JUL 01 2008

This agreement will provide up to \$4,380,270.00 in HOPWA funding for a one (1) year contract with a one (1) year renewal in order to provide the above-referenced services to a minimum of nine hundred and twenty-five unduplicated, low-income HIV/AIDS individuals and their family members, annually.

| | |
|---------------------------------|---|
| Total Funds and Sources: | \$4,380,270.00 (1) year with (1) renewal |
| Number of Persons to be Served: | 925 (annually) |
| Category of Persons: | HIV/AIDS/Low-income |

The Contract will provide funding for:

| Service Category | Recommended Funding Amounts |
|---|-----------------------------|
| Tenant based rental assistance (12 month assist) | \$851,573.00 |
| Community Residence Operation | \$272,846.00 |
| Short-Term Rent, Mortgage and Utility assistance (21 week housing assistance) | \$691,573.00 |
| Housing Information/ Resource Identification (housing referral and client management) | \$20,000.00 |
| Supportive services (Life skills, housing case management) | \$200,834.00 |
| Administration | \$153,309.00 |
| Total Amount | *\$2,190,135.00 |



*Annual amount

Therefore, HCDD is requesting approval of a Contract providing up to \$4,380,270.00 in HOPWA funds, which sum includes a limitation of additional funding for \$2,190,135.00. Funds for the \$2,190,135.00 that cover the second year renewal option will be identified at the time of renewal.

RC:DG:tw

- cc: City Secretary
- Finance Department
- Legal Department
- Mayor's Office

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

| | | | |
|---|---|--------------------|-----------------------------------|
| SUBJECT: Ordinance Relating to the Retail Water and Sewer Rates of Southern Water Corporation, Suspending for 90 Days the Proposed Effective Date of the New Rates and Maintaining the Current Rates in Effect | Category # | Page 1 of <u>1</u> | Agenda Item# 14 |
| FROM: (Department or other point of origin): Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department | Origination Date June 24, 2008 | | Agenda Date JUL 01 2008 |
| DIRECTOR'S SIGNATURE:  | Council Districts affected: B | | |
| For additional information contact: Tina Paez Phone: 713-837-9630 Nikki Cooper Phone: 713-837-9889 | Date and identification of prior authorizing Council Action: N/A | | |

RECOMMENDATION: (Summary)
Authorize an ordinance Relating to the Retail Water & Sewer Rates of Southern Water Corporation, Suspending for 90 Days the Proposed Effective Date of the New Rates and Maintaining the Current Rates in Effect

| | |
|-------------------------------|--------------------------|
| Amount of Funding: N/A | F & A Budget: |
|-------------------------------|--------------------------|

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)
N/A

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department recommends that Council authorize an ordinance suspending the requested retail water and sewer rate increase for Southern Water Corporation ("Southern Water"), keeping existing rates in effect for a period of 90 days beyond the proposed effective date of the rate increase. Southern Water Corporation is an investor-owned utility operating within Houston; therefore the City has original jurisdiction over its rates. The Texas Commission on Environmental Quality (TCEQ) has appellate jurisdiction. Southern Water is a private water/wastewater company that has the exclusive legal right to provide water and sewer services to the Hidden Valley Subdivision, as granted under Certificate of Convenience ("CCN") No. 11389 (water) and No. 20500 (sewer). These certificates of convenience and necessity are issued by the Texas Commission on Environmental Quality and are granted for an indefinite period of time.

On May 30, 2008, Southern Water Corporation filed an application with the City of Houston to increase its water and sewer rates in the Hidden Valley Subdivision. Based on the information in the utility's Statement of Intent, Southern Water Corporation seeks a 39% to 54% increase in water rates and a 50% to 70% increase in sewer rates, depending on individual usage. At this time, it is our understanding that Southern Water Corporation serves approximately 1,246 customers within Houston. The specific rate impact to these customers will vary by service, meter size and gallons used.

The new rates will take effect on August 1, 2008 unless the City Council acts to determine rates or adopts an ordinance suspending the proposed effective date. The Water Code allows the City, as local regulatory authority, to suspend the proposed effective date of the new rates for 90 days beyond the proposed effective date (from August 1, 2008 to October 30, 2008). During the suspension period, the City must obtain and review all information necessary to determine just and reasonable rates. The City anticipates it will conduct a Public Hearing on a rate ordinance before City Council in early to mid-October 2008. Ultimately, the City must make a final determination on the proposed rates before the end of the suspension period, October 30, 2008.

