

**CITY COUNCIL CHAMBER – CITY HALL 2<sup>nd</sup> FLOOR – TUESDAY  
JULY 8, 2008 - 2:00 P.M**

**AGENDA**

3MIN	3MIN	3MIN
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**NON-AGENDA**

1MIN.	1MIN.	1MIN.
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3MIN	3MIN	3MIN
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MR. LEO GOLD – 1324 Banks – 77006 – 713-874-7444 – Recycling Petition

MS. DEBORAH ELAINE ALLEN – Post Office Box 263252 – 77207-3052 – 832-292-5203 – We are a Unity  
– We Black and We Mexican

MR. BRUCE NORCINI – 1711 Memorial Dr. – 77024 – 713-296-3728 – Flood Way

MR. MANUEL BARRIOS – 7934 Ellinger – 77040 – 713-501-6262 – Neighborhood Protection

MS. DIANA MUSSLEWHITE – 227 W. Cowan Dr. – 77007 – 832-689-1575 – Ambulance ran over my dog

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

MR. DOUGLAS NICHOLS – 2418 Broad St. – Baytown – TX – 77521 – Verbal harassment by Community  
and Drug houses

MR. JOE PALMER – 5703 Sheringham – 77085 – 713-723-0048 – Barricade on Cloquet Street

MS. LINDA MCDONALD – 12321 Crest Lake Dr. – 77072 – 713-254-9932 – Garbage Collection in my  
neighborhood

MR. WILLIAM ENNOLS BEAL – 4718 Boicewood – 77016 – 713-633-0126 – Dr. Victor Edmund MD/Black  
count Vladimir Dracula: Romania, Transylvania, Money and Property

**PREVIOUS**

1MIN.	1MIN.	1 MIN.
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MR. JAMES PARTSCH GALVAN – 1611 Holman – 77004 – 713-528-2607 – Gay Pride Parade on Montrose



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

JUL 09 2008

COPY TO BOARD OF COUNCIL:  
CITY SECRETARY: June 16, 2008  
COUNCIL MEMBER: \_\_\_\_\_

June 12, 2008

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Chapter 3843 of the Texas Special District Local Laws Code, Chapter 375 of the Texas Local Government Code, and upon the recommendation of the Harris County Improvement District No. 6, Board of Directors, I am nominating the following individuals for appointment or reappointment to the Harris County Improvement District No. 6, Board of Directors, subject to Council confirmation:

Ms. Tammy C. Manning, reappointment to Position Seven, for a term to expire June 1, 2011;

Mr. Allen W. Ueckert, appointment to Position Eight, for a term to expire June 1, 2011;  
and

Mr. Randall K. Ellis, reappointment to Position Ten, for a term to expire June 1, 2011.

The résumés of the nominees are attached for your review.

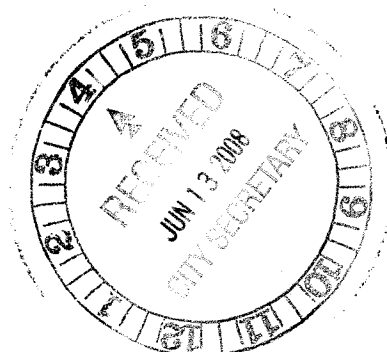
Sincerely,

Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Mr. David Hawes, executive director, Harris County Improvement District No. 6  
Mr. Clark Lord, legal counsel, Vinson and Elkins LLP





BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2

JUL 09 2008

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY  
COUNCIL MEMBER

June 23, 2008

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to the City of Houston's Code of Ordinances §§ 2-381 and 2-382, I am appointing or reappointing the following individuals to the Houston Commission on Disabilities, subject to City Council confirmation:

Ms. Pam Mackie, reappointment to Position One, for a term to expire July 26, 2009;  
Ms. Robbie Marie Arrington, reappointment to Position Two, for a term to expire July 26, 2010;  
Ms. Monica Parks, reappointment to Position Four, for a term to expire July 26, 2010;  
Mr. Scotty MacClymonds, reappointment to Position Eight, for a term to expire July 26, 2010;  
Mr. José Ramirez, Jr., appointment to Position Ten, for a term to expire July 26, 2010;  
Ms. Maria G. Deleon, appointment to Position Eleven, for a term to expire July 26, 2009;  
Mr. Diego Demaya, reappointment to Position Twelve, for an unexpired term ending July 26, 2010; and  
Dr. Stanley J. Zimmerman, reappointment to Alternate Position Two, for a term to expire July 26, 2010.

The résumés of the appointees are attached for your review.

Sincerely,

Bill White

Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Ms. Michelle Colvard, executive director, Houston Commission on Disabilities  
Mr. Charles Bradley, chair, Houston Commission on Disabilities

2



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

3  
JUL 09 2008

June 23, 2008

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to Chapter 311, Texas Tax Code, and City of Houston Ordinance No. 95-1323, I am nominating the following individual for appointment to the Board of Directors of Reinvestment Zone Number Three, City of Houston, Texas (Main Street Market Square Zone), subject to Council confirmation:

Mr. Milton Wilson, Jr., appointment to Position Nine, for a term to expire December 31, 2009.

Pursuant to the bylaws of the Main Street Market Square Redevelopment Authority, appointment of a director to the Board of Directors of this Zone will also constitute appointment of the director to the corresponding position on the Board of Directors of the Authority for the same term.

The résumé of the nominee is attached for your review.

Sincerely,

*Bill White*

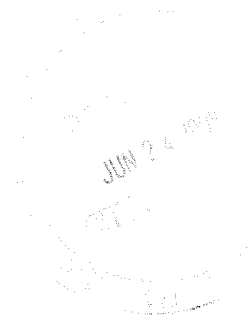
Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Mr. Robert Fiederlein, special assistant to the mayor for TIRZs  
Ms. Vicki Rivers, executive director, Main Street Market Square  
Redevelopment Authority

COPY TO THE CITY CLERK  
CITY CLERK  
COUNCIL MEMBER







BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

4

JUL 09 2008

June 23, 2008

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY 7-2-08  
DATE  
COUNCIL MEMBER:

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Chapter 26, Article I, of the City of Houston Code of Ordinances, I appoint the following individual to the Public Parking Commission, subject to City Council confirmation:

Mr. Bruce T. LaPree, appointment to Position Seven, for a term to expire December 31, 2008.

Mr. LaPree's résumé is attached for your review.

Sincerely,

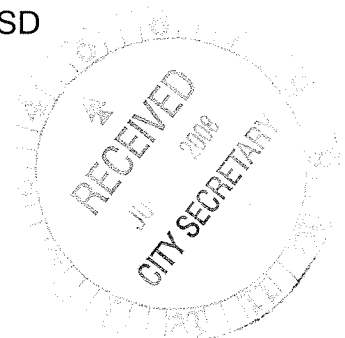
Bill White

Bill White  
Mayor

BW:CC:jsk

Attachment

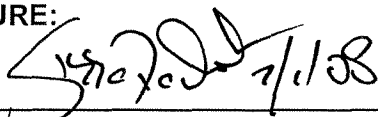


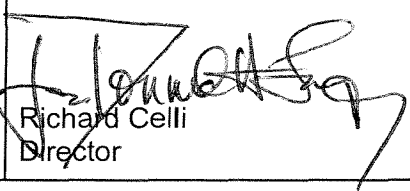

cc: Mr. Issa Dadoush, director, General Service Department  
Ms. Liliana Rambo, assistant director, Parking Management, GSD



<b>SUBJECT:</b> Law Enforcement Agreement between Harris County and Avalon Property Owners Association, Inc.	<b>Category #</b>	<b>Page</b> 1 of _____	<b>Agenda Item #</b> <b>5</b>
<b>FROM: (Department or other point of origin):</b> Harold L. Hurtt, Chief of Police Houston Police Department	<b>Origination Date</b> June 25, 2008		<b>Agenda Date</b> JUL 09 2008
<b>DIRECTOR'S SIGNATURE:</b> <i>M. I. Montalvo</i> M. I. Montalvo Acting Chief of Police	<b>Council Districts affected:</b> G		
<b>For additional information contact:</b> M. W. Thaler Executive Assistant Chief (713) 308-1570	<b>Date and identification of prior authorizing Council Action:</b>		
<b><u>RECOMMENDATION:</u> (Summary)</b>  Approval of Law Enforcement Agreement between Harris County and Avalon Property Owners Association, Inc.			
<b>Amount and Source of Funding:</b> * N/A		<b>F &amp; A Budget:</b>	
<b><u>SPECIFIC EXPLANATION:</u></b>  The Houston Police Department has no objections to the Law Enforcement Agreement between Harris County and Avalon Property Owners Association, 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 16, 2008, through December 31, 2008.  hlh:mm Attachments  cc: Marty Stein			
<b>REQUIRED AUTHORIZATION</b>			
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work Meridian Commercial, L.P. Repair and Build-out of Denver Harbor Multi-Service Center— Phase II WBS No. D-000077-0003-4		<b>Page</b> 1 of 2	<b>Agenda Item</b> <b>6</b>
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 07-02-08	<b>Agenda Date</b> JUL 03 2008
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P. E. 		<b>Council District affected:</b> 1	
<b>For additional information contact:</b> Jacquelyn L. Nisby  <b>Phone:</b> 832-393-8023		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2007-0070, Dated 01-17-07	
<b>RECOMMENDATION:</b> Pass a motion approving the final contract amount of \$2,255,724.00, accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No Additional Funding Required		<b>Finance Budget:</b>	
<b>Previous Funding:</b> \$2,173,000.00 – General Improvement Consolidated Fund (4509) \$ 200,000.00 – Federal Government – Grant Funded (5000) (CDBG) <b>\$2,373,000.00 – Total Funding</b>			
<b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve the final contract amount of \$2,255,724.00 or 10.00% over the original contract amount, accept the work and authorize final payment to Meridian Commercial, L.P. for construction services in connection with the repair and build-out of the Denver Harbor Multi-Service Center for the Department of Health and Human Services.			
<b>PROJECT LOCATION:</b> 6402 Market St (494H)			
<b>PROJECT DESCRIPTION:</b> This project involved the structural repair and second floor build-out of Denver Harbor Multi-Service Center. Since the building was originally constructed in 2001, some of the building walls had experienced cracking and the building was showing signs of differential settlement. The second floor build-out included lease space for community service providers, meeting rooms, classroom space, resource center, computer classroom, aerobic exercise space and after-school program space.			
<b>CONTRACT COMPLETION AND COST:</b> The contract included a 10% contingency to address unforeseen conditions. The contractor completed the project within the contract time, plus an additional 37 days approved by Change Orders. The final cost of the project including Change Orders is \$2,255,724.00, an increase of \$205,041.00 over the original contract amount.			
The project design consultant and construction manager was RPM Architects D/B/A Environments & Co.			
<b>REQUIRED AUTHORIZATION</b>		CUIC ID#25CONS36	
<b>General Services Department:</b>  Phil Golembiewski, P.E. Chief of Design & Construction Division	<b>Housing and Community Development:</b>  Richard Celli Director	<b>Department of Health and Human Services</b>  Stephen L. Williams, M.ED, MPA Director	

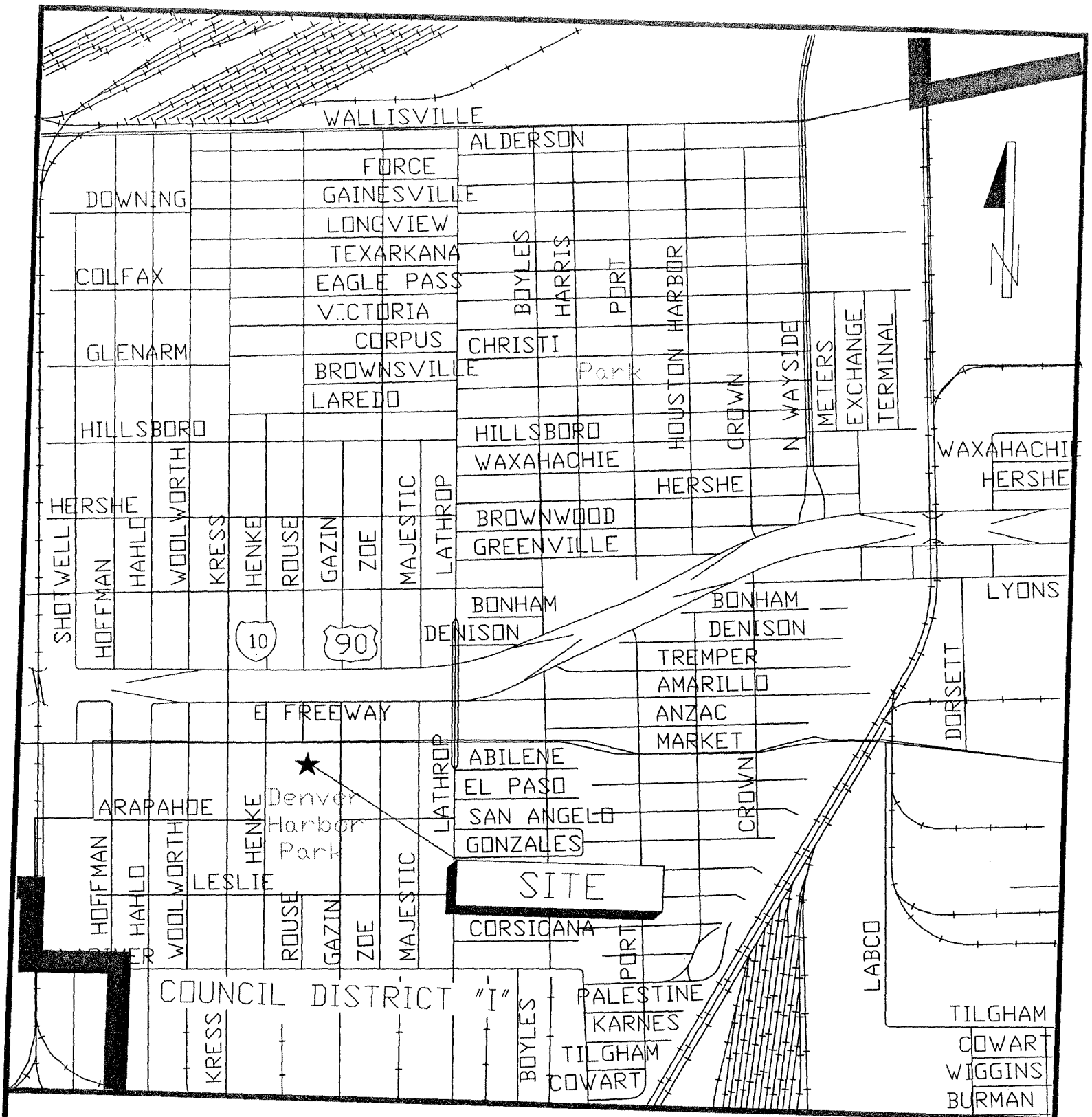
Date	<b>Subject:</b> Accept Work Meridian Commercial, L.P. Repair and Build-out of Denver Harbor Multi-Service Center— Phase II WBS No. D-000077-0003-4	<b>Originator's Initials</b> KTH	<b>Page</b> 2 of 2
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**PREVIOUS CHANGE ORDERS:** Change Orders 1-4 involved multiple revisions in the structural repairs, enhancements to occupant safety, changes to interior finishes, changes to existing fire sprinkler system as well as the Fire Alarm system.

