

1
SEP 24 2008

MOTION NO. 2008 0695

MOTION by Council Member Khan that the recommendation of the Director of the Finance Department relative to the tax rate for the Tax Year 2008, be adopted, and the City Council hereby approves placing the proposed tax rate of \$.63875/\$100 of value for tax year 2008 on the Agenda of City Council for October 22, 2008, and schedules the following public hearings on the proposed tax rate and authorizes publication of an analysis of anticipated increased revenues:

6:00 P.M. - Tuesday - September 23, 2008;
6:00 P.M. - Tuesday - September 30, 2008; and
9:00 A.M. - Wednesday - October 8, 2008.

Seconded by Council Member Garcia and carried.

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

PASSED AND ADOPTED this 10th day of September, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is September 16, 2008.



City Secretary



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2

SEP 24 2008

COPY TO EACH MEMBER OF COUNCIL
CITY SECRETARY: 9-11-08
COUNCIL MEMBER: DATE

September 11, 2008

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Texas Local Government Code, Chapter 143, Article Va of the City Charter, and Chapter 14 of the Code of Ordinances, I am appointing Mr. Franklin J. "Jay" Harberg, Jr., to Position One, for a term to expire June 14, 2010, on the Civil Service Commission for Municipal Employees of the City of Houston and on the Firefighters' and Police Officers' Civil Service Commission, subject to the confirmation of City Council.

The résumé of the appointee is attached for your review.

Sincerely,

Bill White

Bill White
Mayor

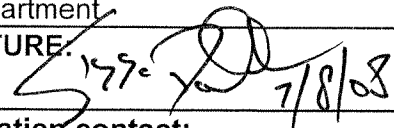

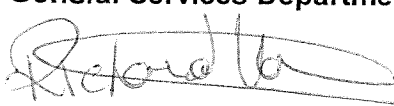

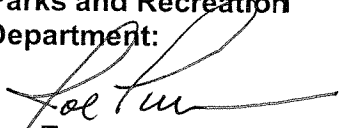
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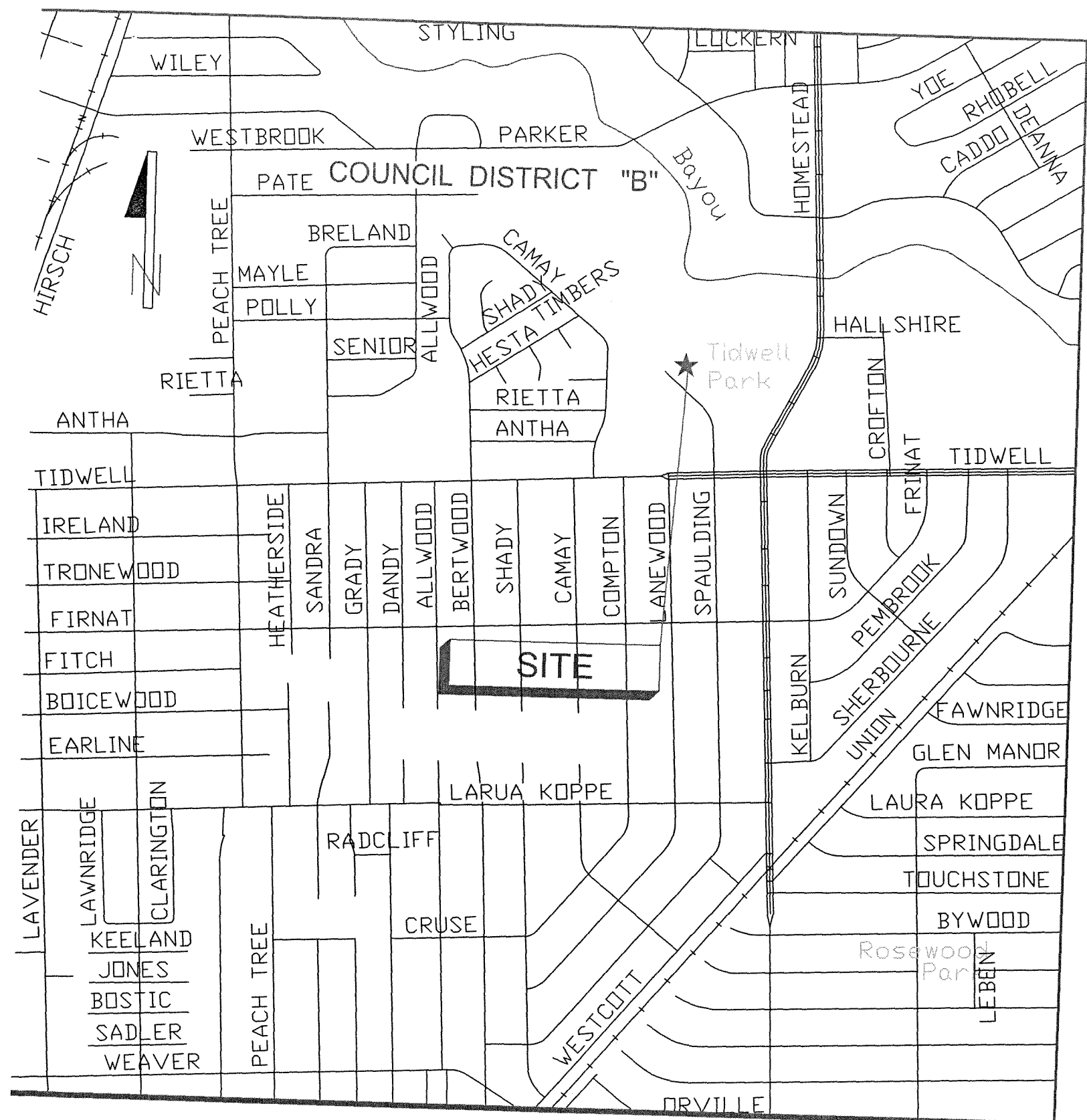
Attachments