As a part of the review process, public meetings will be conducted on Wednesday, July 9, 2008 and Thursday, July 10, 2008 to allow ratepayers the opportunity to voice quality of service concerns and/or objections to the proposed rate increases. Notice of the public meetings will be published in the *Houston Chronicle* beginning Sunday, July 6, 2008 through Tuesday, July 8, 2008. A transcript of each meeting will be made available for inspection in the Office of the City Secretary. In addition, a water/sewer rate analyst will be engaged to assist in preparing the final rate recommendation.

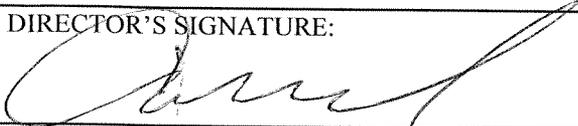
We recommend that City Council approve an ordinance suspending the proposed rate increase for 90 days from the proposed effective date; and maintain current rates in effect until changed by City Council.

REQUIRED AUTHORIZATION

FIN Director:

| | | | |
|---|--|----------------|-------------------------------|
| SUBJECT: Ordinance approving a new contract for legal services with the Law Offices of Patrick Zummo, relating to the enforcement of the City's sexually oriented business (SOB) ordinance. | | Page 1 of 1 | Agenda Item # 15 |
|---|--|----------------|-------------------------------|

| | | |
|--|--|---|
| FROM (Department or other point of origin): <p style="text-align: center;">Legal Department</p> | Origination Date <p style="text-align: center;">6/24/08</p> | Agenda Date <p style="text-align: center;">JUL 01 2008</p> |
|--|--|---|

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| DIRECTOR'S SIGNATURE:  | Council District affected: <p style="text-align: center;">N/A</p> |
|--|--|

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|--|--|
| For additional information contact: Don Cheatham Phone: (832) 393-6437 | Date and identification of prior authorizing Council action: |
|--|--|

RECOMMENDATION: (Summary)
 That City Council pass an ordinance approving a new contract with the Law Offices of Patrick Zummo (formerly Zummo & Midkiff, L.L.P.) related to continuing litigation and other matters involving the enforcement of the City's SOB ordinance.

Amount and Source of Funding:
 \$90,000 – Maximum Contract Amount
 Property and Casualty Fund 1004

SPECIFIC EXPLANATION:

The City Attorney recommends that City Council pass an ordinance to approve a new legal services contract with the Law Offices of Patrick Zummo (formerly Zummo & Midkiff, L.L.P.) to provide funding and an increase in the outside counsel's hourly rate from \$200/hour (first set in May 1997) to \$300/hour for legal services in connection with continuing enforcement, including litigation, of the City's sexually oriented business regulations.

With Mr. Zummo's assistance, the City successfully defended the 1997 amendments to the SOB ordinance against all challenges. The federal litigation terminated on or about March 14, 2008, when the U.S. Supreme Court declined to consider the plaintiffs' appeal from the final judgment rendered by the Fifth Circuit Court of Appeals which upheld the 1997 amendments. Notwithstanding the City's success in the federal litigation, several of the SOB enterprises filed state court actions during 2007 to complete the amortization process provided for in the SOB ordinance, which process was put "on hold" during the City's defense of the ordinance in federal court. The City's outside counsel is engaged in representing the City in those actions, and others, to ensure the enforcement of the provisions of the SOB ordinance. It is impossible to estimate, at this time, how long those additional legal services will be necessary.

The ongoing litigation is a vital part of the City's enforcement of the City's SOB ordinance, and it is recommended that the proposed ordinance be approved to continue those efforts.

K:\RCA\RDC3569

| REQUIRED AUTHORIZATION | | |
|------------------------|----------------------|----------------------|
| Other Authorization: | Other Authorization: | Other Authorization: |
| | | |

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

| | | | |
|--|--|--|-----------------------------------|
| SUBJECT: Professional Services Contract for Programming Services M. Arthur Gensler Jr. & Associates, Inc. WBS No. D-000105-0002-3 | | Page 1 of 2 | Agenda Item 16 |
| FROM (Department or other point of origin): General Services Department | | Origination Date 6-25-08 | Agenda Date JUL 01 2008 |
| DIRECTOR'S SIGNATURE: <i>Issa Z. Dadoush</i> Issa Z. Dadoush, P.E. <i>6/16/08</i> | | Council District affected: All | |
| For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832.393.8023 | | Date and identification of prior authorizing Council action: Ordinance No. 2003-0560; Dated June 11, 2003 | |
| RECOMMENDATION: Approve professional services contract for programming services and appropriate funds for the project. | | | |

| | |
|--|--|
| Amount and Source of Funding: \$245,000.00 General Improvement Consolidated Construction Fund (4509) | Finance Budget: <i>Michelle Mitchell</i> |
|--|--|

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a Professional Services Contract for Programming Services with M. Arthur Gensler Jr. & Associates, Inc. (Gensler) for a new Municipal Courts facility.