**M/WBE/SBE PARTICIPATION:** The contract contained a 15% M/WBE goal and 5% SBE goal. According to the Housing and Community Development Department, the contractor achieved 17.87% M/WBE participation and 8.97% SBE participation and was assigned a satisfactory rating.


  
 IZD:PSG:JLN:MCP:KTH:ps


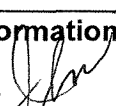
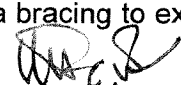

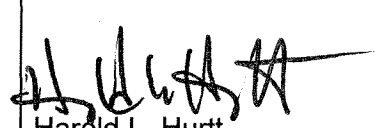
c: Marty Stein, Webb Mitchell, Jacquelyn L. Nisby, Fred Maier, Richard Celli, Gayve Anklesaria, Laura Ortiz, File



DENVER HARBOR MULTI-SERVICE CENTER  
6402 MARKET STREET

COUNCIL DISTRICT "I"

KEY MAP NO. 494H

<b>SUBJECT:</b> Accept Work F.W. Walton, Inc. Roof Replacement at Police Academy Buildings "A" and "C" WBS No. G-000066-0008-4		<b>Page</b> 1 of 1	<b>Agenda Item</b>  7
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 07-02-08	<b>Agenda Date</b> JUL 09 2008
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P. E.  6/18/08		<b>Council District affected:</b> B	
<b>For additional information contact:</b> Jacquelyn L. Nisby  <b>Phone:</b> 832.393.8023		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2007-0724; Dated June 20, 2007	
<b>RECOMMENDATION:</b> Pass a motion approving the final contract amount of \$328,070.00, accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No Additional Funding Required		<b>Finance Budget:</b>	
<b>Previous Funding:</b> \$352,674.85 – Police Consolidated Construction Fund (4504)			
<b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council approve the final contract amount of \$328,070.00 or 0.52% over the original contract amount, accept the work and authorize final payment to F.W Walton, Inc. for roof replacement services for the Houston Police Department.			
<b>PROJECT LOCATION:</b> 17000 Aldine Westfield (373H)			
<b>PROJECT DESCRIPTION:</b> This project removed the existing built-up roofs on the Police Academy Buildings "A" and "C" and replaced with upgraded efficient roofing systems. The pre-existing roofs were approximately 30 years old and had outlived their useful lives.			
<b>CONTRACT COMPLETION AND COST:</b> The contractor completed the project within the contract time, plus an additional 74 days approved by Change Orders. The final cost of the project including Change Orders is \$328,070.00, an increase of \$1,713.00 over the original contract amount.			
The project design consultant and construction manager was Price Consulting, Inc.			
<b>PREVIOUS CHANGE ORDERS:</b> Change Orders 1 - 4 extended the contract duration due to inclement weather, added extra bracing to existing brick columns surrounding the mechanical area of the roof, and sealed cracks and joints. 			
IZD:PJG:JLN:MCP:EWR:ps			
c: Marty Stein, Webb Mitchell, Jacquelyn L. Nisby, Velma Laws, Kim Ngyuen, Kirk Munden, Stephen Hanner, Joseph Kurian, Project File			
<b>REQUIRED AUTHORIZATION</b>			
<b>General Services Department:</b>  Phil Golembiewski, P.E. Chief of Design & Construction Division		<b>Houston Police Department:</b>  Harold L. Hurtt Chief of Police	



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7921

**Subject:** Formal Bids Received for Reclaimed Asphalt Pavement (RAP) for the Houston Airport System and Public Works & Engineering Department  
S12-S22776

Category #  
4

Page 1 of 2

Agenda Item

8

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

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**

July 01, 2008

**Agenda Date**

JUL 09 2008

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*  
For additional information contact:

David Guernsey

Phone: (713) 238-5241

Ray DuRousseau

Phone: (832) 393-8726

**Council District(s) affected**

All

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

**RECOMMENDATION: (Summary)**

Approve an award to Century Asphalt, Ltd. on its low bid in an amount not to exceed \$38,612,029.50 for reclaimed asphalt pavement material for the Houston Airport System and Public Works & Engineering Departments.

Estimated Spending Authority \$38,612,029.50

**Finance Budget**

\$38,042,968.50 PWE-General Fund (1000)  
\$ 538,681.50 PWE-Water & Sewer System Operating Fund (8300)  
\$ 30,379.50 HAS-Revenue Fund (8001)  
\$38,612,029.50 TOTAL

PLR 7/2/08

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Century Asphalt, Ltd. on its low bid in an amount not to exceed \$38,612,029.50 for reclaimed asphalt pavement material. It is further requested that authorization be given to make purchases, as needed, for a 60 month period. This award consists of reclaimed asphalt pavement to be used by the Houston Airport System and Public Works & Engineering Department in all districts citywide to construct, repair and maintain streets, pavements, airport runways and taxiways, including the City's pedestrian jogging and biking paths.

The project was advertised in accordance with the requirements of the State of Texas bid laws. Eight prospective bidders viewed the solicitation document on SPD's e-bidding website. Five prospective bidders do not sell or represent manufacturer's of the required reclaimed asphalt pavement to be delivered in bulk quantities citywide. Three bids were received as outlined below:

	<b>COMPANY</b>	<b>TOTAL AMOUNT</b>
1.	American Materials	\$24,404,737.00 (Partial Bid/Higher Unit Price)
2)	<b>Century Asphalt, Ltd.</b>	<b>\$38,612,029.50</b>
3)	Southern Crushed Concrete	\$47,493,921.21

This award, consisting of 1,106,671 tons of reclaimed asphalt pavement material to be used by the Public Works & Engineering Department to construct, repair and resurface City streets, parking lots, jogging/walk paths, parking lot, driveways and streets throughout the City. The Houston Airport System will use the material to repair runways/taxiways, parking lots and to maintain the roads/streets at the three airports.

The use of reclaimed asphalt pavement material will allow the Departments to salvage and recycle old asphaltic pavement into reusable reclaimed asphalt pavement material resulting in reduced use of virgin asphalt pavement material and its associated fuel, energy and transportation costs. The use of reclaimed asphalt pavement material will significantly reduce the City's current asphalt pavement material cost by 30% per ton and is projected to save the City approximately \$27,800,710.50 over the term of this award.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

65CDW 7921

72088



Date: 7/1/2008	Subject: Formal Bids Received for Reclaimed Asphalt Pavement (RAP) for the Houston Airport System and Public Works & Engineering Department S12-S22776	Originator's Initials MK	Page 2 of 2
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**M/WBE Subcontracting:**

This bid was issued with an 11% goal for M/WBE participation. Century Asphalt Materials has designated the below-named company as its certified M/WBE subcontractor.

<b><u>NAME</u></b>	<b><u>TYPE OF WORK</u></b>	<b><u>DOLLAR AMOUNT</u></b>
L. O. Materials & Trucking, Inc.	Furnish Liquid Asphalt	\$4,246,532.52

This award will be monitored by the Affirmative Action Division.

Buyer: Martin L. King

**ESTIMATED SPENDING AUTHORITY**

<b>DEPARTMENT</b>	<b>FY09</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
PWE	\$7,716,330.00	\$30,865,320.00	\$38,581,650.00
HAS	\$ 6,000.00	\$ 24,379.50	\$ 30,379.50
<b>Totals</b>	<b>\$7,722,330.00</b>	<b>\$30,889,699.50</b>	<b>\$38,612,029.50</b>

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7969

**Subject:** Formal Bids Received to Furnish and Install an HVAC System at Fire Station No. 49 for the General Services Department S30-C22905

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**

July 02, 2008

**Agenda Date**

JUL 09 2008

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

A

**For additional information contact:**

Jacquelyn L. Nisby Phone: (713) 247-1814  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an award to Custom Air Products & Services, Inc. on its low bid in the amount of \$62,567.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$6,256.70 for a total amount not to exceed \$68,823.70 to furnish and install an HVAC system at Fire Station No. 49 for the General Services Department.

Award Amount: \$68,823.70

**Finance Budget**

\$68,823.70 - GSD - In-House Renovation Revolving Fund (1003)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Custom Air Products & Services, Inc. on its low bid in the amount of \$62,567.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$6,256.70 for a total amount not to exceed \$68,823.70 to furnish and install an HVAC system at Fire Station No. 49 for the General Services Department and that authorization be given to issue purchase orders as necessary. This new HVAC system is needed to provide adequate working and living conditions for the firefighters assigned to Fire Station No. 49, located at 1212 Gessner.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eight 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.	Custom Air Products & Services, Inc.	\$62,567.00
2.	Hunter Allied of Texas, Inc.	\$73,400.00
3.	Gowan, Inc.	\$80,326.00

The scope of work requires the construction contractor to provide all labor, materials, equipment, supervision and transportation necessary to furnish and install a complete HVAC system consisting of two units (5-ton and 6-ton), all ductwork, refrigerant and electrical connections at Fire Station No. 49. The new system will replace a 20-year-old system that has exceeded its useful life and will be sent to the Property Disposal Management Office for disposition. The new HVAC system will have an energy efficiency rating which meets the current energy conservation guidelines. Materials and workmanship for this project are warranted for one year and the life expectancy is ten years. The contractor will have 30 days to complete the work on this project after receipt of the notice-to-proceed.

Buyer: Richard Morris

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7978

Subject: Sole Source Purchase of an Annual Software Maintenance and Support Agreement for the Information Technology Department

Category #  
4 & 5

Page 1 of 1

Agenda Item

10

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

Richard Lewis  
Chief Information Officer  
Information Technology

**Origination Date**

July 02, 2008

**Agenda Date**

JUL 09 2008

**DIRECTOR'S SIGNATURE**

*Richard Lewis*

**Council District(s) affected**  
All

**For additional information contact:**

Richard Lewis Phone: (832) 393-0082  
Earl M. Lambert Phone: (832) 393-0038

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

08-15-07 / Per Motion No. 2007-0869

**RECOMMENDATION: (Summary)**

Approve the sole source purchase from Maximus, Inc. in the amount of \$80,000.00 for an annual software maintenance and support agreement for the City's Fleet Management System (GEMS2000) for the Information Technology Department.

Award Amount - \$80,000.00

**Finance Budget**

*Richard Lewis*

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

**SPECIFIC EXPLANATION:**

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

Maximus, Inc. is the sole source provider and software developer. The company has no distributorships or third party providers for software maintenance and support services. GEMS is used to manage the City's fleet and related equipment. GEMS tracks these items from the original purchase to salvage and over this life will track all vehicle work orders, maintenance and repair costs, mileage, fuel usage, location and parts inventory.

The contractor will be required to provide:

- Program updates
- Unlimited phone support for 12 months
- Unlimited access to support desk via email for 12 months

This agreement will provide the required support of the City's existing legacy system until a new fleet management system is implemented. City staff is currently finalizing contract negotiations on a new fleet management system and will be preparing a request for council action within the next 60 days.

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

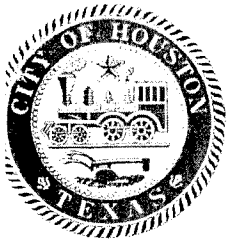
**REQUIRED AUTHORIZATION**

Finance Department:

*Richard Lewis*

Other Authorization:

Other Authorization:



# CITY OF HOUSTON

Information Technology Department

## Interoffice

Correspondence

To: Robert Gallegos  
Deputy Assistant Director

From: Frank Rodriguez

Date: 6/26/08

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% 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: N/A Estimated Dollar Amount: \$80,000.00

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

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

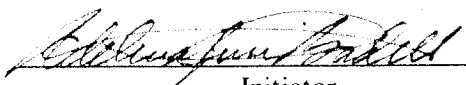
If goal was not met, what did the vendor achieve: \_\_\_\_\_

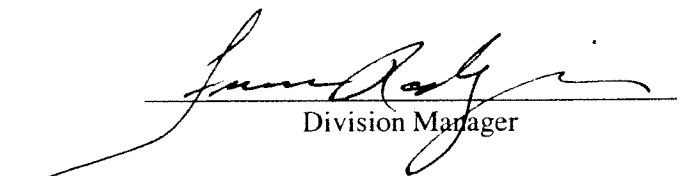
Name and Intent of this Solicitation:  
MAXIMUS, Inc. Software License & Support Services


### Rationale for requesting a Waiver or Revision:

MAXIMUS Inc, is the software developer and sole source provider for the support services. Services are not available through third party distributors.

Concurrence:

  
Initiator

  
Division Manager

  
for Velma Laws, Director  
\*Affirmative Action

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

RECEIVED  
ACCOMMODATIONS SECTION

07/01/08

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7826**

**Subject:** Formal Bids Received for PVC Gravity Sewer SDR-35 Pipe and Fittings for the Public Works & Engineering Department  
S40-S22604

Category #  
4

Page 1 of 2

Agenda Item  
  
**11**

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

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**

April 03, 2008

**Agenda Date**

**JUL 09 2008**

**DIRECTOR'S SIGNATURE**

**For additional information contact:**

David Guernsey      Phone: (713) 238-5241  
Desiree Heath      Phone: (713) 247-1722

**Council District(s) affected**  
All

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

**RECOMMENDATION: (Summary)**

Approve an award to HD Supply Waterworks, Inc. on its low bid in an amount not to exceed \$706,152.08 for pvc gravity sewer SDR-35 pipe and fittings for the Public Works & Engineering Department.

Estimated Spending Authority: \$706,152.08

**F & A Budget**

\$706,152.08 Fund (8300) Water & Sewer System Operating Fund

**PLR 6/9/09**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to HD Supply Waterworks, Inc. on its low bid in an amount not to exceed \$706,152.08 for pvc gravity sewer SDR-35 pipe and fittings. It is further requested that authorization be given to make purchases, as needed, for a 60 month period. This award consists of various pvc gravity sewer SDR-35 pipe and fittings to be used by the Public Works and Engineering Department in all districts within the city limits of Houston to enhance public health and public safety.

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

**COMPANY**

**TOTAL AMOUNT**

- |                                      |   |
|--------------------------------------|---|
| 1. Subfin Commodities                | \$ 34,142.05(Partial Bid/Higher Unit Price) |
| <b>2. HD Supply Waterworks, Inc.</b> | <b>\$706,152.08</b>                         |
| 3. MDN Enterprises                   | \$726,923.54                                |

**M/WBE Subcontractor:**

The bid was issued with 1% goal for M/WBE participation. **HD Supply Waterworks, Inc.** has designated the below named company as it's certified M/WBE subcontractor:

**NAME**

**TYPE OF SERVICE**

**AMOUNT**

Lonestar Messenger Service	Delivery	\$7,061.52
----------------------------	----------	------------

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**65CDW7826**

*[Signature]*

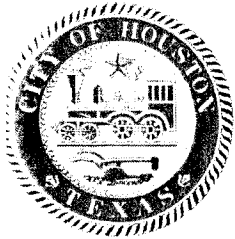
Date: 4/3/2008	Subject: Formal Bids Received for PVC Gravity Sewer SDR-35 Pipe and Fittings for the Public Works & Engineering Department S40-S22604	Originator's Initials JM	Page 2 of 2
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This award will be monitored by the Affirmative Action Division.