cc: Ms. Candy Aldridge, acting director, Human Resources

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work Boyer, Inc. Tidwell Park WBS No. F-504A05-0010-4		Page 1 of 1	Agenda Item <u>3</u>
FROM (Department or other point of origin): General Services Department		Origination 9.11.08	Agenda Date SEP 24 2008
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P. E.  7/8/08		Council District affected: B	
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing: Council action: Ordinance No. 2006-1024, Dated 10-04-06	
RECOMMENDATION: Pass a motion approving the final contract amount of \$2,529,096.80 accept the work, and authorize final payment.			
Amount and Source of Funding: No Additional Funding Required		Finance Budget:	
Previous Funding: \$1,650,000.00 – Federal Government – Grant Funded (5000) \$1,012,600.00 – Parks Consolidated Construction Fund (4502) \$2,662,600.00 – Total Funding			
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$2,529,096.80 or 10.00% over the original contract amount, accept the work and authorize final payment to Boyer, Inc. for construction services in connection with Tidwell Park for the Parks and Recreation Department.			
PROJECT LOCATION: 9720 Spaulding (454D)			
PROJECT DESCRIPTION: The scope of work for the project consisted of the renovation of the community center, gymnasium, and a portion of the pool facilities, demolition of the old basketball pavilion, installation of a new parking lot, concrete walks, landscape with trees and irrigation, covered walkway, and outside basketball court.			
CONTRACT COMPLETION AND COST: Due to the age of the facilities, the contract included a 10% contingency to address unforeseen conditions. The contractor completed the project within the contract time, plus an additional 207 days approved by Change Orders. The final cost of the project, including Change Orders is \$2,529,096.80, an increase of \$229,891.80 over the original contract amount.			
The project design consultant and construction manager was Park Team Plus.			
PREVIOUS CHANGE ORDERS: Change Orders 1-4 added non-compensable time to the contract; provided an electrical service upgrade; replaced chainlink fence around the main ballfield; installed bollards, a 15" storm sewer line, and a sidewalk connection to the hike and bike trail; and provided additional swimming pool renovations.			
MWBE PARTICIPATION: The M/WBE goal for this contract was 17%. According to the Affirmative Action and Contract Compliance Division, the contractor achieved 17.00% actual participation.			
IZD:JLN:PJG;W:CFP:de			
c: Marty Stein, Mark Ross, Dan Pederson, David Godwin, Laura Ortiz, Webb Mitchell, Project File 1108			
REQUIRED AUTHORIZATION CUIC ID# 25PARK37 <u>NO</u>			
General Services Department:  Phil Golembiewski, P.E. Chief of Design & Construction Division	Housing and Community Development Department:  Richard Celli Director	Parks and Recreation Department:  Joe Turner Director	



TIDWELL PARK
9720 SPAULDING
HOUSTON, TX 77016

COUNCIL DISTRICT "B"

KEY MAP NO. 454D

TO: Mayor via City Secretary**REQUEST FOR COUNCIL ACTION****SUBJECT:** Accept Work for Ley Road Paving: Homestead to Kirkpatrick, WBS No. N-00587A-0002-4.**Category**
#1, 7**Page**
1 of 2**Agenda Item**
4**FROM (Department or other point of origin):**

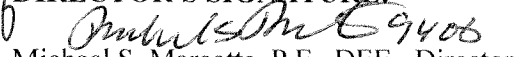
Department of Public Works and Engineering

Origination Date

9/18/08

Agenda Date

SEP 24 2008

DIRECTOR'S SIGNATURE:
Michael S. Marcotte, P.E., DEE., Director**Council District affected:**
B

SK

For additional information contact:J. Timothy Lincoln, P.E.
Senior Assistant Director

Phone: (713) 837-7074

Date and identification of prior authorizing Council action:

Ord. # 2006-585 dated 6/7/2006

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,147,395.88 or 6.03% under the original Contract Amount, accept the Work and authorize final payment.**Amount and Source of Funding:** No additional funding required;
Total Original appropriation of \$2,641,651.00 with \$2,285,478.48 from the Series E Commercial Paper Metro Fund No. 49M and \$356,172.52 from the Water and Sewer System Consolidated Construction Fund No. 755.**Finance Department:****PROJECT NOTICE/JUSTIFICATION:** This project was a designated major thoroughfare and was required to improve traffic flow/circulation, drainage and reduce neighborhood traffic congestion.**DESCRIPTION/SCOPE:** This project consisted of construction of two 24-foot-wide concrete roadways with medians, curbs and gutters, driveways, sidewalks and necessary underground utilities. SCL Engineering, Inc. designed the project with 330 calendar days allowed for construction. The project was awarded to Conrad Construction Co., Ltd. with an original Contract Amount of \$2,285,270.50.**LOCATION:** The project area was generally bounded by Tidwell on the north, 610 North Loop on the south, Kirkpatrick on the east and Homestead on the west. The project is located in Key map Grids 454M and 455J.**CONTRACT COMPLETION AND COST:** The Contractor, Conrad Construction Co., Inc., has completed the work under subject Contract. The project was completed within the Contract Time with 16 additional days approved by Change Orders No. 1, 2 and 3. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No.1, 2 and 3, is \$2,147,395.88, a decrease of \$137,874.62 or 6.03% under the original Contract Amount.

The decreased cost is primarily a result of difference between planned and measured quantities. This decrease is primarily of an underrun in Bid Item No. 19 – Chain Link Fence (height as required to match existing), Bid Item No. 28 – Remove and Dispose of Existing Reinforced Concrete Pavement (all depths/thickness) and structure, Bid Item No. 30 – Mill, Remove and Dispose of Asphalt Surface Mill (all depths), Bid Item No. 36 – Recycled crushed concrete base course (complete and in place), Bid Item No. 67 – 24-inch RCP Storm Sewer (complete in place), Bid Item No. 81 – 12-inch diameter Water Line with restrained joints open-cut (complete in place), and Extra Unit Price Items, which were not necessary to complete the work.

REQUIRED AUTHORIZATION**20HA32****Finance Department:****Other Authorization:****Other Authorization:**

NOT

Date	SUBJECT: Accept Work for Ley Road Paving: Homestead to Kirkpatrick, WBS No. N-00587A-0002-4.	Originator's Initials	Page 2 of 2
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M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 14.54%. Contractor M/WBE performance evaluation was rated satisfactory.

MSM:JTL:JS:SK:ha

S:\E&C Construction\East Sector\PROJECTS\N-00587A-0002-4 Ley Road\Closeout\RCA\RCA - Closeout.doc

c: Michael Ho, P.E Velma Laws Craig Foster Waynette Chan Marty Stein File No.: N-0587A-02/21.0

**PROJECT
LOCATION**



VICINITY MAP
KEY MAP NO 454M, 455J
GIMS MAP NO 5560B

Conrad Construction Co., Ltd.

P.O. Box 841134

Houston, Texas 77284

(713) 937-3081 Fax (713) 937-1172

rtbarrow@swbell.net

January 30, 2008

Velma Laws, Director
City of Houston
Affirmative Action Contract Compliance
611 Walker, 7th Floor
Houston, Texas 77002

Atten: Siria Harbour, Compliance Officer

Re: Ley Road, Homestead to Kirkpatrick
N-0587A-02-3

Subj: MBE Participation Final Goal

Dear Siria,

This project bid for \$2,285,270.00 with a proposed minority goal of 17% (\$388,495.90). We finished the project for \$ 2,147,850.00, \$137,420.00 less than original contract. Our minority participation goal finished at \$312,267.89, \$76,228.01 less than the original goal. Our proposed participation was \$394,678.00 (17.27%).

Our contract is a unit price contract with "estimated quantities" and final payment is based on actual measured quantities. The proposed good faith goal submitted on this project, 17.27% was based on the "estimated quantities" and other factors known at the time of the bid. Throughout the construction, quantities changed or were deleted from the contract. As per the attached utilization report, you can see that we had vendors exceed the goal and others met or came in below their anticipated goal. We added another MBE subcontractor, Environmental Allies, in an effort to bolster our participation percentage.

Conrad Construction made a good faith effort to achieve the goal for this project. After all, it is a "goal", not a required percentage. We will continue to make good

FEB 05 2008

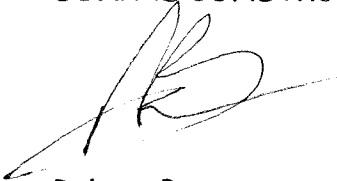
Siria Harbour
January 30, 2008
Page 2

faith efforts to achieve the MWDBE goals. On several projects in the past, we have exceeded the proposed goals.

If you need further information regarding this issue, please call me.

Yours truly,

CONRAD CONSTRUCTION CO., LTD.

A handwritten signature in black ink, appearing to be 'RB' with a long horizontal stroke extending to the left.