PROJECT DESCRIPTION: City Council previously approved a professional services contract with Gensler to develop a Master Plan for the Municipal Courts System. The Master Plan Report established an overview of jurisdiction and structure of the Courts system, an operational overview of the Courts, space projections based on the Courts' long-range goals and city growth projections, as well as an executive summary with recommended implementation strategies. Gensler is in the process of updating the Master Plan Report to reflect current trends and processes recently adopted by the Courts System.

This project is part of the Municipal Courts System Master Plan to develop a long range solution for future expansion of its operations. The existing facility at 1400 Lubbock is no longer suitable to meet the needs of the Municipal Courts System due to its age, operational costs, increased security requirements, and need for expansion. Under this contract, Gensler will perform comprehensive programming for two possible building and site options to replace the facility at 1400 Lubbock, implementing the information from the previous study. Programming will include building massing, conceptual floor plans, site planning with parking, civil and site analysis for flooding and detention requirements. Gensler will produce a final program for the two options, prepare a conceptual construction cost analysis, develop outline descriptions of proposed building systems, and issue a Final Report.

FUNDING SUMMARY: The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis.

| | |
|----------------------|--------------------------------|
| \$ 185,400.00 | Basic Services |
| \$ 45,600.00 | Additional Services |
| \$ 14,000.00 | Reimbursable Expenses |
| \$ 245,000.00 | Total Contract Services |

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|---|--|--|----------------------------|
| REQUIRED AUTHORIZATION | | | CUIC # 25DSGN24 <i>NDT</i> |
| General Services Department: <i>Phil Golembiewski</i> Phil Golembiewski, P.E. Chief of Design & Construction Division | Municipal Courts Administration: <i>Sahira Abdool</i> Sahira Abdool Director and Chief Clerk | Municipal Courts Judicial: <i>Berta A. Mejia</i> Berta A. Mejia Director and Presiding Judge | |

| | | | |
|--------------|--|-------------------------------------|-----------------------|
| Date: | Subject: Professional Services Contract for Programming Services M. Arthur Gensler Jr. & Associates, Inc. WBS No. D-000105-0002-3 | Originator's Initials LJC | Page 2 of 2 |
|--------------|--|-------------------------------------|-----------------------|

M/WBE INFORMATION: An M/WBE goal of 18% has been established for this contract. Affirmative Action reviewed the process and determined that the goal is appropriate due to the limited scope of the contract as described in the attached correspondence. Gensler has submitted the following certified firms to achieve this goal:

| <u>Firm</u> | <u>Scope of Work</u> | <u>Amount</u> | <u>% of Contract</u> |
|------------------------------|-----------------------------|---------------------|----------------------|
| MLB And Associates, LLC | Architectural Documentation | 24,000.00 | 9.79% |
| United Engineers, Inc. | Civil Engineering | 13,000.00 | 5.31% |
| Project Cost Resources, Inc. | Cost Estimating | 7,500.00 | 3.06% |
| TOTAL | | \$ 44,500.00 | 18.16% |

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IZD:PJG:JLN:RAV:WM:LJC:lc

c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Joseph Kurian, Kim Nguyen, Webb Mitchell, File

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|-----------------------|-----------------------|--------------------------------------|
| SUBJECT: Amendment No. 2 to the Construction Management at Risk Contract with Clark Construction Group – Texas, LP for Terminal and Central Concourse Expansion at William P. Hobby Airport (HOU); Project No. 417F; (WBS# A-000141-0004-4-02; Contract No. 4600004538). | Category #7 | Page 1 of 2 | Agenda Item # <i>17</i> |
|---|-----------------------|-----------------------|--------------------------------------|

| | | |
|--|---|------------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date June 9, 2008 | Agenda Date JUL 0 1 2008 |
|--|---|------------------------------------|