Buyer: Jeff D. Meekins

**ESTIMATED SPENDING AUTHORITY**

DEPARTMENT	FY08	OUT YEARS	TOTAL
Public Works	\$141,230.40	\$564,921.68	\$706,152.08



# CITY OF HOUSTON

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Jeff Meekins

Date: 6/27/2008

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: S22604 Estimated Dollar Amount: \$450,154.71

Anticipated Advertisement Date: 11/8/2007 Solicitation Due Date: 1/10/2008

Goal On Last Contract: 1% Was Goal met: Yes ☒ No ☐

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

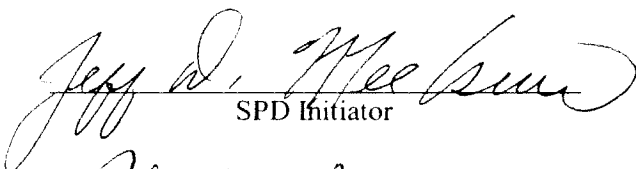
Name and Intent of this Solicitation:

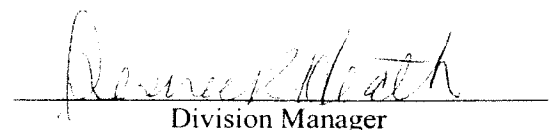
PVC Gravity SDR-35 Sewer Pipe and Fittings for PW & E to maintain the City of Houston sewer system.

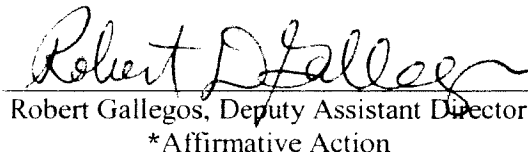
Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)

The previous contract had a 1% MWBE goal. MWBE participation is attainable only through pick-up and delivery of parts. Therefore, a one percent (1%) goal is requested.

Concurrence:

  
SPD Initiator

  
Division Manager

  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

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

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

REC-11

11/10/2008



# CITY OF HOUSTON

Office of the Mayor

RCA 7826

## Interoffice

Correspondence –  
Affirmative Action &  
Contract Compliance  
Division

**To:** Lewis Messingill

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

**Date:** October 16, 2007

**CC:**

**Subject** 0% MWBE Goal Request – PVC Gravity SDR-  
: 35 Sewer Pipe and Fittings for PWE

We have reviewed the zero percent (0%) MWBE goal request on the contract listed above. The previous contract had a 1% MWBE goal and the contractor achieved 1.76%. MWBE participation is attainable by subcontracting the pick-up and delivery of parts. The MWBE directory has sixteen (16) certified companies that provide delivery services, a sub-service to this contract. Therefore, the zero percent (0%) MWBE goal request is denied. We recommend a one percent (1%) MWBE goal for the acquisition listed above.

If you have any questions or concerns, you may contact Ric Garza at 713-837-9008.



# REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> <b>A Resolution repealing Resolution No. 85-50 and establishing a revised procedure relating to review of County Law Enforcement Contracts</b>		<b>Category # 1</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <div style="text-align: right; font-size: 1.5em; font-weight: bold;">12</div>
<b>FROM (Department or other point of origin):</b>  <div style="text-align: center;">Legal Department</div>		<b>Origination Date</b>  <div style="text-align: center;">6-26-08</div>	<b>Agenda Date</b>  <div style="text-align: center;">JUL 09 2008</div>	
<b>DIRECTOR'S SIGNATURE:</b> Arturo G. Michel, City Attorney		<b>Council District affected:</b>  <div style="text-align: center;">All</div>		
<b>For additional information contact:</b> Mary McKerral Contracts Division Phone: (713) 437-6746		<b>Date and identification of prior authorizing Council action:</b> July 31, 1985 Resolution # 85-50		
<b>RECOMMENDATION: (Summary)</b> That Council pass and approve a Resolution repealing Resolution No. 85-50 and providing a revised procedure for review of County Law Enforcement Contracts that provide for county law enforcement services within the City of Houston				
<b>Amount of Funding:</b> NO FUNDING		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b>				
<b>SPECIFIC EXPLANATION:</b>  <p>Harris County enters into numerous contracts with subdivisions and special districts to provide law enforcement services within the corporate limits of the City of Houston through Harris County Constables. Pursuant to the Texas Local Government Code, the Harris County Attorney's Office forwards numerous contracts every year to the City Secretary for consideration by City Council. Other counties in which the City is located may enter the same type of agreements.</p> <p>Pursuant to TEX. LOC. GOV'T CODE ANN. §351.067 (Vernon 2005), the City of Houston has 30 days after the date the contract is received in the municipal offices to disapprove the contract. If the City approves the contract or takes no action the county may enter into the contract as provided by law.</p> <p>Resolution No. 85-50 requires the City Secretary to forward one copy for review to the Chief of Police and a copy of the transmittal letter to Council Members and the Mayor's Agenda Director. It also requires the Police Chief to review the proposed contracts and return written recommendations to the City Secretary, who is required to refer the matter for placement on the City Council agenda.</p> <p>The procedure results in hundreds of Harris County contracts being placed on City Council Agenda, even when there is no objection by the Chief of Police or a Council Member.</p> <p>The Resolution provides for City Council consideration only when the Chief of Police or a Council Member objects to a contract.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

City of Houston, Texas Resolution No. \_\_\_\_\_

**A RESOLUTION REPEALING CITY OF HOUSTON RESOLUTION NO. 1985-50  
AND ADOPTING A REVISED PROCEDURE FOR THE REVIEW OF COUNTY LAW  
ENFORCEMENT CONTRACTS UNDER SECTION 351.067, TEXAS LOCAL  
GOVERNMENT CODE.**

\* \* \* \*

**WHEREAS**, on July 31, 1985, City Council adopted Resolution No. 1985-50, which established a procedure for the review of County Law Enforcement Contracts in accordance with Senate Bill 245, as adopted by the 69<sup>th</sup> Texas Legislature, Regular Session (now Texas Local Government Code, Section 351.067); and

**WHEREAS**, Resolution No. 1985-50 resulted in the placement of numerous Harris County Law Enforcement Agreements on City Council Agenda for consideration even though neither the Chief of Police nor any City Council Member opposed the proposed agreements; and

**WHEREAS**, Texas Local Government Code, Section 351.067, **Municipal Approval of Contract Covering Area within Municipality** ("the Act") provides as follows:

- "(a) If, under a proposed contract, the county would provide law enforcement services within the corporate limits of a municipality, the county shall submit a copy of the proposed contract to the municipality for approval.
- (b) The governing body of the municipality, after considering the individual contract, may disapprove the contract within 30 days after the date the contract is received in the municipal offices. If the governing body of the municipality approves the contract or takes no action for the 30 days, the county may enter into the contract as provided in this subchapter. If the governing body of the municipality disapproves the contract, the county may not enter into the contract.
- (c) The municipality and its officers and employees are not liable for any damage caused by the acts of a county official or employee providing services under the contract within the municipality." ; and

**WHEREAS**, the City Council desires to establish a revised orderly procedure to ensure that proposed contracts for county law enforcement services within the city are referred and reviewed in an expeditious manner; **NOW THEREFORE**;

\* \* \* \*

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

**Section 1.** That Resolution No. 1985-50 is hereby repealed.

**Section 2.** That the Chief of Police is hereby designated as the City Official for receipt and processing of proposed county contracts with nongovernmental associations for the provision of law enforcement services by a county on a fee basis within the corporate boundaries of the City of Houston.

**Section 3.** That upon receipt of a proposed Contract(s) for Law Enforcement Services from a county clerk or county attorney of one of the counties in which the city is located, the Chief of Police shall notify the Mayor and the City Council Member whose district is affected by the proposed contract. The Mayor and/or City Council Member shall have five business days to notify the Chief of Police of any objection to the proposed contract.

**Section 4.** That if no timely objection is made by the Mayor, a City Council Member or the Chief of Police, the contract is deemed approved.

**Section 5.** That if a timely objection to the contract is made by the Mayor, a City Council Member or the Chief of Police, the Chief of Police will forward the recommendation to disapprove the proposed contract to be placed on the City Council agenda for approval or disapproval on or before 30 days from receipt of the proposed contract from the county official.

**Section 6.** That if City Council disapproves the proposed contract within the 30 day time limit, the City Secretary shall notify county official who submitted the proposed contract.

**Section 7.** That this Resolution shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Resolution 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 \_\_\_\_\_, 20 \_\_\_\_.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor of the City of Houston, Texas

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

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

(Prepared by Legal Dept. \_\_\_\_\_)

(MJM/DBB 06/19/08)

(Requested by Legal Department)


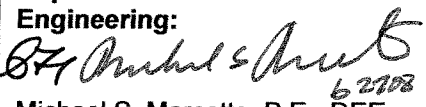
(L.D. File No. 0390700097001)

GA\CONTRACT\MJM\AMDRES85-50..DOC

*Randy McKeel*  
\_\_\_\_\_  
Senior Assistant City Attorney

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance Amending Article VI of Chapter 2 of the Code of Ordinances relating to Appraisals for Sales or Leases of Real Property		<b>Page</b> 1 of 1	<b>Agenda Item</b> 13
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 7-2-08	<b>Agenda Date</b> JUL 09 2008
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 7/2/08		<b>Council District affected:</b> All	
<b>For additional information contact:</b> Jacquelyn L. Nisby (832) 393-8023		<b>Date and identification of prior authorizing council action:</b>	
<b>RECOMMENDATION:</b> Approve an Amendment to Article VI of Chapter 2 of the Code of Ordinances relating to Appraisals for Sales or Leases of Real Property Owned by the City.			
<b>Amount and Source Of Funding:</b> N/A		<b>Finance Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> Article VII, Section 9 of the City Charter, provides that Council "shall establish the minimum monetary value of the real estate or interest therein at which Council must appoint two qualified appraisers for the purpose of determining fair market value ..." Section 2-240, Houston Code of Ordinances, currently provides that the City must obtain two independent appraisals when the City intends to sell or lease real estate with an expected value over \$25,000.00.</p> <p>The proposed amendment to Article VI of Chapter 2 of the Code of Ordinances will raise the minimum property value amount at which the City must obtain two appraisals to over \$1 million, and makes other changes to the City appraisal process. The objectives of the changes are to obtain: (i) more reliable estimations of value, (ii) higher quality appraisal reports with fewer errors, (iii) faster and when-promised delivery of appraisal reports, and (iv) appraisals at a lower cost to the City (that is, not obtaining two appraisals when one is sufficient).</p> <p>The General Services Department (GSD) and Public Works and Engineering Department (PWE) handle sales and leases of City owned real estate and have worked together in developing the recommended changes to the City's processes for obtaining real estate appraisals. Representatives of these Departments discussed issues with the current appraisal procedures and presented the proposed amendments to the Council Committee on Budget &amp; Fiscal Affairs on January 28 and April 1, 2008.</p> <p>GSD and PWE have developed new internal procedures for obtaining and maintaining a list of qualified appraisers. The City will broadly solicit appraisers to submit their qualifications, and the City will undertake special outreach to encourage M/WBE appraisers to submit their qualifications. Appraisal assignments will be made on a rotating basis to the next appraiser on the City maintained list with (i) qualifications which match the type of property (e.g., residential, commercial, industrial), and (ii) expertise in the particular area of town. Appraisers who have repeated performance violations may be removed from the list. GSD and PWE will provide a monthly report to Council on appraisal assignments made.</p> <p>The City will receive one appraisal report for the sale or lease of City real estate unless (i) the unique character of the real estate indicates the need for two appraisal reports, or (ii) the expected value of the real estate is over \$1 million. In all cases where the value exceeds \$1 million, Council approval of the appointment of two appraisers chosen by PWE or GSD, will be required.</p> <p>Therefore, GSD and PWE recommend that City Council approve the Amendment to Article VI of Chapter 2 of the Code of Ordinances.</p> <p>IZD:BC:JLN:RB:ddc</p> <p>xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby, Nancy Collins, Arturo G. Michel</p>			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC # 25 RB 28</b>	
<b>General Services Department:</b>  Forest R. Christy, Jr., Director Real Estate Division		<b>Department of Public Works and Engineering:</b>  Michael S. Marcotte, P.E., DEE Director	

13  
JUL 09 2008

City of Houston, Texas, Ordinance No. 2008-\_\_\_\_\_

**AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO APPRAISALS FOR SALES OR LEASES OF CITY REAL PROPERTY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, City Council, to expedite and reduce the costs of property disposals, seeks to raise the property value above which the City is required to obtain two independent appraisals for real estate sales or leases; and

**WHEREAS**, City Council also seeks to revise the method of appointing real estate appraisers, and to establish performance standards for receiving subsequent appraisal assignments; **NOW THEREFORE**,

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

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

**Section 2.** That Subsections (c) and (d) of Section 2-240 of the Code of Ordinances, Houston, Texas, are hereby deleted.

**Section 3.** That Section 2-241 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"Sec. 2-241. Appointment of appraisers.

(a) The director of public works and engineering and the director of general services shall jointly develop and maintain policies and procedures (i) for obtaining and maintaining a list of qualified appraisers who have applied to receive appraisal engagements from the city, and (ii) for appraisals of city owned real estate. Appraisers with repeated performance violations including refusal of engagements, untimely delivery of appraisals, inadequate documentation, inadequately supported market values, and similar performance issues may be removed from the list of qualified appraisers for no less than one year or more than three years.

(b) The director of public works and engineering or director of general services who is selling or leasing city real estate or an interest therein shall make recommendations of qualified appraisers for council appointment under subsection (c) or engage appraisers under subsection (e) on a rotating basis to the next appraiser(s) on the city maintained list of appraisers with (i) appraisal qualifications for the type of real estate or interest therein being sold or leased (such as residential, commercial, or industrial) and of the size and complexity of the appraisal, and/or (ii) appraisal experience in the locality of the subject real estate.

(c) In any sale of real estate or interest therein for which the value is estimated to exceed \$1,000,000 or in any lease in which the value of the fee estate is estimated to exceed \$1,000,000, the director of public works and engineering or director of general services shall recommend qualified appraisers and request council to appoint a minimum of two qualified appraisers, and one alternate appraiser if appropriate under applicable policies and procedures, for the purpose of determining fair market value.

(d) An alternate appraiser who has been appointed under subsection (c) shall not be engaged to perform an actual appraisal or be entitled to any compensation therefor, unless the director making the appointment recommendation to council substitutes the alternate for one of the regularly appointed appraisers after finding that the regularly appointed appraiser has declined to accept the engagement, has not been located, is unable or unwilling for any reason to accept the engagement, or is unable or unwilling to complete the engagement within a reasonable period of time that is consistent with the scope of the work and the city's need to complete the transaction. When the alternate appraiser is substituted for one of the regularly appointed appraisers, the director making the substitution will notify council in writing of the substitution.