Robert Barrow
Vice President

Attachment

Summary of MWDBE Activities

Project Description/#: Ley Road Paving Improvements from Homestead to Kirkpatrick. N-00587A-00024. #C4600006905

Prime Contractor: Conrad Construction Company, Inc.

Amount of Contract: **\$2,285,270.50**

Amount of MWDBE goal with change order:

Change Orders: **\$(137,874.70)**

\$365,057.20

MWDBE Goal at award of contract: **17%**

Final Contract Amount : **\$2,147,395.88**

MWDBE actual participation: **14.54%**

Original MWDBEs listed on RCA & Letter of Intent

A-1 Hydro-Mulching of Texas, Inc.
Cantu Construction Company
El Dorado Paving Company, Inc.
Highway Pavement Specialties, inc.
J. A. Gamez Trucking Services
KIC Transportation, Inc.
KMA Construction, Inc.
Paradigm Outsourcing Services
Work Zone Products, Inc.

MWDBEs Used:

A-1 Hydro-Mulching of Texas, Inc.
Cantu Construction Company
El Dorado Paving Company, Inc.
Environmental Allies
Highway Pavement Specialties, inc.
J. A. Gamez Trucking Services
KIC Transportation, Inc.
KMA Construction, Inc.
Paradigm Outsourcing Services
Work Zone Products, Inc.

List of original MWDBE, that were not used:

If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:

Shortage is 2.46% or \$52,789.31. As per Robert Barrow, the reason the participation goal fell short was due to the following: **1.** Portions of the contract were deleted. **2.** The project bid for \$2,285,270.50, and they finished it for \$2,147,395.88, \$137,874.70 less than the original contract. **3.** Their contract was a unit price contract with estimated quantities, and final payment was based on actual measured quantities. **4.** Throughout the construction period, quantities changed or were deleted from their contract. **5.** They added another MBE subcontractor to bolster their participation percentage.


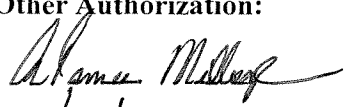
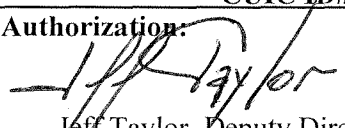
Briefly state reason given by MWDBE why they were not used or not used to the full amount originally projected:

Approved by:


Siria Harbour
Contract Compliance Officer


Joseph Kurian, Division Manager
Contract Compliance Section

July 29, 2008
Date

SUBJECT: Accept Work for Wastewater Collection Rehabilitation and Renewal Contract WBS No. R-0266-E4-3, File No. WW 4235-28		Category	Page 1 of <u>1</u>	Agenda Item # <u>5</u>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9-17-0	Agenda Date SEP 24 2008	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE		Council District affected: ALL		
For additional information contact: A. James Millage Senior Assistant Director Phone: (713) 641-9566		Date and identification of prior authorizing Council action: 11/22/05, Ordinance No. 2005-1295		
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$1,826,507.43 or 4.8% over the original contract amount, accept the work, and authorize final payment.				
Amount and Source of Funding: No additional funding is required. Original appropriation of \$1,899,741.00 from the Water and Sewer System Consolidated Construction Fund No. 755. This project was eligible for low interest funding through the State Revolving Fund (SRF).				
PROJECT NOTICE/JUSTIFICATION: This project was part of the Neighborhood Sewer Rehabilitation Program and was required to renew/replace various deteriorated neighborhood wastewater collection systems on an emergency basis throughout the City.				
DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by point repair methods. The project was awarded to Underground Technologies, Inc. with an original contract amount of \$1,742,749.01. The Notice to Proceed date was 02/01/06 and the project had 455 calendar days for completion.				
LOCATION: The project was located at various locations within all Council Districts.				
CONTRACT COMPLETION AND COST: The contractor, Underground Technologies, Inc., has completed the work under the subject contract. The project was completed within the contract time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1, 2, 3 and 4 will be \$1,826,507.43, an increase of \$83,758.42 or 4.8% over the original contract amount.				
M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 19.84%. The contractor was awarded an outstanding rating from the Affirmative Action and Contract Compliance Division.				
MSM:JT:AJM:OS:TC:tc Attachments cc: Marty Stein Velma Laws Craig Foster Orin Smith, P.E. Waynette Chan Gary Norman A. James Millage Carol Ellinger, P.E. Mark Loethen, P.E. Michael Ho, P.E. File No. WW 4235-28				
REQUIRED AUTHORIZATION CUIC ID# 20AJM203				
Finance Department:	Other Authorization:  8/14/08	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division		