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|---|--|
| DIRECTOR'S SIGNATURE: <i>Am</i> <i>Thru B. Bennett For RMV</i> | Council District affected: "F" |
|---|--|

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|---|--|
| For additional information contact: Eric R. Potts <i>ERP</i> Phone: 281/233-1999 John S. Kahl <i>JK</i> 281/233-1941 | Date and identification of prior authorizing Council action: 11/09/04 (M) 2004-1141 09/28/05 (O) 2005-1108 12/15/05 (O) 2005-1373 |
|---|--|

| | |
|---|---|
| AMOUNT & SOURCE OF FUNDING: CIP No. A-0141.48.0 \$14,190,000.00 HAS Consolidated 2004 AMT (8203) CIP No. A-0422.42.0 \$ 225,750.00 HAS Airport Improvement (8011) Total \$14,415,750.00 <i>da</i> <i>EE</i> | Prior appropriations: CIP No. A-0141.41.3.....\$ 2,339,702.00 Airports Improvement Fund (8001) CIP No. A-0422.09.5.....\$ 40,595.00 Airports Improvement Fund (8001) CIP No. A-0131.25.3.....\$ 678,108.00 Airport System Consolidated 2004 AMT (8203) CIP No. A-0141.20.3.....\$57, 220,529.00 Airport System Consolidated 2004 AMT(8203) CIP No. A-0422.34.3.....\$ 799,322.00 Airports Improvement Fund (8001) Total.....\$61,078,256.00 |
|---|---|

RECOMMENDATION: (Summary)
Enact an ordinance to approve Amendment No. 2 to a Construction Management at Risk contract with Clark Construction Group – Texas, LP and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION:
PROJECT LOCATION: Airport Terminal, Concourse, Operations Area (AOA) and Aircraft Ramp areas at William P. Hobby Airport (HOU).
PROJECT BACKGROUND: On September 28, 2005, the City of Houston entered into a Construction Management at Risk contract in the amount of \$2,319,702.00 with Clark Construction Group – Texas, LP for Terminal and Central Concourse Expansion at HOU. The initial appropriation was for preconstruction phase services, including, but not limited to, construction document review and revisions, value engineering, estimating, scheduling and bidding for Phase I construction. Phase I Guaranteed Maximum Price (GMP) of \$46,353,637.00 and an appropriation of \$9,645,000.00 as an allowance for permits/utilities was approved by City Council on December 15, 2005. Phase I included an addition of five (5) new aircraft gates at the Central Concourse, demolition of Concourses A and C, and the completion of a concrete aircraft apron on the north side of the west section of the Central Concourse. Currently, all commercial airlines at HOU are operating from the new expanded Central Concourse.
 Phase 2 is the final construction activity for Project 417F. It consists of improvements to the Main Terminal Building, which include renovation of the East Terminal (providing new ticketing and office facilities for the airlines other than Southwest Airlines); renovation of the existing Main Terminal Building (providing improved baggage handling, additional ticketing and office facilities for Southwest Airlines).

| | | | |
|-------------------------------|-----------------------------|-----------------------------|------------|
| REQUIRED AUTHORIZATION | | | <i>NDT</i> |
| Finance Department: | Other Authorization: | Other Authorization: | |

A

| | | | |
|-----------------------------|---|-------------------------------------|-----------------------|
| Date June 9, 2008 | SUBJECT: Amendment No. 2 to the Construction Management at Risk Contract with Clark Construction Group – Texas, LP for Terminal and Central Concourse Expansion at William P. Hobby Airport (HOU); Project No. 417F; (WBS# A-000141-0004-4-02; Contract No. 4600004538). | Originator's Initials JSK | Page 2 of 2 |
|-----------------------------|---|-------------------------------------|-----------------------|

Airlines); and completion of the accessibility improvements required by the Americans with Disabilities Act and the Texas Accessibility Standards. Phase 2 is subdivided into two Stages: Stage 1 includes completion of the HOU Management Offices at the West Side of the Terminal, and demolition and asbestos abatement. The GMP for Stage 2 will be developed while Stage 1 work is in progress, and will be presented for City Council approval prior to the completion of Stage 1 construction. Stage 1 construction is expected to take approximately one year, while Stage 2 should take approximately three years.

ENGINEERING SERVICES TESTING CONTRACT: Engineering testing services will be provided by Terracon Consultants, Inc. under Contract No. 53716.