(e) In any sale of real estate or interest therein for which the value is estimated to not exceed \$1,000,000, the director of public works and engineering or director of general services, as applicable, shall receive a minimum of one appraisal report from a qualified appraiser for the purpose of determining fair market value. In any sale of real estate or interest therein for which the value is estimated to not exceed \$50,000, an appraisal report may be provided by a city employee with professional appraisal qualifications.

(f) In any transactions involving the Houston Airport System, the director of the Houston Airport System shall have the responsibilities of and be substituted for the director of public works and engineering and director of general services in subsections (b), (c), (d) and (e) hereof."

**Section 4.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

**PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2008.**

**APPROVED on this \_\_\_\_ day of \_\_\_\_\_, 2008.**

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

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

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

(Prepared by Legal Dept. \_\_\_\_\_)

Sr. Assistant City Attorney


Requested by Michael S. Marcotte, P.E., DEE, and Issa Z. Dadoush, P.E.

L.D. File No. 033-0800005-001

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

<b>SUBJECT:</b> <b>AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON , TEXAS , RELATING TO CONTRACTOR EMPLOYEE CLASSIFICATION</b>		<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b> <div style="text-align: right; font-size: 2em;">14</div>
<b>FROM (Department or other point of origin):</b>  Affirmative Action and Contract Compliance		<b>Origination Date</b>  July 2, 2008	<b>Agenda Date</b>  JUL 09 2008	
<b>DIRECTOR'S SIGNATURE:</b> <div style="text-align: center;">  </div>		<b>Council District affected:</b>		
<b>For additional information contact:</b> Phone: Velma Laws, 713.837.9015		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance to prevent contractors who are awarded contracts by the city from misclassifying employees as independent contractors by requiring contractors to keep certain records.				
<b>Amount of Funding:</b>  None required.		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)				
<b>SPECIFIC EXPLANATION:</b>  The proposed Ordinance was prepared at the request of the Council MWBE, Small Contractor Development and Contract Compliance Committee. The Committee found that some contractors are attempting to gain an unfair financial advantage over competitors by misclassifying employees as independent contractors.  The purpose of the Ordinance is to prevent any unfairness or inequity for contractors who comply with applicable employment laws. The Ordinance creates a record keeping requirement, and makes violation of the Ordinance a penal offense and grounds for debarment. Specifically, contractors must: <ul style="list-style-type: none"> <li>• Maintain a list of all persons working on city contracts by classification, including duties and benefits; I RS-1099 Misc. forms for all independent contractors; and any written agreement with independent contractors.</li> <li>• Produce these records upon request of city (city departments will not have burden of managing records).</li> <li>• Submit to the IRS an SS-8 "Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding" for any person classified as an independent contractor, upon request of the City.</li> </ul> Enforcement is accomplished by: 1) the presumption that anyone who is not listed as independent contractor, without 1099 and without a contract is an employee; 2) a fine of up to 500.00 per violation; and 3) debarment for failure to comply.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

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

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO CONTRACTOR EMPLOYEE CLASSIFICATION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.**

\* \* \* \*

**WHEREAS**, the City of Houston promotes fair competition and public welfare by requiring contractors and bidders to comply with laws and regulations pertaining to, among other things, prevailing wages, workers compensation insurance, health insurance, taxes and other employment laws; and

**WHEREAS**, City Council finds that some contractors are attempting to gain an unfair financial advantage over competitors by misclassifying employees as independent contractors; and

**WHEREAS**, City Council desires to create reporting and record keeping requirement for contractors and to make a violation of this requirement a penal offense and grounds for debarment; **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.

**Section 2.** That Chapter 15 of Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article X that reads as follows:

**"ARTICLE X. CONTRACTOR EMPLOYEE CLASSIFICATION**

**Sec. 15-151. Declaration of policy.**

(a) It is the policy of the city to encourage fair competition for city contracts by requiring all contractors to comply with applicable employment laws, statutes and ordinances. It is city policy to prevent any unfairness or inequity for contractors who comply with applicable employment laws.

(b) It is the policy of the city to place an affirmative duty on contractors to demonstrate compliance with all employment laws, statutes and ordinances.

#### **Sec. 15-152. Definitions.**

The words and phrases defined in this section shall have the meanings ascribed when used in this article, unless the context clearly indicates another meaning.

*Contractor* means any person or legal entity providing goods, labor, or services to the city by contract for profit and their agents.

*Independent contractor* means a person performing work for a contractor under a city contract for whom the contractor has the right to control or direct only the result of the work and not the means and methods of accomplishing the result, or a person the Internal Revenue Service has determined is an independent contractor for purposes of federal employment taxes and income tax withholding.

#### **Sec. 15-153. Records regarding classification.**

(a) A contractor must maintain a list of all persons performing work under a city contract classifying each person as either an employee or independent contractor, including a description of each person's duties and any benefits provided, and produce a copy of the list upon request of the city.

(b) A contractor must produce a copy of the Internal Revenue Service Form 1099-Misc. for each independent contractor performing work under a city contract upon request of the city.

(c) A contractor must produce a copy of any written contract or agreement describing the relationship with each independent contractor performing work under a contract with the city upon request of the city.

(d) A contractor must submit to the Internal Revenue Service an SS-8 "Determination of Worker Status for Purposes of Federal Employment Tax and Income Tax Withholding" for any person classified as an independent contractor upon request of the city.

#### **Sec. 15-154. Violation of article.**

It is unlawful for a contractor to fail to maintain, fail to produce or fail to submit the records, documents or forms required by this article.

**Sec. 15-155. Presumption.**

Any person performing work for a contractor under a city contract who is not classified as an independent contractor on the list required by this article, and who has not been provided a 1099-Misc. form as required by this article, and with whom a written contract or other agreement describing the relationship with the person does not exist, is presumed to be an employee of the contractor.

**Sec. 15-156. Debarment.**

Failure to comply with the terms of this article constitutes grounds for debarment as defined in section 15-103 of this Code.

**Sec. 15-157. Penalty.**

A violation of this article is a misdemeanor criminal offense and is punishable pursuant to section 1-6 of this Code."

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

**Section 4.** The City Attorney is hereby authorized to take all action necessary to enforce all legal obligations under said contract without further authorization from Council.

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore,

this Ordinance shall be passed finally on such date and shall take effect 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 \_\_\_\_\_, 20\_\_\_\_.


**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
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. \_\_\_\_\_



  
Assistant City Attorney

L.D. File No. 0390800082001

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance expanding and revising Chapter 47 of the Code of Ordinances related to Groundwater Reduction Plans and water supply contracts.		<b>Page</b> 1 of 2	<b>Agenda Item</b> #  15
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>  6/26/08	<b>Agenda Date</b>  JUL 09 2008
<b>DIRECTOR'S SIGNATURE</b>  MS <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> All	
<b>For additional information contact:</b>  Ann Sheridan <i>AS</i> Phone: (713) 837-9142		<b>Date and identification of prior authorizing Council action</b>	
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance approving revisions to Chapter 47 of the Code of Ordinances as it relates to Groundwater Reduction Plans and water supply contracts.			
<b>Amount and Source of Funding:</b> None			
<b>SPECIFIC EXPLANATION:</b>  The Public Works & Engineering Department requests that Council adopt an Ordinance revising Chapter 47 of the Code of Ordinances relating to the participation requirements in the city's Groundwater Reduction Plan and Water Supply contracts. These changes will improve the contracting process by enhancing uniformity and predictability and will aid the city in recovering its cost to provide surface water to the region.			
<b><u>Groundwater Reduction Plan Agreements:</u></b>  To decrease the level of subsidence occurring in this portion of the state, the Harris Galveston Subsidence District (HGSD) requires groundwater users to convert to surface water within certain time frames or pay severe penalties. Since the City of Houston is the major regional surface water provider in these areas, HGSD allows for groundwater users to join Houston's GRP as a regional groundwater plan. Currently, the requirements for participation in the City's GRP have been established by contract on a case-by-case basis. This ordinance will amend Chapter 47 of the Code of Ordinances to codify the participation requirements by standardizing monthly charges, establishing an application processing fee, establishing eligibility requirements and standardizing contract requirements and rates.			
<b><u>Water Supply Contracts:</u></b>  <b>A. <u>Expanded definition of contract customers.</u></b>  Holders of state issued Certificates of Convenience and Necessity (CCN) are granted the exclusive right to provide water and sewer service to the public. They were not included in the current definition of contract water customers under Chapter 47, which includes municipalities, conservation and reclamation districts, and users of more than 150,000,000 gallons per month, because historically they have not been purchasers of City of Houston surface water and instead relied on groundwater. Due to not meeting the definition of a water supply customer, a CCN holder seeking to purchase surface water from the city to			
<b>F &amp; A Director</b>		<b>Other Authorization:</b>  <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services	

<b>Date:</b>	<b>Subject:</b> Adopt an ordinance codifying the membership rate in the City of Houston's Groundwater Reduction Plan	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
<p>meet its groundwater reduction requirements must pay the resale rate of \$3.31/1000 gallons, rather than the contract treated water rate of \$1.793/1000 gallons, and then pass the cost through to its customers. The concern is that an in-city water customer of a CCN holder on one side of the street could pay significantly more than a City of Houston customer on the other side of the street. To eliminate the potential inequity, PWE recommends that the ordinance be changed to include CCN holders in the definition for contract water customers.</p>			
<p><b><u>B Establishment of a direct pressure rate.</u></b></p>			
<p>Currently, treated water service contract customers are responsible for pressurizing their water distribution systems. In rare occurrences, small contract water customers tap the City's water distribution system and utilize the City system's pressure directly without a tank with an adequate airgap separating the two systems. For these direct pressure contract customers, the City must comply with the Texas Administrative Code, and be responsible for the contract customer's system reliability, pressure, flow and 20% of the backup power for the customer's system.</p>			
<p>Providing this required level of customer service to direct pressure customer's results in the City:</p>			
<ul style="list-style-type: none"> <li>• Extending pump station in-service hours</li> <li>• Adding increased pump station maintenance</li> <li>• Adding electricity consumption</li> <li>• Constructing larger diameter distribution pipes or parallel pipes</li> </ul>			
<p>PWE recommends that a new class of direct pressure customers be created with a contract rate of \$2.20/1,000 gallons in order to recover the cost of service to the City and provide enhanced trackability and cost management. Note: All rate adjustments to the contract treated water service rate will affect this treated water service direct pressure contract rate.</p>			
<p><b><u>C. Establishment of fees.</u></b></p>			
<p>Currently, only potable contract customers pay an application fee for applying for a water contract. There is no fee for applicants for raw water contracts and Groundwater Reduction Plan contracts. This ordinance change sets a fee of \$250 per application, which is similar to the fee for an oil and gas well permit and other building permits and recovers the cost of processing the application.</p>			
<div style="display: flex; justify-content: space-between; padding: 10px;"> <div data-bbox="121 1312 332 1386">cc: Marty Stein Jeff Taylor</div> <div data-bbox="430 1312 844 1407">Michael S. Marcotte, P.E., DEE Susan Bandy </div> <div data-bbox="933 1312 1144 1386">Waynette Chan Andrew F. Icken</div> <div data-bbox="1201 1312 1453 1396">Gary Norman Jun Chang, P.E. </div> </div>			

**AN ORDINANCE RELATING TO THE CHARGES AND TERMS OF SERVICE FOR TREATED WATER AND GROUNDWATER REDUCTION PLAN AGREEMENTS; AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING A REPEALING CLAUSE; AND DECLARING AN EMERGENCY.**

\* \* \* \*

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

**Section 1.** That Chapter 47 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 47-62 to read as follows:

**“Sec. 47-62 Groundwater reduction plan agreements.**

(a) The Harris-Galveston Subsidence District (‘subsidence district’) has established requirements for the reduction of groundwater production in Harris and Galveston counties. Groundwater producers within the subsidence district are required to formulate ground water reduction plans (‘GRP’) to reduce their production of groundwater as provided in their GRP in order to abate land subsidence. According to the district regulatory plan, two or more groundwater producers may enter into agreements to share costs and cooperate to reduce groundwater production and jointly produce a GRP to attain the percentage reduction of groundwater production required by the subsidence district (‘GRP agreement’). The city has acquired sufficient surface water rights and constructed facilities for the treatment and transmission of surface water to become the manager of a GRP for itself and other groundwater producers (‘GRP participants’) such that they jointly comply with the subsidence district’s regulatory plan.

(b) The monthly charge for GRP participants not purchasing water from the city is:

$R \times P \times Q$ , where

R is the base rate for contract treated water customers receiving water through an airgap.

P is the percentage reduction for groundwater production required for the GRP participant under the subsidence district



regulatory plan, or the percentage required under the GRP agreement, whichever percentage is the greater.

Q is the quantity of groundwater produced by the GRP participant during the month.

(c) GRP participants purchasing treated water from the city are subject to the minimum purchase requirements of their contracts. Standard treated water rates and rate classifications apply to GRP participants that purchase treated water from the city.

(d) The city council has approved standard contract forms for wholesale and retail GRP agreements for groundwater producers in area three of the subsidence district. All other GRP agreements are subject to individual approval by the city council.

(e) Each application for a GRP agreement shall include a nonrefundable processing fee equal to \$250.00.

(f) The department shall provide application forms for GRP agreements and administer the GRP program on behalf of the city. Prior to transmittal of the GRP agreement to the mayor for signature, the department shall review the application to ensure that the GRP agreement is consistent with both the city's GRP and with the department's projection for future surface water availability and surface water demand. Money collected under the GRP agreements shall be considered gross revenue of the water and sewer utility system."

**Section 2.** That Subsection (f) of Section 47-61 of the Code of Ordinances, Houston, Texas is amended to read as follows:

“(f) *Contract treated water service:*

(1) *Eligibility and applications.* Any customer or potential customer is eligible for contract treated water service under this subsection if:

- a. The customer is a municipality or conservation and reclamation district organized under article XVI, section 59 of the Texas Constitution which proposes to resell water purchased from the city;
- b. The customer would otherwise be a commercial customer and has a minimum water consumption equal to at least 150,000,000 gallons per month; or

- c. The customer is a private utility company holding a certificate of convenience and necessity from the state that (i) resells water to single family or multi-family dwellings only and (ii) maintains a water distribution system in public rights of way or public easements.

Applications for contract treated water service shall be made on forms prescribed by the director. Each application shall include a nonrefundable processing fee equal to \$250.00.

- (2) *Contract requirements.* Upon receipt of a completed application, the department shall determine water availability and, if sufficient water is available for the customer, shall secure a written agreement from the applicant, which shall include:

- a. The term of the agreement;
- b. The minimum monthly quantity of water to be taken by the customer. This minimum for customers other than those described under items (1)a and (1)c of this subsection shall be 150,000,000 gallons per month.

Customers defined under items (1)a and (1)c of this subsection shall be permitted to change the minimum monthly quantity only in accordance with the terms of their contracts;

- c. The designation of the point or points of delivery;
- d. Rates as described in subsection (f)(3) of this section; and
- e. Any special requirements regarding metering or facilities desired by the parties.