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Citywide Fire Hydrant Replacement and Height Correction, WBS No. S-000035-00V4-4, File No. 10866		Category #	Page 1 of 1	Agenda Item # 6
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/17/08	Agenda Date SEP 24 2008	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE		Council District affected: ALL		
For additional information contact: Jeff Taylor Deputy Director Phone: (713) 837-0448		Date and identification of prior authorizing Council action: Ord. # 2007-51 dated 01/10/07		
RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,785,599.42 or 0.14% under the original Contract Amount, accept the Work, and authorize final payment.				
Amount and Source of Funding: No additional funding required. Original appropriation of \$ 1,897,476.97 from Water and Sewer System Consolidated Construction Fund. Fund No. 8500				
PROJECT NOTICE/JUSTIFICATION: This project was required to replace damaged or irreparable fire hydrants and to correct the heights of fire hydrants throughout the City.				
DESCRIPTION/SCOPE: This project included the replacement of 570 fire hydrants and 75 valves. It also included the height correction of 225 fire hydrants and the relocation of 36 fire hydrants. The Notice to Proceed date was 02/13/07 and the project had 365 calendar days for completion. The project was awarded to Troy Construction, L.L.P. with an original Contract Amount of \$1,788,073.30.				
LOCATION: This project is generally bounded by the City limits. The project is located in various Key Map grids.				
CONTRACT COMPLETION AND COST: The Contractor, Troy Construction, L.L.P., has completed the Work under the Contract within the contract time. The final cost of the project is \$1,785,599.42, a decrease of \$2,473.88 or 0.14% under the original Contract Amount.				
M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 32.98%. The Contractor received an "Outstanding" rating for MWDBE compliance.				
MSM:JT:AJM:OS:TC:tc Attachments cc: Marty Stein Velma Laws Craig Foster Orin Smith, P.E. Waynette Chan Gary Norman A. James Millage Carol Ellinger, P.E. Mark Loethen, P.E. Michael Ho, P.E. File No. WA 10866				
REQUIRED AUTHORIZATION CUIC ID# 20AJM199 <i>not</i>				
Finance Department:	Other Authorization:  A. James Millage 8/14/08		Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division	

SUBJECT: Appropriate Additional Funds and Accept Work for 12/16/20-inch Service Upgrades and Grid Extensions in the Greater Greenspoint Area.

WBS No. S-000900-00A4-4.

Page 1 of 2

Agenda Item

7 + 7A

FROM (Department or other point of origin):

Origination Date

9/18/08

Agenda

Date

SEP 24 2008

Department of Public Works and Engineering

DIRECTOR'S SIGNATURE:

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

Council Districts affected:

B

For additional information contact:

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

[Signature]
Phone: (713) 837-7074

Date and Identification of prior authorizing Council Action:

Ord. #2005-683 dated 06/01/2005

RECOMMENDATION: (Summary) Approve an ordinance appropriating an additional \$58,825.11. Adopt a motion approving the final Contract Amount of \$1,432,000.41, accepting the Work and authorizing the final payment.

Amount and Source of Funding: Additional appropriation of \$58,825.11 from the Water and Sewer System Consolidated Construction Fund, Fund No. 8500. *note - 08/21/08*
Original appropriation of \$1,497,600.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.

Finance Department:

Michael S. Marcotte

PROJECT NOTICE/JUSTIFICATION: This project was part of the Surface Water Transmission Program (SWTP) and it will help the City meet groundwater well withdrawal criteria mandated by the Harris/Galveston Coastal Subsidence District (HGCSD) and water quality parameters issued by the United States Environmental Protection Agency (USEPA).

DESCRIPTION/SCOPE: The project consisted of 5,973 linear feet of 12 and 16-inch water lines, valves, and appurtenances in the Greater Greenspoint Area. Lockwood, Andrews & Newnam, Inc. designed the project with 150 calendar days allowed for construction. The project was awarded to D.L. Elliott Enterprises, Inc. with an original Contract Amount of \$1,307,786.00.

LOCATION: The project area is located across West Greens Road at Northborough and 925' East of Northborough; across IH-45 at Glenborough Drive; along La Fonda and Cotillion from La Jolla to FM 525 (Aldine Bender); along Easements from 200 Plaza Verde Drive to Beltway 8; along West Road from Sweetwater to Airline Drive. The project is located in the Key Map Grids 372-Q & U, 373-W, and 412-D.

The requested appropriation of \$58,825.11 will cover the overrun costs for Bid Item No. 19, "12-inch Water Line by Open Cut" and Bid Item No. 22, "12-inch Steel Water Line at aerial crossing". These items exceeded their original budgeted amounts due to underestimation in the design phase. As the original scope of work did not change, no formal change order is required.

CONTRACT COMPLETION AND COST: D.L. Elliott Enterprises has completed the Work under subject Contract. The project was completed within the Contract Time with 233 additional days approved by Change Order Nos. 1, 2, 3, 4, and 6. The final cost of the project, including overrun and underrun of estimated bid quantities, and Change Order Nos. 1 through 6 is \$1,432,000.41, an increase of \$124,214.41 or 9.50% over the original Contract Amount.

The increased cost is primarily a result of an overrun in Bid Item No. 19 – 12-inch diameter water line by open cut, Bid Item No. 22- 12-inch diameter Steel water line w/restrained joints at aerial crossing and Bid Item No. 25 -16-inch diameter Steel water line w/restrained joints at aerial crossing, which were necessary to complete the Work.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 15.82%. The Contractor achieved a "Satisfactory" rating for the MWDDBE Compliance.