PROJECT COST: The total amount to be appropriated for Phase 2, Stage 1 (GMP) is as follows:

| | |
|-----------------|--|
| \$12,900,000.00 | Phase 2 Stage 1 Guaranteed Maximum Price |
| \$ 645,000.00 | 5% Construction Contingency |
| \$ 387,000.00 | 3% Engineering Testing Services |
| \$ 258,000.00 | Overhead and Salary Recovery |
| \$ 225,750.00 | Civic Art |
| \$14,415,750.00 | Total |

Amendment No. 2 in the amount of \$12,900,000.00 will bring the total contract amount to \$71,218,319.00.

M/WBE PARTICIPATION: The M/WBE goal on this contract is 25%. The following M/WBE certified firms have been submitted for participation in Phase 2, Stage 1 of the project:

| Firm | Type of Work | Amount | % of Bid |
|-----------------------------------|--------------------------------|------------------|----------|
| B & E Reprographics | Reproductions | \$ 40,000.00 | 0.31 % |
| Dallas AC and Heating Contractors | AC Repairs | \$ 15,000.00 | 0.12 % |
| Energy Electric (Fisk) | Electrical Materials | \$ 184,000.00 | 1.43 % |
| Fencemaster | Construction Fence | \$ 30,000.00 | 0.23 % |
| Flanagan Bus Service | Employee Bussing | \$ 50,000.00 | 0.39 % |
| Jimerson | Utilities | \$ 15,400.00 | 0.12 % |
| Medina (Fisk) | Electrical Materials | \$ 116,000.00 | 0.90 % |
| MEK Interiors and Floors, Inc. | Flooring | \$ 174,000.00 | 1.35 % |
| Othon, Inc. | Quality Control | \$ 240,000.00 | 1.86 % |
| SBM | Trailer Security | \$ 3,000.00 | 0.02 % |
| SDS Industrial | Miscellaneous Supplies | \$ 15,000.00 | 0.12 % |
| TOS Security | Site Security | \$ 50,000.00 | 0.39 % |
| 2M Products/Houdal Corp. | Office Supplies | \$ 50,000.00 | 0.39 % |
| | Phase 2, Stage 1 Participation | \$ 982,400.00 | 7.63 % |
| | Total Contract Participation | \$ 14,370,659.00 | 20.18 % |

To date, Clark Construction Group has achieved 26.682% participation on their 25% M/WBE goal. The 7.63% M/WBE participation for Amendment No. 2 will bring the cumulative contract participation to 20.18%. Phase 2, Stage 2 GMP, which will be submitted to Council for approval when finalized, will include additional opportunities to achieve the goal of 25%.

RMV: ERP: JSK

Attachments:

cc:

| | | | |
|--------------------------|---------------------|------------------------|----------------------|
| Ms. Marty Stein | Mr. Eric R. Potts | Ms. Velma Laws | Mr. Richard M. Vacar |
| Mr. Goodwille Pierre | Ms. Kathy Elek | Ms. Cynthia Saldana | Mr. Frank Crouch |
| Mr. Anthony W. Hall, Jr. | Mr. Carlos A. Ortiz | Mr. David Arthur | Ms. Ellen Erenbaum |
| Mr. Aleks Mraovic | Mr. Adil Godiwalla | Ms. Marlene Mc Clinton | Ms. Janice D. Woods |
| Mr. Arturo G. Michel | Mr. John S. Kahl | | |

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT:

Ordinances granting Commercial Solid Waste Operator Franchises

Category #

Page 1 of 1

RC # 18 to 21
Agenda Item# 59 to 62
49 to 52

3rd Reading
FINAL

FROM: (Department or other point of origin):

Alfred J. Moran Jr., Director
Administration & Regulatory Affairs

Origination Date

June 10, 2008

Agenda Date

~~JUN 18 2008~~
JUN 25 2008

DIRECTOR'S SIGNATURE:

Council Districts affected:

ALL

For additional information contact:

Juan Olguin Phone: (713) 837- 9623
Tina Paez Phone: (713) 837- 9630

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

RECOMMENDATION: (Summary)

Approve ordinances granting Commercial Solid Waste Operator Franchises

Amount of Funding:
REVENUE

F & A Budget:

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

SPECIFIC EXPLANATION:

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

1. AAA Demolishing
2. MZ Tech, Inc. dba UTS Environmental
3. Rapid Waste, LLC
4. Tree Experts, Inc. dba Demolition Experts

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

REQUIRED AUTHORIZATION

Finance Director:

JP



CITY OF HOUSTON

Office of the Mayor

22

Interoffice

Correspondence

JUL 01 2008

A handwritten signature in cursive, appearing to read "C. Cabral".