No agreement for contract treated water service shall be valid unless approved by the city council.

- (3) *Rates and charges.*

For contract treated water customers, the monthly charge shall equal:

$P \times R$

plus:

$(P-M) \times \$0.582$

*Where:*

- P is the total water delivery to such customer during the month expressed in units of 1,000 gallons, except if the minimum monthly amount of water specified in the customer's contract is greater than P, P shall equal M;
- M is the minimum monthly amount of water specified in the customer's contract expressed in units of 1,000 gallons; and
- R is \$1.793 if there is an airgap between the water systems of the city and the contract treated water customer, and \$2.20 if there is no airgap between the systems of the city and the customer. An airgap shall be required of every customer unless the director determines that this requirement be waived because of prior conditions, excessive pressure, or health and safety concerns.

In the event a billing period is longer or shorter than 30 days, a daily charge shall be determined using the formula specified above, but P defined as to average daily amount of water delivered during the billing period and M defined as the monthly minimum divided by 30. Such daily charge shall then be multiplied by the number of days in the billing period."

**Section 3.** The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the city for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 4.** If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent

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

**Section 5.** All ordinances in conflict herewith are repealed to the extent of conflict only.

**Section 6.** This Ordinance shall take effect September 1, 2008.

**Section 7.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as required in writing by the Mayor; therefore, this Ordinance shall be passed finally on that date and shall take effect as provided in **Section 6** of this Ordinance.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

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Mayor of the City of Houston

Prepared by Legal Dept.  
EWB:jdw 7/2/08

  
Senior Assistant City Attorney

Requested by Michael S. Marcotte, P.E., Director of Public Works and Engineering Department  
File No. 0800300167-001

<b>SUBJECT:</b> Purchase and Sale Agreement between the Society of Houston Latin Firefighters (Purchaser) and the City of Houston (Seller) for purchase of the Former Fire Station No. 27, located at 6302 Lyons Avenue, Houston, Texas, <b>Parcel SY6-114</b>		<b>Page</b> 1 of 1	<b>Agenda Item</b>  16
<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 7-2-08	<b>Agenda Date</b> JUL 09 2008	
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 7/2/08</i>	<b>Council District(s) affected:</b> H		
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> <b>Phone:</b> (832) 393-8023	<b>Date and identification of prior authorizing Council Action:</b> Resolution No. 2006-5; May 10, 2006 Motion No. 2007-0111; January 31, 2007		
<b>RECOMMENDATION:</b> Approve and authorize a Purchase and Sale Agreement between the Society of Houston Latin Firefighters (Purchaser) and City of Houston (Seller) for purchase of the former Fire Station No. 27, 6302 Lyons Avenue, <b>Parcel SY6-114</b> .			
<b>Amount and Source of Funding: Revenue: \$53,000.00</b>		<b>Finance Department Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> By Resolution No. 2006-5 and Motion No. 2007-0111, respectively, City Council designated Parcel SY6-114, the Former Fire Station No. 27, located at 6302 Lyons Avenue, as a Protected Landmark and authorized its sale as surplus property. The property consists of 12,000 square feet of land, being Lots 1, 2, 3 and 4, Block 54, Denver Addition, Houston, Harris County, Texas.</p> <p>The Society of Houston Latin Firefighters, a Texas nonprofit corporation, desires to purchase the former Fire Station No. 27 for a purchase price of \$53,000.00, and convert the improvements into a community activity center for 501(c) 3 status organizations on the first floor and apartment type units for use by firefighters and their families during extended treatments at the Texas Medical Center on the second floor. The City believes that the development of a community center and apartment type units to be used by firefighters and their families serve a municipal and public purpose that materially benefits the citizens of Houston.</p> <p>The sale is in accordance with Section 272.001(b) 4, of the Texas Local Government Code, which permits a political subdivision to sell real property to an independent foundation for development, and is subject to the City's billboard restrictions; historic landmark restrictions; all easements and public utilities; and the applicable covenants, conditions and restrictions.</p> <p>Therefore, the General Services Department recommends that City Council approve and authorize a Purchase and Sale Agreement with the Society of Houston Latin Firefighters to purchase the above-described property at a purchase price of \$53,000.00, which represents the appraised value. It is further recommended that City Council authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to the Society of Houston Latin Firefighters.</p> <p>The sale proceeds will be directed to the General Fund.</p> <p>IZD:BC:JLN:FA:fa</p> <p>c: Marty Stein, Jacquelyn L. Nisby, Anna Russell</p>			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC #25 FA 13</b>	
<b>General Services Department:</b> <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr. Director, Real Estate Division		<b>Other Authorization:</b>	

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance directing the development of a service plan and calling public hearings for the general purpose annexation of Methodist Hospital West	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 17
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<b>FROM (Department or other point of origin):</b> Planning and Development Department	<b>Origination Date</b> July 2, 2008	<b>Agenda Date</b> JUL 09 2008
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<b>DIRECTOR'S SIGNATURE:</b> MS Marlene R. Saperia	<b>Council District affected:</b> A
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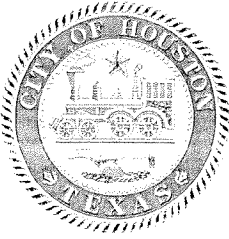
<b>For additional information contact:</b> Margaret Wallace Phone: 713-837-7826	<b>Date and identification of prior authorizing Council action:</b>
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<b>RECOMMENDATION: (Summary)</b> That Council approve an ordinance directing the development of a service plan and calling public hearings for the general purpose annexation of Methodist Hospital West
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<b>Amount and Source of Funding:</b> N/A	<b>Finance Budget:</b>
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<b>SPECIFIC EXPLANATION:</b> <p>The City has received a petition from the Methodist Hospital System requesting that the city annex property for full purposes which is located near Barker Cypress and I-10 just west of the city. The development consists of 73.021 acres of land owned entirely by the Methodist Hospital System.</p> <p>The development will include a six story hospital, a two story central utility plant and a six story medical office building in the first phase of development. Preliminary studies indicate that there will be no additional service costs to the city for this property. And, there will be no significant ad valorem revenue, as the hospital is a non-profit entity. There are no residents in the area to be annexed.</p> <p>The annexation process is expected to be completed in September, 2008.</p> <p>This matter was heard by the Regulation, Development &amp; Neighborhood Protection Committee on June 24, 2008, and the committee voted unanimously to recommend consideration of this item by the full City Council.</p> <p>The suggested hearing dates are July 23 and July 30, 2008 in City Council chambers.</p>
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<b>REQUIRED AUTHORIZATION</b>		
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>



# CITY OF HOUSTON

Planning & Development  
Department

## Interoffice

Correspondence

To: Marty Stein, Agenda Director

From:  Marlene L. Gafrick, Director  
Planning & Development Department

Date: July 2, 2008

Subject: **Petitioned Annexation of Methodist  
Hospital West site**

Annexations are governed by Chapter 43 of the Local Government Code. The process for a petitioned annexation requires action by the governing body on five separate occasions. Following is the proposed schedule for when the actions will be presented to City Council.

Chapter 43 requires the entire annexation procedure to be concluded within ninety days. In order to comply with these requirements, and due to Council's schedule this summer, there will be two times when an item is presented to City Council and it will not be tagable. These times are:

- the ordinance calling the public hearing (July 9, 2008), and
- the second reading, which is followed by consideration of the annexation ordinance (September 24, 2008).

### **Proposed schedule for consensual annexation of the Methodist Hospital**

**June 24, 2008:** Annexation on the Agenda of the appropriate City Council Committee

**July 9:** Ordinance calling public hearings and directing the Department of Planning and Development to prepare a service plan. *This Ordinance can not be tagged*

**July 23:** First public hearing on the proposed annexation. The hearing will be conducted in City Council Chambers.

**July 30:** Second public hearing on the proposed annexation. The hearing will be conducted in City Council Chambers.

**Aug 20:** First Reading of the Annexation Ordinance. *If this Ordinance is tagged, it may be considered by City Council on August 27.*

**Sep 24:** City Council passes the annexation ordinance. The annexation Ordinance also adopts a service plan. *If the August 20 Reading is tagged to the following week then this Ordinance will appear on October 1.*

MLG:mhw

June 9, 2008

Ms. Marlene Gafrick  
Director of Planning  
City of Houston  
Planning and Development Department  
P.O. Box 1562  
Houston TX

6565 Fannin, D200  
Houston, Texas 77030-2707  
713-441-3366  
Fax: 713-790-2605  
rgiroto@tmhs.org  
www.methodisthealth.com

SUBJECT: Petition for Annexation of Property Adjoining the City of Houston

Dear Ms. Gafrick,

The Methodist Hospital System of Houston, Texas hereby petitions the City of Houston to favorably consider and approve annexation of its property that shares a property line of 1800 feet immediately west of the city limits located west of Barker Cypress Road on the northern frontage road of Interstate Highway I-10. The Methodist Hospital petitions the City Council in accordance with the Section 2-a of the City of Houston Charter, Extending City Limits upon Petition.

The tract to be annexed is more fully described in Exhibit A, attached hereto, and consists of 73.021 acres of land out of Lot 89, Meadowbrook Farms according to the plat thereof filed at Volume 1, page 6, Harris County Map Records. The property is less than one half mile in width, approximately 2,120 feet from east to west and 1800 feet from north to south.

The site is yet undeveloped, and does not have any residents or qualified voters. The intention is to develop the property into a healthcare campus, with construction of a hospital and a medical office building in phase I. The Methodist Hospital intends to expand the hospital and add additional medical offices in future phases of development.

The Methodist Hospital represents that is the 100% owner of the real property being considered for annexation.

The Hospital point of contact in this matter is our Chief Legal Officer, Mr. Mick Cantu, at 713-441-4182.

END OF PAGE  
SIGNATURES FOLLOW



EXECUTED this the 9<sup>th</sup> day of June, 2008.

PETITIONER:

THE METHODIST HOSPITAL,  
A Texas non-profit corporation

By:

Ronald G. Giroto  
Ronald G. Giroto,  
President and Chief Executive Officer

ACKNOWLEDGEMENT

THE STATE OF TEXAS    §  
                                     §  
COUNTY OF HARRIS    §

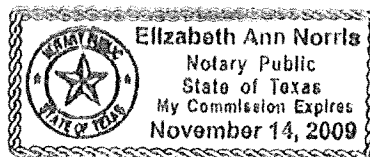
This instrument was acknowledged before me on June 9, 2008, by Ronald G. Giroto, President and Chief Executive Office of The Methodist Hospital, a Texas nonprofit corporation, on behalf of said corporation.

Given under my hand and seal of office this 9<sup>th</sup> day of June, 2008.

Elizabeth Ann Norris  
Notary Public in and for the State of Texas

My Commission Expires:

11-14-09



Noel R. Rainey  
Witness Signature

Noel R. Rainey  
Printed Name

06/09/08  
Date

Jody B. Heitzenrater  
Witness Signature

Jody B. Heitzenrater  
Printed Name

06/09/08  
Date

END OF PAGE  
EXHIBITS FOLLOW

METES AND BOUNDS DESCRIPTION  
73.0210 ACRES OUT OF LOT 89,  
MEADOWBROOK FARMS  
HARRIS COUNTY, TEXAS

All that certain 73.0210 acre tract of land out Lot 89, Meadowbrook Farms, according to the plat thereof filed at Volume 1, Page 6 Harris County Map Records and being more particularly described by metes and bounds as follows, all coordinates and bearings being referred to the Texas Plane Coordinate System, South Central Zone, all distances shown are surface.

BEGINNING at a found 5/8" iron rod in the north right-of-way line of Interstate Highway 10 (width varies) marking the southeast corner of said 73.0210 acre tract, having Texas State Plane Coordinates of Y=13848012.39 X=3016746.20'

Thence S 88° 41' 16" W - 1440.25', with said north right-of-way line to a set 5/8" iron rod with cap for angle point;

Thence N 37° 20' 27" W - 180.33' to a set 5/8" iron rod with cap for angle point;

Thence N 1° 58' 33" W - 950.82' to a set 5/8" iron rod with cap for corner;

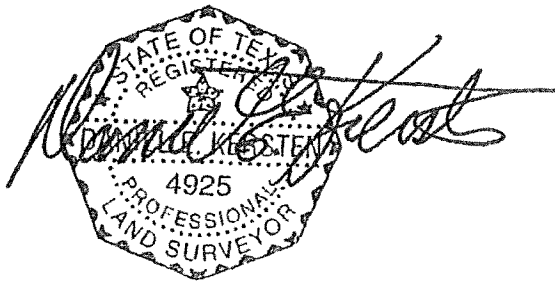
Thence S 88° 01' 27" W - 575.90' to a set 5/8" Iron rod with cap for corner;

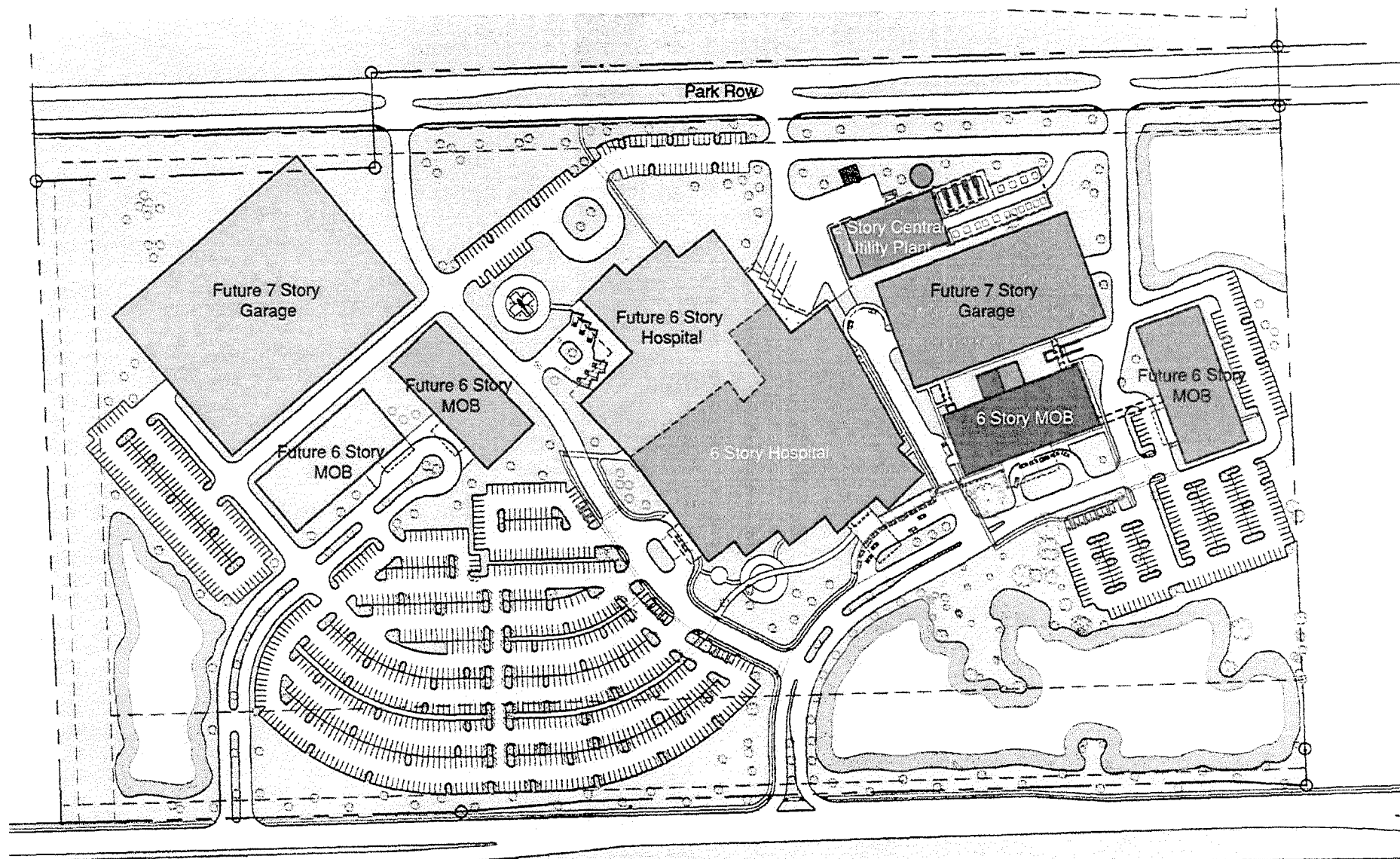
Thence N 1° 58' 33" W - 710.65', with the west line of the aforementioned Lot 89 to a found 5/8" iron rod for corner;