[Signature]
MSM:JTL:AR:DO:mq

S:\E&C Construction\North Sector\CM's\S-0900-S4 LAN-S-000900-00A4-4\RCA_CO_No. 7g mqdo4.DOC

C: Velma Laws

Michael Ho, P.E.

File No. 10448-07-07 – Closeout

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ016

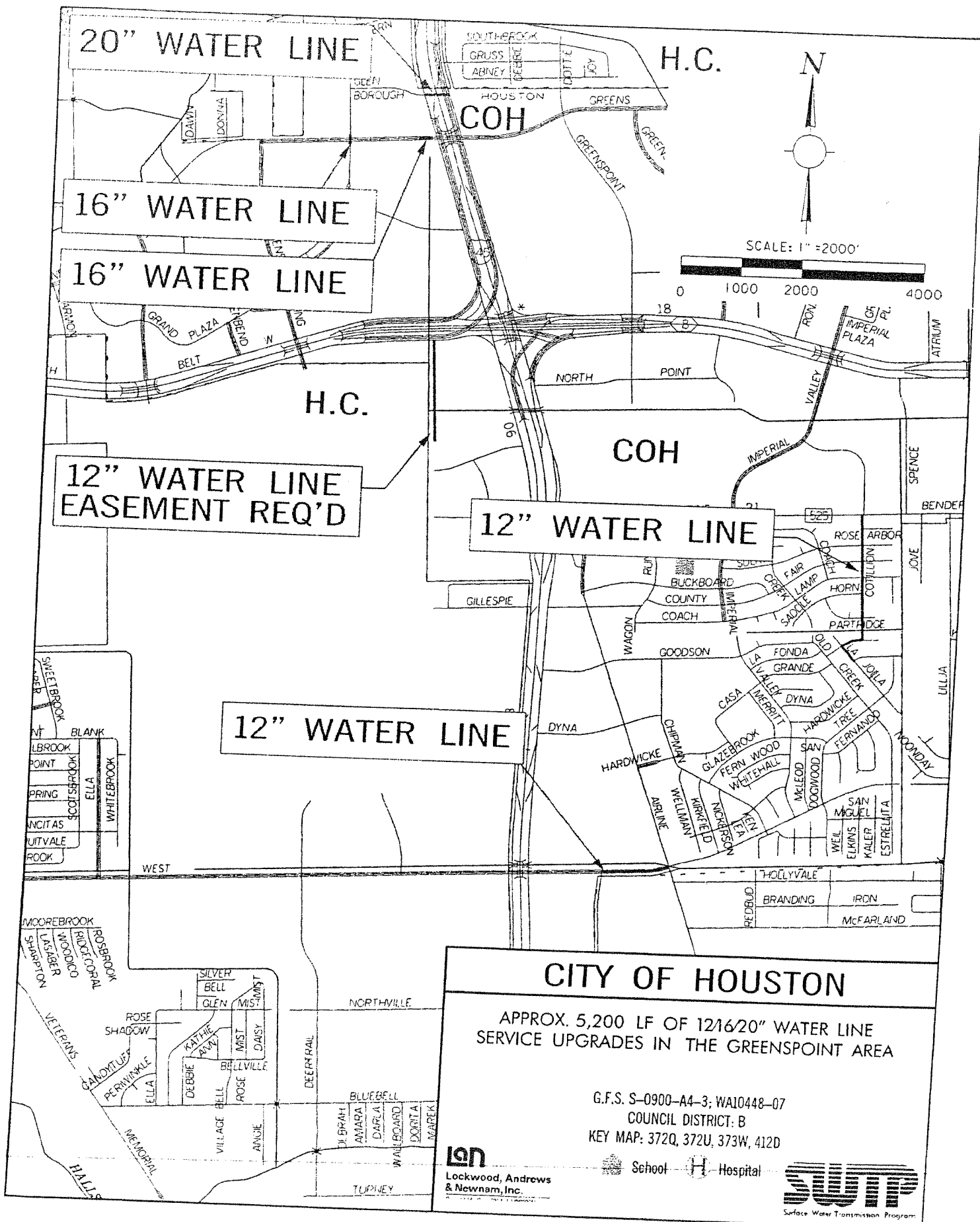
FIN Director:

Other Authorization:

[Signature]
Jeff Taylor, Deputy Director
Public Utilities Division

Other Authorization:

[Signature]



CITY OF HOUSTON

APPROX. 5,200 LF OF 12/16/20" WATER LINE
SERVICE UPGRADES IN THE GREENSPPOINT AREA

G.F.S. S-0900-A4-3; WA10448-07

COUNCIL DISTRICT: B

KEY MAP: 372Q, 372U, 373W, 412D



Lockwood, Andrews
& Newnam, Inc.