To: Anna Russell
City Secretary

From: Christina J. Cabral
Boards and Commissions

Date: June 23, 2008

Subject: **HOUSTON MUNICIPAL
EMPLOYEE PENSION
SYSTEM
Council Appointments**

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from July 1, 2008 to receive nominations for Positions 10 and 11 of the Houston Municipal Employees Pension System Board of Trustees, the three year terms to expire June 30, 2011.

Nominees must have expertise in at least one of the following areas:

- Accounting, financial, pension, investment or actuarial.

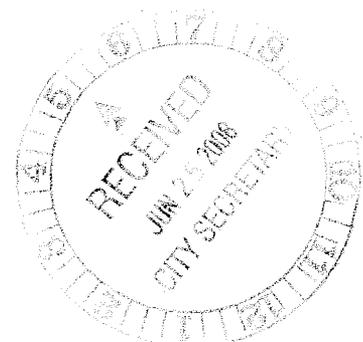
Position 10
Position 11

Mr. Alfred Jackson
Mr. Richard Badger

Nominated by CM Green
Nominated by CM Alvarado

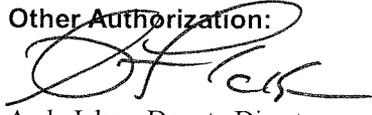
/jsk

cc: Ms. Marty Stein



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | | |
|---|-----------------------------|---|------------------------|-----------------------------------|
| SUBJECT: Motion rescheduling three public hearing dates to consider adopting Municipal Setting Designation (MSD) ordinances. | | Category # | Page 1 of 1 | Agenda Item # 23 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 6-26-08 | | Agenda Date JUL 01 2008 |
| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | | Council District affected: | | |
| For additional information contact: Carol A. Ellinger, P.E. <i>ca</i> Phone: (713) 837-7658 Senior Assistant Director | | Date and identification of prior authorizing Council action: 8/22/2007 – 2007-0959, 5/14/2008- 2008-0327, 6/11/2008 – 2008-0416, 6/11/2008 – 2008-0417 | | |
| RECOMMENDATION: (Summary) Reschedule public hearing dates that were set for July 2, 2008 and July 23, 2008 to consider adopting a Municipal Setting Designation ordinance (MSD) for LUI Houston Studemont, L.P., Fondren Road Plaza, Ltd. and Randall's Center/West Bellfort site. | | | | |
| Amount and Source of Funding: N/A | | | F&A Budget: | |
| <p>A public hearing to consider the adoption of a MSD ordinance on behalf of LUI Houston Sudemont, L.P. for property located 1200 Givens was approved by City Council on May 14, 2008 and was originally scheduled for July 2, 2008. As there is no Council meeting on this date, the hearing must be rescheduled to a later time. Additionally, a public hearing was scheduled for July 23, 2008 to consider the adoption of MSD ordinances on behalf of Fondren Road Plaza, Ltd. for a site located at 7042 Bissonnet and Randall's Center/West Bellfort site located at 8671 West Bellfort. The required 30 days public notice was inadvertently not posted for these hearings, requiring that they be rescheduled as well.</p> <p>The Department of Public Works and Engineering requests Council to establish public hearing dates not sooner than five weeks from passage of the motion(s) and to direct the City Secretary to publish notice of the hearings no less than thirty (30) calendar days before the public hearing dates.</p> <p style="text-align: center;"><i>Hearing Schedule ATTACHED</i></p> | | | | |
| MSM:AFI:CAE Z:\MSDI\UNION PACIFIC RAILROAD\2008-01-31 RCA - PUBLIC HEARING UPRR.DOC C: Marty Stein, Waynette Chan, Gary Norman, Ceil Price | | | | |
| REQUIRED AUTHORIZATION | | CUIC ID# 20CAE21 | | |
| Other Authorization: | Other Authorization: | Other Authorization:  Andy Icken, Deputy Director Planning & Development Services Division | | |

23. RECOMMENDATION from Director Department of Public Works & Engineering to reschedule the public hearing dates to consider a Municipal Setting Designation ordinance (MSD) for the following:

LUI Houston Studemont L.P. for the site located at 1200 Givens

DISTRICT H - GARCIA

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 13, 2008

Randall's Center/West Bellfort site located at 8671 West Bellfort

DISTRICTS C - CLUTTERBUCK; D - ADAMS and F - KHAN

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 20, 2008

Fondren Road Plaza, Ltd., for the site located at 7042 Bissonnet

DISTRICTS C - CLUTTERBUCK and F - KHAN

SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - AUGUST 20, 2008

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | | |
|---|--|---|---|--|
| SUBJECT: Amendment No. 1 to the Agreement for Professional Architectural/Engineering Services with AAC Designers Builders, Inc. dba Austin AECOM for Job Order Contracting (JOC) Support at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; Project No. 516C; (WBS # A-000138-0018-3-01; Contract No. 4600008210). | | Category # 9 | Page 1 of 2 | Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 24 30 </div> |
| FROM (Department or other point of origin): Houston Airport System | | Origination Date June 3, 2008 | Agenda Date JUN 25 2008 JUL 01 2008 | |
| DIRECTOR'S SIGNATURE: <i>[Signature]</i> | | Council District affected: B, E & I | | |
| For additional information contact: Eric R. Potts <i>[Signature]</i> Phone: 281-233-1999 John S. Kahl <i>[Signature]</i> 281-233-1941 | | Date and identification of prior authorizing Council action: 09/19/07 (O) 2007-1074 | | |
| AMOUNT & SOURCE OF FUNDING: CIP No. A-0138.77.2 \$1,000,000.00 Airports Imp Fund (8011) CIP No. A-0422.69.2 \$ 17,500.00 Airports Imp Fund (8011) <i>(20)</i> Total \$1,017,500.00 | | Prior appropriations: CIP No. A-0138.48.2 \$933,375.00* CIP No. A-0422.63.2 \$ 16,334.06* Total.....\$949,709.06 (*Airports Improvement Fund 8011) | | |
| RECOMMENDATION: (Summary) Enact an ordinance to approve Amendment No. 1 to the Agreement between the City of Houston and AAC Designers Builders, Inc. dba Austin AECOM and appropriate the necessary funds to finance the cost of these services. | | | | |
| SPECIFIC EXPLANATION: <p>On September 19, 2007, the City entered into a Contract with AAC Designers Builders, Inc. dba Austin AECOM in the amount of \$933,375.00 to provide Architectural/Engineering Services required to support the Job Order Contracting (JOC) Program. Services provided to date include minor construction, repair and rehabilitation projects required at all three airports. The City and the Architect/Engineer, having now completed the initial development and operational phase of the JOC Program, mutually desire to continue the ongoing operations of the JOC Program.</p> <p>It is requested that Council approve Amendment No. 1 in the amount of \$1,000,000.00 to continue the JOC program. Services to be performed by Austin AECOM include:</p> <ol style="list-style-type: none"> 1. Preparation of detailed scope statements, plans, specifications and cost estimating; 2. Periodic construction site observations, participation in construction progress meetings, response to contractors' request for information, review and approval of submittals, and written reports. <p>Basic Services fees are \$1,000,000.00. This project is an "Eligible Project" for the Civic Art Program under Ordinance No. 99-1351, and a Civic Art total appropriation of \$17,500.00 (1.75% of Basic Services) is therefore being made. This contract will remain in effect until work on all projects to be assigned under this contract is completed, or until all available funds are exhausted.</p> | | | | |
| REQUIRED AUTHORIZATION | | | | NDT |
| Finance Department: | | Other Authorization: | | Other Authorization: |

| | | | |
|-----------------------------|---|------------------------------------|-----------------------|
| Date June 3, 2008 | Subject: Amendment No. 1 to the Agreement for Professional Architectural/Engineering Services with AAC Designers Builders, Inc. dba Austin AECOM for Job Order Contracting (JOC) Support at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; Project No. 516C; (WBS # A-000138-0018-3-01; Contract No. 4600008210). | Originator's Initials VT | Page 2 of 2 |
|-----------------------------|---|------------------------------------|-----------------------|

M/WBE PARTICIPATION:

The Office of Affirmative Action and Contract Compliance has established a 24% M/WBE goal for this project. Austin AECOM is currently achieving 28.69% M/WBE participation on their 24% goal. Due to the on-call nature of the work to be performed under this contract, the M/WBE firms will be identified as the scope of the projects evolves. A Mentor/Protégé Agreement is in place with the Office of Affirmative Action and Contract Compliance between Austin AECOM and an M/WBE firm. Also, a plan is in place and is being monitored to meet or exceed the goals and objectives of both the Mentor/Protégé agreement and the M/WBE goal of 24%.