Thence N 88° 41' 16" E - 2120.47', with the south line of a called 21.9 acre tract of land described in a Judgment deed dated 11-16-1946 United States of America versus 3408.4 Acre More or Less, Et Al filed at Volume 1551, Page 370 Harris County Deed Records to a found concrete monument for corner;

Thence S 1° 58' 44" E - 1800.65', with the east line of the aforementioned Lot 89 to the POINT OF BEGINNING containing 73.0210 acres (3,180,793 square feet) of land more or less.  
Compiled from Survey by:

Prejean & Company, Inc.  
Surveying / Mapping  
September 13, 2007







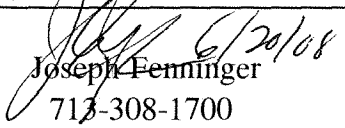
I-10 Katy Freeway

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

R

<b>SUBJECT:</b> Ordinance approving an agreement with HARRIS COUNTY HOSPITAL DISTRICT ("Contractor"), for elderly services		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 18
<b>FROM (Department or other point of origin):</b> Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services		<b>Origination Date</b> 05/27/09	<b>Agenda Date</b> JUL 09 2008	
<b>DIRECTORS'S SIGNATURE:</b> 		<b>Council District affected:</b> All		
<b>For additional information contact: Kathy Barton</b> Telephone: 713-794-9998 or 713-826-5801		<b>Date and identification of prior authorizing Council action:</b> 2003-0933		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance for an agreement with HARRIS COUNTY HOSPITAL DISTRICT ("Contractor"), for elderly services.				
<b>Amount of Funding:</b> Total Agreement Value: \$99,530.00 Fund 5030 Federal State Local – Pass Through Fund				
<b>F&amp;A Budget:</b>				
<b>SOURCE OF FUNDING:</b> [ ] General Fund [ X ] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify)				
<b>SPECIFIC EXPLANATION:</b> <p>The Houston Department of Health and Human Services (HDHHS) requests City Council to approve an ordinance for an agreement for elderly services with <b>HARRIS COUNTY HOSPITAL DISTRICT</b>, a unit of local government and political subdivision created pursuant to the laws of the State of Texas. The agreement is effective on date of countersignature through September 30, 2008.</p> <p>The City of Houston, as designated by the Texas Department of Aging and Disability Services, has full authority and responsibility for funds authorized under the Title III of the Older Americans Act of 1965, as amended. These funds are disbursed by the U.S. Department of Health and Human Services through the Texas Department of Aging and Disability Services and administered by the Department's Harris County Area Agency on Aging.</p> <p>The identified contractor was selected through the 2002 request for proposal process. The previous contract was awarded September 2003, effective on October 1, 2003 through September 30, 2004 with three one-year renewal periods in the original contract.</p> <p>Services provided by this contractor are:</p> <ul style="list-style-type: none"><li>Caregiver education and training services include the establishment of a support group for caregivers as well as training for those providing care to older adults.</li><li>Instruction and training includes providing qualified knowledgeable professionals to present training programs designed to educate persons how to care for elderly suffering with Alzheimer's disease or related dementias.</li></ul> <p>cc: Finance &amp; Administration Legal Department Agenda Director</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

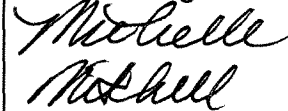
<b>SUBJECT:</b> Edward Byrne Memorial Discretionary Grant Program FY08 Congressionally Mandated Award	<b>Category</b> #	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <b>19</b>
<b>FROM: (Department or other point of origin):</b>  Houston Police Department	<b>Origination Date</b> June 23, 2008		<b>Agenda Date</b> JUL 09 2008
<b>DIRECTOR'S SIGNATURE:</b>  Harold L. Hurtt, Chief of Police 	<b>Council Districts affected:</b> All		
<b>For additional information contact:</b> Sgt. Chandra Davis 713-308-1972  Joseph Femminger 713-308-1700 	<b>Date and identification of prior authorizing Council Action:</b>		

**RECOMMENDATION: (Summary)**

Approve an Ordinance authorizing the submission of a grant application to the Bureau of Justice Assistance to help victims of domestic violence through the use of grant funds.

**Amount of funding**

BJA Funding	Cash Match Funding	In-Kind Funding	Total Funding
\$849,631.00	0	0	\$849,631.00

**Finance Budget:**


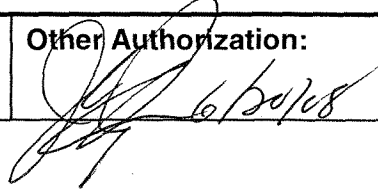
**SOURCE OF FUNDING:**    ☐ General Fund    ☒ Grant Fund    ☐ Enterprise Fund  
☒ Other (Ear Marked Funds)


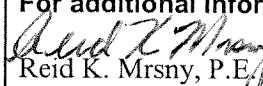
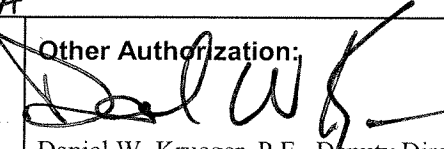
The goal of this project is to provide a coordinated community response to domestic violence and increasing efforts to enforce warrants related to domestic violence offenses. The partners will consist of the Houston Police Department (HPD), Harris County District Attorney's Office/Family Criminal Law Division (FCLD), and Houston Area Women's Center (HAWC).

Technology will be implemented between HPD and the FCLD to improve tracking of domestic violence offenses and identification of frequent victims and habitual offenders to better target future services. A Protective Order Clinic will be created to provide training for HPD staff to process victim applications for protection orders thus increasing the number of protection orders issued. The period of time between warrants issuance and arrest will significantly be reduced thus emphasizing that the offender's behavior will not be tolerated. HAWC expanded services will reach more victims of domestic violence due to new referrals from telephone reports. Coordination between the FCLD and HPD will allow protection orders to be processed in a more timely fashion.

cc: Arturo Michel, City Attorney  
Marty Stein, Agenda Director  
Anna Russell, City Secretary

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> 
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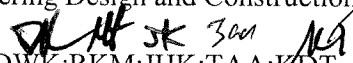
<b>SUBJECT:</b> Agreement between the City of Houston and the Memorial City Tax Increment Reinvestment Zone No. 17 for Engineering Design and Construction of Bunker Hill Road from IH-10 to Long Point Road; WBS No. N-000767-0001-4.		<b>Page</b> 1 of 2	<b>Agenda Item</b> # 20
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 4/17/08	<b>Agenda Date</b> JUL 09 2008
<b>DIRECTOR'S SIGNATURE:</b> MS  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> A Jan	
<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Senior Assistant Director Phone: (713) 837-0452		<b>Date and identification of prior authorizing Council action:</b> N/A	
<b>RECOMMENDATION: (Summary)</b> Adopt an ordinance approving and authorizing Agreement between the City of Houston and the Memorial City Tax Increment Reinvestment Zone No. 17 for the for Engineering Design and Construction of Bunker Hill Road from IH-10 to Long Point Road.			
<b>Amount and Source of Funding:</b> N/A			
<b>PROJECT NOTICE/JUSTIFICATION:</b> Consistent with the City's Major Thoroughfare and Freeway Plans, the proposed project will reconstruct Bunker Hill Road from IH-10 Feeder to Long Point Road. The project will improve pavement and drainage, update existing utilities and reconfigure traffic lanes for better mobility.			
<b>DESCRIPTION/SCOPE:</b> In partnership with Memorial City Tax Increment Reinvestment Zone No. 17 (TIRZ 17), the project is being designed and constructed as a four-lane boulevard from the IH-10 Feeder to south of Briar Branch Ditch (HCFCD Unit No. W140-01-00), transitioning to a 44' undivided roadway configured with one traffic lane in each direction and a continuous shared center-turn lane. The project also provides drainage improvements, pedestrian and safety enhancements in the vicinity of Woodview Elementary School, landscaping and necessary underground utility adjustments or relocations.			
<b>LOCATION:</b> The Project is located on Bunker Hill Road from the westbound IH-10 Feeder to Long Point Road approximately 3800 linear feet, and also involves 900 linear feet on Long Point Road, 700 linear feet on Westview and 220 linear feet on Pine Lake Drive. It can be found in Key Map Grid Nos. 450-X and W, and 490-B.			
<b>SCOPE OF THIS AGREEMENT:</b> Under the terms of this agreement, TIRZ 17 shall prepare drawings, specifications, and estimates for the construction of the Project in accordance with City design standards and its classification within the MTFP. TIRZ 17 shall submit plans to the City for review and comment at 50%, 70% and 100% completion. Upon the approval of the plans, TIRZ 17 shall advertise, bid and award the project in accordance with the City's standard procedures. TIRZ 17 shall be responsible 100% for all engineering service costs associated with the Project during the design and construction phases. The City and TIRZ 17 will be responsible for the all necessary right-of way acquisitions and the construction costs associated to their portion of the Project including enhancements, change orders and contractor claims. TIRZ 17 shall be responsible within the boundaries of the Zone which is from IH-10 Feeder to Pine Lake Drive. The City shall be responsible outside the boundaries of the Zone which is from the north of Pine Lake Drive to Long Point Road. TIRZ 17 shall administer the construction of the			
<b>REQUIRED AUTHORIZATION</b> CUIC ID # 20TAA12A			
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division		

Date	<b>SUBJECT:</b> Agreement between the City of Houston and the Memorial City Tax Increment Reinvestment Zone No. 17 for Engineering Design and Construction of Bunker Hill Road from IH-10 to Long Point Road; WBS No. N-000767-0001-4.	Originator's Initials TAA	Page <u>2</u> of <u>2</u>
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entire Project and regularly report to the City on the progress of construction work and the funds expended on the City's portion of the Project. TIRZ 17 shall immediately notify the City of changes and have no right to approve any change orders that impact the City's share of the cost for the Project.

Upon the completion of the project TIRZ 17 shall prepare and deliver to the City record drawings showing the Project as constructed. The City shall have the right to participate in the substantial completion inspection and final inspection in order to accept the Project. Upon the acceptance of the Project, the City will assume the City's jurisdiction for maintenance of the Project.

**ACTION RECOMMENDED:** It is recommended that the City Council adopt an ordinance approving and authorizing an Agreement between the City of Houston and the Memorial City Tax Increment Reinvestment Zone No. 17 for the for Engineering Design and Construction of Bunker Hill Road from IH-10 to Long Point Road.

  
 MSM:DWK:RKM:JHK:TAA:KDT  
 S:\constr\A-SB-DIV\Design\TIRZ\Bunker Hill\RCA\RCA 2-20-08.DOC

- C: Marty Stein  
 Susan Bandy  
 Velma Laws  
 Craig Foster  
 File – TIRZ 17 – Bunker Hill from IH-10 Feeder to Long Point Road.

## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** Ordinance amending the contract between the City of Houston and Houston MediaSource (HMS) and appropriating funds

Category #

1 &amp; 4

Page 1 of 1

Agenda Item#

21

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

Alfred J. Moran, Jr., Director

Administration &amp; Regulatory Affairs Department

Origination Date

July 1, 2008

Agenda Date

JUL 09 2008

**DIRECTOR'S SIGNATURE:**

MS *Alfred J. Moran, Jr.*

Council Districts affected:

All

**For additional information contact:**

Tina Paez

Phone: 713-837-9630

Juan Olguin

Phone: 713-837-9623

**Date and identification of prior authorizing Council Action:** Ord. #2005-1374, passed 12/14/05; Ord. #2006-0571, passed 6/7/06

**RECOMMENDATION: (Summary)**

Adopt an ordinance amending the contract with Houston MediaSource (HMS) for the development and production of programming for public access television to allow for a one-time payment to assist with relocation expenses and appropriating funds.

**Amount of Funding:**

\$165,000

**Budget:**

**SOURCE OF FUNDING:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☒ Other (Specify)  
Cable Television Fund (2401)

**SPECIFIC EXPLANATION:**

The Director of Administration and Regulatory Affairs recommends that City Council adopt an ordinance amending the contract with Houston MediaSource (HMS) to allow for a one-time payment of \$165,000 to assist with relocation expenses, and appropriate funds for same.

HMS is currently located at 2302 Texas Avenue, a property owned by the City of Houston pursuant to the Purchase and Sale Agreement authorized by City Council on March 5, 2008. At the request of the City, HMS has agreed to relinquish its current lease and relocate to new quarters at 410 Robert Street. In light of this unanticipated move, HMS has requested the City appropriate additional funds to their contract to assist with moving and build-out expenses.

HMS is one of four cable channels set aside to provide Public, Educational and Governmental (PEG) programming as required by the Code of Ordinances and the Texas Utilities Code. The three other channels are HTV, the City's government channel, and channels operated by the Houston Community College System and the Houston Independent School District. In addition to providing channels, City and State cable franchisees provide annual funding for the ongoing operations of PEG programming and for the support of PEG access channel facilities, including the physical facilities, production studios and capital equipment purchases.

The primary contract term expires June 30, 2010, with five annual one-year options to renew. The City may terminate this contract at any time upon 30-days notice to the contractor, should termination become necessary.