School



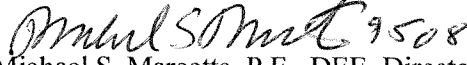


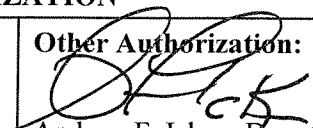
Hospital



Surface Water Transmission Program

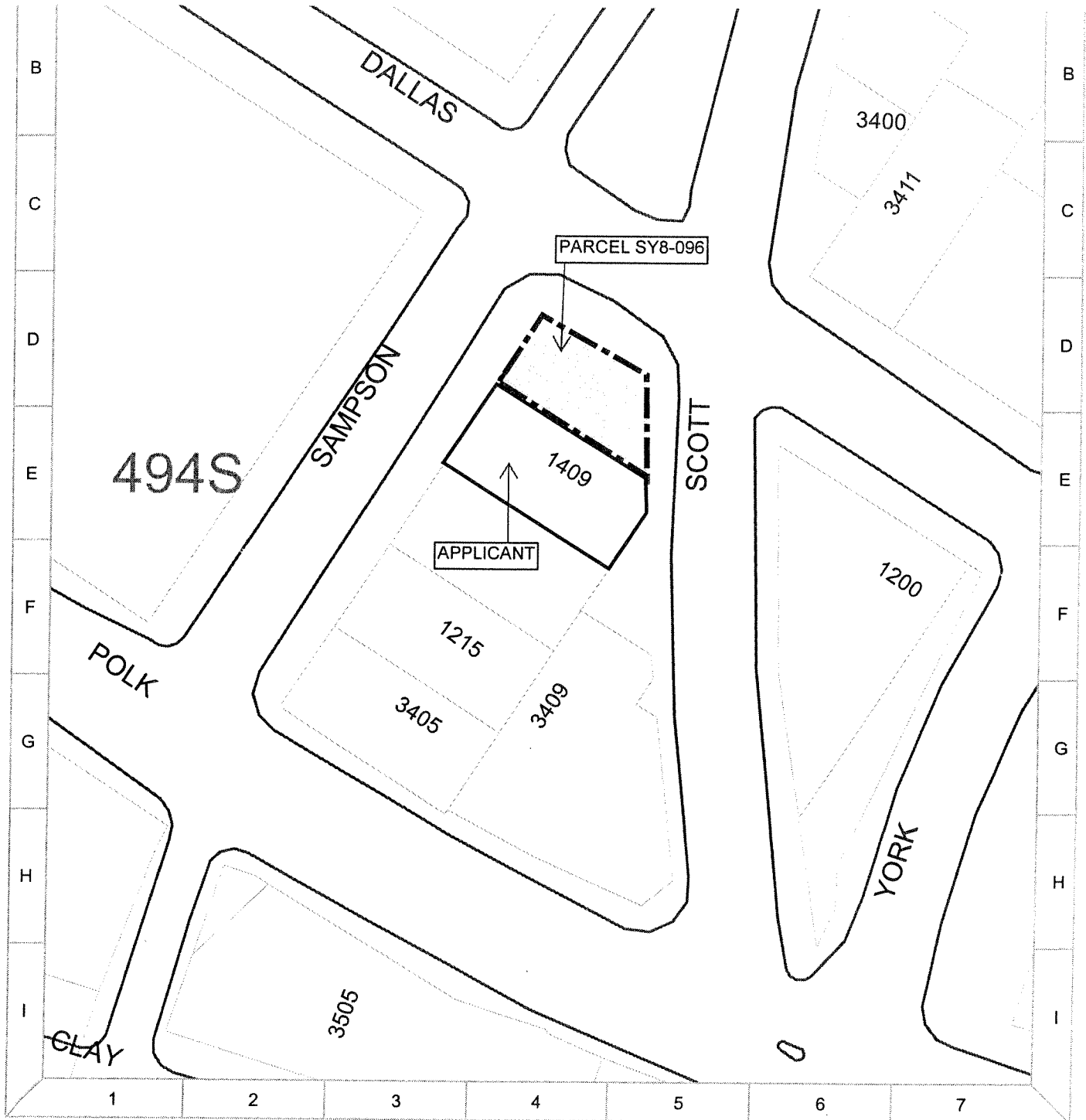
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for the sale of a ±3,779-square-foot portion of Lot 10, Block 542, within South Side Buffalo Bayou, out of the James Wells Survey. SY8-096		Category # 7	Page 1 of 1	Agenda Item # 8
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/17/08		Agenda Date SEP 24 2008
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director		Council District affected: 1 Key Map 494S 		
For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate 		Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the sale of a ±3,779-square-foot portion of Lot 10, Block 542, within South Side Buffalo Bayou, out of the James Wells Survey. SY8-096				
Amount and Source of Funding: Not Applicable				
SPECIFIC EXPLANATION: Ankur Desai, 15608 Ginger Lane, Houston, Texas, 77040, requested the sale of a ±3,779-square-foot portion of Lot 10, Block 542, within South Side Buffalo Bayou, out of the James Wells Survey. Ankur Desai, the abutting owner, plans to use the portion of the lot being sold to build townhomes. The City purchased the fee-owned portion of right-of-way as part of the Scott Street Widening Project in 1965. This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended: 1. The City sell a ±3,779-square-foot portion of Lot 10, Block 542, within South Side Buffalo Bayou, out of the James Wells Survey; 2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property; 3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the subject property being abandoned and sold; 4. The Legal Department be authorized to prepare the necessary transaction documents; and, 5. In as much as the value of the property interest is not expected to exceed \$50,000.00, that the value be established by a City staff appraiser. MSM:NPC:tj c: Phil Boriske Eric Dargan Arturo G. Michel Marty Stein Rayond D. Chong, P.E., P.T.O.E. Marlene Gafrick Reid Mrsny, P.E.				
s:\tj\sy8-096.rc1.doc		CUIC #20TJ8969		
REQUIRED AUTHORIZATION				
Finance Department:	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division		