RMV: ERP: JSK: VT: JDW

Attachments

cc: Ms. Marty Stein
Mr. Anthony W. Hall, Jr.
Mr. Arturo G. Michel
Ms. Velma Laws
Mr. Richard M. Vacar
Mr. Dave Arthur
Mr. Eric R. Potts
Mr. John S. Kahl
Mr. Frank D. Crouch
Mr. Adil Godiwalla
Ms. Ellen Erenbaum
Mr. John Silva
Mr. Dara N. Umrigar
Ms. Janice D. Woods
Mr. Aleks Mraovic
Mr. J. Goodwille Pierre
Ms. Marlene McClinton

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7956

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount and Approve and Authorize a First Amendment to Contract #4600007844 for Vehicle Car Wash Services for the Houston Police Department S30-L22454-A1

Category #
4

Page 1 of 2

Agenda Item

25 36

FROM (Department or other point of origin):
Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date
June 06, 2008

Agenda Date
~~JUN 25 2008~~
JUL 01 2008

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Joseph Fenninger Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:
Ordinance No. 2007-660, dated June 6, 2007

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount and approve and authorize a first amendment to the contract between the City of Houston and TIBH Industries, Inc. to increase the maximum contract amount from \$250,000.00 to \$500,000.00 and extend the term from July 5, 2008 to July 4, 2009 for vehicle car wash services for the Houston Police Department.

Maximum Contract Amount Increased By: \$250,000.00

Finance Budget

\$250,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount and approve and authorize a first amendment to the contract between the City of Houston and TIBH Industries, Inc. to increase the maximum contract amount from \$250,000.00 to \$500,000.00, and extend the contract term from July 5, 2008 to July 4, 2009 for vehicle car wash services for the Houston Police Department.

This contract was awarded on June 6, 2007, by Ordinance No. 2007-660 for a one-year term, in the original contract amount of \$250,000.00. All other terms and conditions remain as originally approved by City Council. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice.

In November 2006, the Houston Police Department conducted a pilot program with TIBH Industries, Inc. to provide vehicle car wash services. During the pilot program, TIBH (Contractor) performed satisfactorily and the services were well received by the Police Officers. Therefore, Department in collaboration with the Administrative & Regulatory Affairs Department negotiated firm prices for a three year contract with two one year options and submitted it to City Council approval. City Council, however, amended the initial contract term from three to one year and eliminated the option years. The Contractor's performance during this past year has been satisfactory and the Police Officers continue to appreciate the services provided under contract, thus reason for requesting a one^{-year} extension to the contract.

The scope of work requires the contractor to provide all labor, tools, parts, facilities, supplies, equipment, transportation and supervision necessary to clean and wash approximately 3,500 vehicles per month at eight Department locations throughout the City.

TIBH Industries, Inc. (TIBH) employs people with disabilities. Six to eight individuals with disabilities, including a disabled veteran of the first Gulf War, provide services under this contract. Additionally, TIBH has committed, in writing, to priority hiring of disabled veterans from the Iraq, Afghanistan and Bosnia conflicts.

The Texas Human Resources Code, Section 122.017 provides: A political subdivision of this state may purchase products or services for its user from private businesses through its authorized purchasing

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Ray DuRousseau 6/17/08

35
029

| | | | |
|-------------------|--|--------------------------------|-------------|
| Date: 6/6/2008 | Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount and Approve and Authorize a First Amendment to Contract #4600007844 for Vehicle Car Wash Services for the Houston Police Department S30-L22454-A1 | Originator's Initials RM | Page 2 of 2 |
|-------------------|--|--------------------------------|-------------|

procedures, but may substitute equivalent products or services produced by persons with disabilities under the provisions of this chapter.

Attorney General of Texas Opinion No. JM-444 states that general statutes that require counties, cities, hospital districts and school districts to engage in competitive bidding in order to make certain purchases do not apply to purchases such as political subdivisions make pursuant to Section 122.017 of the Human Resources Code. TIBH Industries, Inc. has approved the contract specifications, services and the agency that will provide these services.

Estimated Spending Authority

| DEPARTMENT | FY2009 | OUT YEARS | TOTAL |
|-------------------|--------------|-----------|--------------|
| Police Department | \$250,000.00 | \$00.00 | \$250,000.00 |

Buyer: Richard Morris