REQUIRED AUTHORIZATION

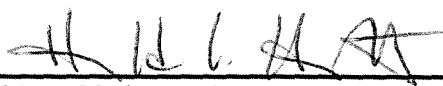


FIN Director:

*Michelle Mitchell*



TO: - Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve An Amending Ordinance to Increase the Maximum Contract Amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program		<b>Category #</b> 4	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 22
<b>FROM (Department or other point of origin):</b> Harold L. Hurtt, Chief of Police Houston Police Department		<b>Origination Date</b> June 4, 2008	<b>Agenda Date</b> JUL 09 2008	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Byron Cleggett, Division Manager Phone: 713-308-1738 <b>Approved by:</b>  Joseph A. Fenninger, Deputy Director Phone: 713-308-1708		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2006-0973, 9/20/06 Ord. No. 2007-0907, 8/8/07		
<b>RECOMMENDATION: (Summary)</b> Approve an amending ordinance to increase the maximum contract amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program.				
<b>Amount and Source of Funding:</b> \$2,148,129.00 (FY09) Police Special Services Fund 2201 (From METRO Mobility Fund)		<b>Finance Budget:</b>		
<b>SPECIFIC EXPLANATION:</b> The Chief of Police recommends that City Council approve an amending ordinance to increase the spending authority for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program by \$2,148,129.00 for fiscal year 2009. The amending ordinance would increase the maximum contract amount from \$3,751,888.00 to \$5,900,017.00. The City currently contracts with eleven operators to perform the obligations and services related to this program.  In June, 2005, City Council approved the current eleven amended contracts for the Safe Clear Major Freeway Towing program, which expires in 2010. City Council is required to approve subsequent annual allocations for each fiscal year in order to facilitate payments to the participating operators. The \$2,148,129.00 requested for the FY09 allocation is established by the formula outlined in the agreements passed. This formula is based on the actual number of tows and service calls during the period of March 1, 2007 - February 28, 2008, plus a 6.77% CPI increase adjustment.  Funding was approved and appropriated during the FY09 budget process. The actual funds will come from METRO, under the City's ongoing mobility funding agreement.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> 		

<b>SUBJECT:</b> Approve An Amending Ordinance to Increase the Maximum Contract Amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program	<b>Category #</b> 4	<b>Page</b> 2 of 2	<b>Agenda Item #</b>
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**SPECIFIC EXPLANATION: (Continued)****OPERATOR****SEGMENTS**

North Houston Motors, Inc.	#1	Eastex FW (59) outside 610
	#2	Beltway 8 between Hardy Toll Road and Eastex FW (59)
	#6	East FW (I-10) outside 610
Unified Auto Works	#3	Eastex FW (59) inside 610
	#4	East FW (I-10) inside 610
T & T Motors	#5	N Loop E between Eastex FW (59) & East FW (I-10)
	#7	E Loop N between East FW (I-10) & LaPorte FW (225)
Cannino West, Inc.	#8	Gulf FW (I-45) inside 610
Fiesta Wrecker Service	#9	E Loop S between LaPorte FW (225) & Gulf FW (I-45), and LaPorte FW (225)
	#11	Gulf FW (I-45) outside 610
National Auto Collision, Inc.	#10	S Loop E between S FW (288) and Gulf FW (I-45)
	#12	S FW (288) inside 610 to SW FW (59)
	#16	S Loop to W Loop between W Loop S @ Beechnut & S FW (288)
	#17	S FW (288) outside 610
Milam Street Auto Storage, Inc.	#13	South FW (288) between SW FW (59) and I-45
	#14	Spur 527
	#15	SW FW (59) inside 610 to S FW (288)
	#28	Downtown Inner Loop
Allied Collision Center	#18	SW FW (59) outside 610
	#19	W Loop between Katy FW (I-10) & Westpark
KTL Enterprises, Inc.	#20	Katy FW (I-10) between Wirt Rd & N FW (I-45)
	#27	Katy FW (I-10) outside Sam Houston
	#29	Katy FW (I-10) between Blalock & Sam Houston
Westside Wrecker Service, Inc.	#21	N FW (I-45) between 610 and Katy FW (I-10), N Loop E between N FW (I-45) and Hardy Toll Road, N Loop E between Hardy Toll Road and Eastex FW (59)
	#22	N FW (I-45) between 610 & Sam Houston
	#23	N FW (I-45) outside Sam Houston
	#24	Beltway 8 between Hardy Toll Road and Ella
Corporate Auto Services, Inc	#25	N Loop W between NW FW (290) & N FW (I-45), W Loop N between NW FW (290) and Katy FW (I-10)
	#26	NW FW (290) outside 610

HLH:JAF:tkc

CC Marty Stein, Agenda Director

Mary McKerral, Legal Department

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: Increase contract authority for Life Insurance Contract

Category #

Page 1 of 2

Agenda Item

23

FROM (Department or other point of origin):

Human Resources Department

Origination Date

06/13/08

Agenda Date

JUL 09 2008

DIRECTOR'S SIGNATURE

Council District(s) affected: ALL

For additional information contact: Phone: 713.837.9333  
Candy Clarke Aldridge

Date and Identification of prior authorizing Council Action: 03-0871 Ord. 55497

## RECOMMENDATION: (Summary)

Authorize an increase in contract authority for Standard Insurance Company to continue providing Basic and Voluntary Life Insurance for city employees, retirees, and eligible dependents.

Amount of Funding:

Basic Life Insurance - \$335,000

F & A Budget

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify) HEALTH BENEFITS FUND: (9000)

## SPECIFIC EXPLANATION:

The Human Resources Department requests City Council approve an increase in contract authority for the life insurance contract with Standard Insurance Company. The combination of growth in the employee population and higher salaries resulted in necessity for additional contract authority to fund the basic life insurance benefits through the contract expiration date of September 30, 2008.

Effective October 1, 2003, City Council approved a three-year contract, with two one-year options, to Standard Insurance Company to provide Basic and Voluntary Life Insurance for city employees, retirees, and eligible dependents. The Human Resources Director exercised both option years, ending September 2007 and September 2008. The option years were exercised at the original contract rates approved in 2003: \$.108 monthly per \$1,000 of base annual salary for the basic benefit and salary/age variable rates for voluntary coverage. Basic life insurance is funded by the City and voluntary life by employees.

## PLAN BENEFITS:


- The city provides basic life insurance equal to an employee's annual base salary and a minimal benefit for eligible dependents.
- The basic life insurance pays double indemnity when employees die as a result of an on-the-job injury or exposure.
- The voluntary provision allows employees to purchase coverage up to four times annual base salary and limited coverage for dependents.
- The Accelerated Death Benefit is 75 percent to \$500,000 of an employee's life insurance benefit, payable to an employee with a terminal diagnosis of 12 months or less.
- An employee's beneficiary may request and receive an advance payment of \$5,000 within 48 hours after Human Resources notifies Standard Insurance Company of a pending claim.
- If an employee dies more than 200 miles from home, the plan will reimburse up to \$5,000 to transport the body to a mortuary in the employee's home town.

## REQUIRED AUTHORIZATION

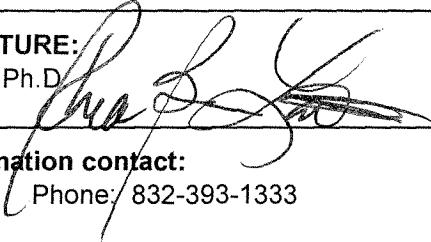
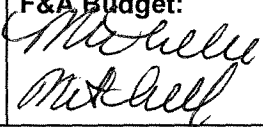


Director:

Other Authorization:

Other Authorization:

Date: 06/13/08	Subject: Increase contract authority for Life Insurance Contract	Originator's Initials 	Page 2 of 2
<p><b><u>M/WDBE COMMITMENT:</u></b></p> <p>Standard Insurance Company made a Good Faith Effort commitment to the City's M/WDBE Program by awarding consulting services to Washington Insurance Agency, Inc., an organization that the Affirmative Action and Contract Compliance Division has certified to participate in the Program.</p> <p>The Human Resources Department requests Council to approve an increase in contract authority for the life insurance contract with Standard Insurance Company.</p>			

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Appropriation of Public Library Consolidated Construction Funds for Information Technology Equipment at HPL Express Discovery Green WBS No. E-000119-0001-5		<b>Page</b> 1 of 1	<b>Agenda Item</b> 24
<b>FROM (Department or other point of origin):</b> Library Department		<b>Origination Date</b> 7/2/08	<b>Agenda Date</b> JUL 09 2008
<b>DIRECTOR'S SIGNATURE:</b> Rhea Brown Lawson, Ph.D. 		<b>Council District affected:</b> 1	
<b>For additional information contact:</b> Greg Simpson Phone: 832-393-1333		<b>Date and identification of prior authorizing council action:</b>	
<b>RECOMMENDATION:</b> Appropriate funds for HPL Express Discovery Green			
<b>Amount and Source of Funding:</b> \$ 50,000.00 Public Library Consolidated Construction Fund (4507)		<b>F&amp;A Budget:</b> 	
<b>SPECIFIC EXPLANATION:</b> The Library Department recommends that City Council appropriate \$50,000 to purchase information technology equipment to support the new services provided as part of the new HPL Express Discovery green. This equipment will be purchased using the Texas DIR contract.			
<b>PROJECT LOCATION:</b> 1500 McKinney Ave, Suite R2 (439Q)			
<b>REQUIRED AUTHORIZATION</b>			
<b>Library Department:</b>  Wendy Teas Heger, AIA Assistant Director		<b>General Services Department:</b>  Webb Mitchell CIP Manager	

ngf

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7867

Subject: Approve Ordinances Awarding Contracts to the Best Respondents for Assessment Process Services for Sergeants and Lieutenants for the Houston Police Department  
S10-T22764

Category #  
4

Page 1 of 2

Agenda Item  
25

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

**Origination Date**  
June 12, 2008

**Agenda Date**  
JUL 09 2008

**DIRECTOR'S SIGNATURE**

**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:**

## RECOMMENDATION: (Summary)

Approve ordinances awarding contracts to Morris & McDaniel, Inc., in the amount of \$441,420.00 for assessment process services for sergeants, and Industrial/Organizational Solutions, Inc. in the amount of \$388,860.00 for assessment process services for lieutenants for the Police Department.

## Finance Budget

Maximum Contract Amount: \$830,280.00

\$830,280.00 - General Fund (1000)

## SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve ordinances awarding three-year contracts with two one-year options, to Morris & McDaniel, Inc. in the amount of \$441,420.00 for assessment process services for sergeants, and Industrial/Organizational Solutions, Inc., in the amount of \$388,860.00 for assessment process services for lieutenants for the Police Department. The City Purchasing Agent may terminate these contracts at any time upon 30-days written notice to the contractor.

The scope of work requires the contractors to provide services to develop, administer, score written tests, rank, and assess top candidates competing for sergeant and lieutenant promotional positions within the Police Department. These assessment processes include preparing candidates for assessment, selecting and training assessors, supporting the technical aspects of assessment administration, providing candidate feedback, and submitting written and verbal communications to the assessment subcommittee.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws, and as a result, proposals were received from three firms: Morris & McDaniel, Inc.; Industrial/Organizational Solutions, Inc.; and Booth Research Group. The evaluation committee consisted of Police Department lieutenants and sergeants, and they evaluated the proposals based upon the following criteria:

- A. Concept and Solutions/Process Services/Methodology for Project Completion
- B. Conformance of Technical Specifications
- C. Price/Price Incentives
- D. Previous History/Project Experience/Personnel Qualifications
- E. Financial Strength

## REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

(2) MD

*[Signature]* 6/13/08

Date: 6/12/2008	Subject: Approve Ordinances Awarding Contracts to the Best Respondents for Assessment Process Services for Sergeants and Lieutenants for the Houston Police Department S10-T22764	Originator's Initials GB	Page 2 of 2
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Morris & McDaniel, Inc. received the highest overall score for the assessment process services for sergeants, and Industrial/Organizational Solutions, Inc. received the highest overall score for the assessment process services for lieutenants.

Buyer: Greg Hubbard

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

**Estimated Spending Authority:**

DEPARTMENT	FY 2009	OUT YEARS	TOTAL
POLICE	\$368,280.00	\$462,000.00	\$830,280.00



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: Greg Hubbard

Date: January 28, 2008

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: S10-T22764 Estimated Dollar Amount: \$450,000.00

Anticipated Advertisement Date: 2/8/2008 Solicitation Due Date: 2/25/2008

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

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

Name and Intent of this Solicitation:

Assessment Center Process Services for Sergeants and Lieutenants.

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

It is recommended that the MWBE subcontracting goal be waived for the Assessment Center Process Services for Sergeants and Lieutenants proposal. The requested services must be performed by law enforcement personnel equivalent to the rank of the promotion or above (a requirement that applies for cities with populations greater than 200,000 people). This requirement excludes any opportunity to capture MWBE subcontracting dollars; therefore, a zero-percent (0%) MWBE goal is being sought.

Concurrence:

Greg Hubbard  
SPD Initiator

Dan Brown  
Division Manager

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

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

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



# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7879

**Subject:** Approve an Ordinance Awarding a Contract to the Best Respondent for On-Call Staffing and Project Support Services for the Public Works & Engineering Department S37-T22738

Category #  
9

Page 1 of 2

Agenda Item

26

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

Calvin D. Wells  
City Purchasing Agent  
Administration & Regulatory Affairs Department

**Origination Date**

May 05, 2008

**Agenda Date**

JUL 09 2008

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Ogilvie Gericke Phone: (713) 837-0099  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing a contract to Jefferson Associates, Inc. in the maximum contract amount of \$1,500,000.00 for on-call staffing and project support services for the Public Works & Engineering Department.

Maximum Contract Amount: \$1,500,000.00

**Finance Budget**

\$1,500,000.00 - Building Inspection Fund (2301)

PLR 6/12/08

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract with two one-year options, to Jefferson Associates, Inc., in the maximum contract amount of \$1,500,000.00 for on-call staffing and project support services for the Public Works & Engineering Department (PW&E). The PW&E Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide technical personnel to support the continued conversion and deployment of UNIX/LINUX web-based applications in the PW&E Integrated Land Management System (ILMS) transition project. Two classes of skills are needed to support the project. On-call services will be utilized to obtain specific skills for a fixed duration or to assist with a specific short-term task while special services will be used to complete projects defined by the ILMS project manager. For the latter projects, the contractor will be required to provide an estimated timeline and a strict change control procedure will be in effect for the duration once the City agrees to the contractor's estimate.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws and, as a result, proposals were received from the following firms: Ciber, Inc., Information Builders, Inc. and Jefferson Associates, Inc. The evaluation committee consisted of PW&E personnel. The proposals were evaluated based upon the following criteria:

- A. Expertise/Experience/Qualifications
- B. Conformance to the RFP Requirements
- C. Pricing
- D. Financial Strength

Jefferson Associates, Inc. received the highest overall score.

**REQUIRED AUTHORIZATION** NDT 65CDW7879A

Finance Department:

Other Authorization:

Other Authorization:

*[Signature]*

*[Signature]*

Date: 7/2/2008	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for On-Call Staffing and Project Support Services for the Public Works & Engineering Department S37-T22738	Originator's Initials JH	Page 2 of 2
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**M/WBE Subcontracting**

This contract was awarded as a goal-oriented contract with a 24% M/WBE participation level. Jefferson Associates, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>Company</u>	<u>Type of Work</u>	<u>Amount</u>
The Spearhead Group, Inc.	Staffing	\$360,000.00

The Affirmative Action Division will monitor this contract.

**Estimated Spending Authority**

<b>Department</b>	<b>FY 2009</b>	<b>Out Years</b>	<b>Total</b>
Public Works & Engineering	\$500,000.00	\$1,000,000.00	\$1,500,000.00

Buyer: Joyce Hays

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Professional Engineering Services Contract between the City of Houston and IDC, Inc. for Safe Sidewalk Program W.B.S. No. N-00610A-00H4-3 & N-00610A-00H5-3		<b>Page</b> 1 of 2	<b>Agenda Item #</b> <i>27</i>
<b>From: (Department or other point of origin):</b> Department of Public works and Engineering	<b>Origination Date</b> <i>6-26-08</i>	<b>Agenda Date</b> JUL 09 2008	
<b>Director's Signature:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> B, E, & H. <i>SH</i>		
<b>For additional information contact:</b> <i>Reid K. Mrsny</i> Reid K. Mrsny, P.E. Senior Assistant Director (713) 837-0452	<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>Recommendation: (Summary)</b> Approve Engineering Services Contract with IDC, Inc. and appropriate funds.			
<b>Amount and Source of Funding:</b> \$356,156.68 from Street and Bridge Consolidated Construction Fund No. 4506. <i>SL 6/2/08</i>			
<b><u>SPECIFIC EXPLANATION:</u></b>			
<b><u>PROJECT NOTICE/JUSTIFICATION:</u></b> This program is part of a continuing effort by the City to construct sidewalks throughout the City of Houston to meet the needs of the citizens. The project provides for the design of approximately 84,645 linear feet of sidewalks in neighborhoods, adjacent to schools and along major thoroughfares.			
<b><u>SCOPE OF CONTRACT AND FEE:</u></b> Under the terms of the Contract, the Consultant will perform Phases I and II Final Design, Phase III – Construction Services and Additional Services. The consultant will prepare layouts and sketches, conduct feasibility analysis, develop detailed cost estimates for construction, and prepare final plans and specifications for construction. The Basic Services Fee for this project is computed by lump sum per foot of sidewalk designed. Negotiations by this Department with the Consultant have resulted in an estimated total Basic Design Fee of \$270,862.68 for Phases I and II Final Design and \$39,384.00 for the Phase III – Construction Services. Additional Services fee is \$21,910.00. These Additional Services are currently anticipated to include surveying, storm water pollution prevention plans and traffic control plans which comprise the bulk of the funds. Project management fee is \$24,000.00.			
The total cost of the project is \$356,156.68 to be appropriated as follows: \$332,156.68 for contract services and \$24,000.00 for project management.			
<b><u>LOCATION:</u></b> This project is located in council districts B, E, & H. The project is located in various Key Map Grids.			
<b>REQUIRED AUTHORIZATION</b> <b>CUIC ID #20SIK03</b> <b>NDT</b>			
<b>F&amp;A Budget:</b> <i>Michelle</i> <i>Maxwell</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

**SUBJECT:** Professional Engineering Services Contract between the City and IDC, Inc. for Safe Sidewalk Program.  
W.B.S. No. N-00610A-00H4-3 & N-00610A-00H5-3

**Originator's  
Initials**

*SK*

**Page  
1 of 2**

**M/WBE INFORMATION:** The M/WBE goal established for this project is 24%. The Consultant proposes the following plan to meet the M/WBE goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. United Engineers, Inc.	Surveying/CAD/Technical	\$82,196.00	24.75%
<b>TOTAL</b>		<b>\$82,196.00</b>	<b>24.75%</b>

*For EN: JCS SK*  
MSM:RKM:FOS:SK:mg

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C: Marty Stein  
Velma Laws  
Waynette Chan  
Timothy J. Lincoln, P.E.  
Gary Norman w/enclosures  
Craig Foster  
File No. N-00610A-00H4-3 & N-00610A-00H5-3

# H4 PROJECT STREET LIST

## WBS NO. N-00610A-00H4-3

Site Number	Key Map Location	Project Title	Project Limits	Council District
1	454-T	<b>Kelley</b>	Wayne to US-59	B
2	411-Z	<b>Goldspier</b>	7015	B
3	494-G	<b>Pincrest</b>	Lyons to Hershe	B
4	454-U	<b>Lavender</b>	Cavalcade to Pardee	B
5	415-S	<b>Lucerne</b>	Mohawk to Little York (10800 block)	B
6	415-J	<b>Suburban</b>	Mount Houston to Winfield	B
7	454-K, P	<b>Hirsch Rd.</b>	Kelly to Crosstimbers	B
8	414-M	<b>Winfield</b>	Swan River Road to River Trail	B
9	414-N	<b>Foy Street</b>	Hopper to Hartwick	D
10	291-Z	<b>Kingwood Dr.</b>	Sweetstem to High Valley	E

# H5 PROJECT STREET LIST

## WBS NO. N-00610A-00H5-3

Site Number	Key Map Location	Project Title	Project Limits	Council District
1	493H	<b>Hickory</b>	winter to Garvin	H
2	452H	<b>Victoria Dr.</b>	Volley to Arlington	H
3	453W	<b>13th E</b>	Cortlandt to Arlington	H
4	452Z	<b>13th W</b>	Herkimer (1100 Block)	H
5	453N	<b>33rd</b>	701 (Burrus Elementary)	H
6	492G	<b>Roy</b>	1100 Block	H
7	492G	<b>Cornish</b>	5410	H
8	453N	<b>39th</b>	Yale to Main	H
9	495A	<b>Port</b>	Laredo to Waxahachie	H
10	494N	<b>Kress</b>	Denver Harbor	H
11	452Z	<b>Shepherd</b>	13th to 12th	H
12	453W	<b>Heights</b>	1400 Block	H
13	494T	<b>Canal</b>	Ave E, F, H, L	H
14	413S	<b>Nordling</b>	E. Little York to E. Canino	H
15	493C	<b>White Oak</b>	I-45 Feeder Rd to Houston Ave	H
16	494L	<b>Solo</b>	at Henderson Elementary	H
17	492H	<b>Patterson</b>	1000-2200 Blocks	H
18	453Y	<b>Cody</b>	Freemont Fulton	H
19	453Z	<b>Terry</b>	Egypt to Navigation	H
20	494N	<b>St. Charles North</b>	Canal to Navigation	H

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**

Ordinances granting Commercial Solid Waste Operator Franchises

**Category #**

**Page 1 of 1**

**Agenda Item#**

**28**

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

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

**Origination Date**

July 2, 2008

**Agenda Date**

JUL 09 2008

**DIRECTOR'S SIGNATURE:**

*Alfred J. Moran Jr.*

**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin Phone: (713) 837- 9623  
Nikki Cooper Phone: (713) 837-9889

**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. Martin Garza Clean Up Service

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:**

29

JUL 09 2008

MOTION NO. 2008 0549

MOTION by Council Member Garcia that an item be placed on the Agenda of July 9, 2008, to receive nominations for Positions 10 and 11 of the Houston Municipal Employees Pension System Board of Trustees, for three year terms to expire June 30, 2011.

Seconded by Council Member Khan and carried.

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

Council Member Noriega out of the City on personal business



PASSED AND ADOPTED this 1st day of July, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is July 7, 2008.

City Secretary



**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance amending Chapter 19 of the Code of Ordinances relating to Flood Plain		Page 1 of	<b>Agenda Item</b> <b>#3010</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date:</b> June 27, 2008	<b>Agenda Date:</b> <del>JUL 01 2008</del>
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> JUL 09 2008 All	
<b>For additional information contact:</b> Andrew F. Icken  Phone: (713) 837-0510 Deputy Director		<b>Date and identification of prior authorizing Council action:</b> Ord. 2006-894 Aug. 30, 2006	
<b>RECOMMENDATION:</b> Adopt Ordinance amending Chapter 19 of the Code of Ordinances relating to development in the Flood Plain			
<b>Amount and source of funding:</b> not applicable			<b>Finance Dept.</b>
<b>EXPLANATION:</b> <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>			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

## **Chapter 19**

### **FLOOD PLAIN\***

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#### **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), Aa 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 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~~ 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.

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

- (1) Increasing flood level height due to impendence 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, nNo 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.

(c) \_\_\_\_\_ 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.

(fd) 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. 19-91. 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.



City of Houston, Texas, Ordinance No. 2008-\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO FLOOD PLAIN; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

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

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

**WHEREAS**, the City has previously enacted Chapter 19 of the Code of Ordinances, which regulates development in the areas of the City that have been designated as flood plain; and

**WHEREAS**, the City Council finds that the adoption of amendments to Chapter 19 of the Code of Ordinances would further enhance the benefits derived to the public health, safety and welfare through regulation of development in the flood plain; and

**WHEREAS**, the City Council finds that it is appropriate to recover the City's costs of administering the program established by the Ordinance through the assessment of permit fees; and

**WHEREAS**, the City Council finds that the Departments of Public Works and Engineering has analyzed the costs of administering the program, and related those costs to the types of permits issued by the City; and

**WHEREAS**, the City Council finds that the fees are reasonably related to the cost of administering the program; **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 Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding definitions of the terms *existing structure*, *floodway conveyance offset volume* and *Lake Houston*, in the appropriate alphabetical order, that read as follows:

*"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."

*"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."

*"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."

**Section 3.** That Section 19-2 of the Code of Ordinances, Houston, Texas, is hereby further amended by amending the definition of the term *substantial improvement* to read as follows:

*"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. 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."

**Section 4.** That Subsection (e) of Section 19-13 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(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 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."

**Section 5.** That Item (1) of Subsection (c) of Section 19-17 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the term "de minimus" with "de minimis."

**Section 6.** Subsection (a) and the introductory paragraph of Subsection (b) of Section 19-20 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"(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.

(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:"

**Section 7.** That the caption and the introductory paragraph of Subsection (a) of Section 19-22 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

**"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:"

**Section 8.** That Section 19-22 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding a new Subsection (f), which shall read as follows, and renumbering the remaining two Subsections accordingly:

"(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."

**Section 9.** That the introductory paragraph of Subsection (a) of Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(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:"

**Section 10.** That Section 19-43 of the Code of Ordinances, Houston, Texas, is hereby further amended by adding new Subsections (c) and (d), which shall read as follows, and renumbering the remaining Subsections accordingly:

“(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. If the applicant chooses to provide off-site mitigation, 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. If the applicant chooses to provide off-site mitigation, 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."

**Section 11.** That Chapter 19 of the Code of Ordinances, Houston, Texas, is further amended by adding a new Section 19-44, which shall read as follows:

**"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 provided in section 19-43(e) of this Code. No development permit shall be necessary for construction of a boathouse or pier on Lake Houston."



**Section 12.** That the City Council hereby approves the initial schedule of application fees for development permits and variances that is attached to and made a part of this Ordinance as Exhibit A.

**Section 13.** That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 14.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance be passed finally on such date and shall take effect at 12:01 a.m. on September 1, 2008.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

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

Prepared by the Legal Dept.   
June 30, 2008, Ceil Price, Senior Assistant City Attorney  
Requested by Michael Marcotte, P.E., DEE, Director, Public Works and Engineering Department  
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## Exhibit A

The schedule for the development permit fees is based on the type and location of the proposed development, the size of the proposed development, and its ranking in terms of the effort and time required to process the permit. The following table breaks down the development permit categories and their corresponding fees.

PROJECT TYPE	PERMIT CLASS				Fee
	Non-conveyance		Conveyance	Floodway	
	w/ Mitigation*	w/o Mitigation			
<b>Single Family Residential</b>					
Not Substantial Improvement/No Addition	N/A	1	1	N/A	\$ 100
New	2	2	2	N/A	\$ 300
Substantial Improvement/Addition	2	2	2	N/A	\$ 300
Residential Re-plat	2	2	2	N/A	\$ 300
Floodway/Existing Structure - Section 19-43(b)	N/A	N/A	N/A	3	\$ 600
Floodway/Vacant Land - Section 19-43(c)	N/A	N/A	N/A	3	\$ 600
Floodway (Inspection at Transfer of Title)	N/A	N/A	N/A	1	\$ 100
<b>Commercial/Multi-Family Residential</b>					
Not Substantial Improvement/No Addition	N/A	2	2	N/A	\$ 300
Grading and Fill Sitework < 1 acre	4	N/A	5	N/A	\$1,225; \$1,635
Grading and Fill Sitework ≥ 1 acre	5	N/A	6	N/A	\$1,635; \$2,045
Substantial Improvement/Addition < 1 acre	4	4	6	N/A	\$1,225; \$2,045
Substantial Improvement/Addition ≥ 1 acre	5	5	7	N/A	\$1,635; \$2,450
Redevelopment < 1 acre	5	5	7	N/A	\$1,635; \$2,450
Redevelopment ≥ 1 acre	6	6	7	N/A	\$2,045; \$2,450
New < 1acre	5	5	7	N/A	\$1,635; \$2,450
New ≥ 1 acre	5	5	7	N/A	\$2,045; \$2,450
Floodway/Existing Structure - Section 19-43(b)	N/A	N/A	N/A	7	\$ 2,450
Floodway/Vacant Land - Section 19-43(c)	N/A	N/A	N/A	7	\$ 2,450
Floodway (Inspection at Transfer of Title)	N/A	N/A	N/A	1	\$ 100
<b>NOTES</b>					
* Mitigation refers to the compensation of the loss of floodplain storage volume (requires cut and fill calculations)					



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Professional Services Contract for Programming Services M. Arthur Gensler Jr. & Associates, Inc. WBS No. D-000105-0002-3		<b>Page</b> 1 of 2	<b>Agenda Item</b> 31 #6
<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 6-25-08	<b>Agenda Date</b> <del>JUL 01 2008</del> JUL 09 2008	
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 6/16/08	<b>Council District affected:</b> All		
<b>For additional information contact:</b> Jacquelyn L. Nisby Phone: 832.393.8023	<b>Date and identification of prior authorizing Council action:</b> <b>Ordinance No. 2003-0560; Dated June 11, 2003</b>		
<b>RECOMMENDATION:</b> Approve professional services contract for programming services and appropriate funds for the project.			

<b>Amount and Source of Funding:</b> <b>\$245,000.00</b> General Improvement Consolidated Construction Fund (4509)	<b>Finance Budget:</b> <i>Michelle Mitchell</i>
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**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
<b>\$ 245,000.00</b>	<b>Total Contract Services</b>

**REQUIRED AUTHORIZATION**

CUIC # 25DSGN24 NDT

<b>General Services Department:</b> <i>Phil Golembiewski</i> Phil Golembiewski, P.E. Chief of Design & Construction Division	<b>Municipal Courts Administration:</b> <i>Sahira Abdool</i> Sahira Abdool Director and Chief Clerk	<b>Municipal Courts Judicial:</b> <i>Berta A. Mejia</i> Berta A. Mejia Director and Presiding Judge
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<b>Date:</b>	<b>Subject:</b> Professional Services Contract for Programming Services M. Arthur Gensler Jr. & Associates, Inc. WBS No. D-000105-0002-3	<b>Originator's Initials</b>  LJC	<b>Page</b>  2 of 2
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**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%
<b>TOTAL</b>		<b>\$ 44,500.00</b>	<b>18.16%</b>

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

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