PARCEL MAP

Subject: Sale of a \pm 3,779-square-foot portion of Lot 10, Block 542, within South Side Buffalo Bayou, out of the James Wells Survey. **SY8-096**



1 inch equals 71 feet
0 7.51 22.30
Feet



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

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



REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA# 8045****Subject:** Request for approval of a Motion authorizing payment of annual certification and re-certification fees to the State of Texas Commission on Fire Protection for State Firefighter Certifications.Category #
9

Page 1 of 1

Agenda Item

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

Phil Boriskie

Fire Chief

Fire

Origination Date

September 05, 2008

Agenda Date

SEP 24 2008

DIRECTOR'S SIGNATURE**Council District(s) affected**
All**For additional information contact:**

Karen Dupont

Phone: (713) 859-4934

Jack Williams

Phone: (713) 247-8793**Date and Identification of prior authorizing****Council Action:**

Council Motion 2007-0979 on 10-3-2007

RECOMMENDATION: (Summary)

City Council approve a Motion for payment of certification and re-certification fees to the State of Texas Commission on Fire Protection for State Firefighter Certifications.

\$102,000.00

Finance Budget**SPECIFIC EXPLANATION:**

The Fire Chief requests City Council approve a Motion authorizing payment to the State of Texas Commission on Fire Protection for State certification and re-certification of Houston Fire Department Firefighters. State certifications are required for all firefighters, graduating cadets, and special operations personnel such as Inspectors, Rescue, Aircraft Firefighters, and Hazardous Materials operators. This year's annual certification amount is not expected to exceed \$102,000.00.

Texas Government Code, Section 419.024 requires that all firefighters employed in the State in a full time paid status must be certified and re-certified annually by the Commission and that the employing agency must pay the certification fee by October 31 of each year. A penalty of \$10.00 per firefighter will be assessed monthly if payment is made after October 31, 2008.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8010

Subject: Purchase of Patrol Vehicles through the Houston-Galveston Area Council for the Police Department

Category #
1 & 4

Page 1 of 1

Agenda Item

S38-N23005-H

10-10A

FROM (Department or other point of origin):

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

Origination Date

August 21, 2008

Agenda Date

SEP 24 2008

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Joseph Fenninger Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$9,915,908.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800) for the Police Department and approve the purchase of patrol vehicles through the Houston-Galveston Area Council (H-GAC) in the amount of \$7,351,164.00 for the Police Department.

Award Amount: \$7,351,164.00

Finance Budget

\$ 7,351,164.00 - Equipment Acquisition Consolidated Fund (1800)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$9,915,908.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council approve the purchase of 271 patrol vehicles through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$7,351,164.00 for the Police Department, and that authorization be given to issue purchase orders to the H-GAC contractors as shown below. These vehicles will be used citywide by the Department for patrol activities and to respond to emergency incidents.

Philpott Motors LTD, d/b/a Philpott Ford: Approve the purchase of 267 rear-wheel drive, full-size, 4-door sedans in the amount of \$7,258,728.00.

Baby Jack II Automotive, LTD, d/b/a Caldwell Country Chevrolet: Approve the purchase of 4 heavy duty 2-wheel drive, 4-door, utility vehicles in the amount of \$92,436.00.

The requested appropriation amount from the Equipment Acquisition Fund is the sum of \$7,351,164.00 for the patrol vehicles and \$2,564,744.00 for mobile data terminals, police radios, antennas, and sirens that will be purchased in separate procurements. The patrol vehicles and ancillary equipment are included in the adopted FY09 Equipment Acquisition Plan.

These new patrol vehicles will meet the EPA's current emission standards for low emission vehicles. They will come with a warranty of three years or 36,000 miles, and the life expectancy is four years or 100,000 miles. These new patrol vehicles will replace existing units that have reached their useful life and will be sent to auction for disposition. See the attached Equipment Justification Summary for vehicle replacement details.

Buyer: Lena Farris
PR Nos. 10054635/10054626

Attachment: Equipment Justification Summary

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Calvin D. Wells 8/28/08

10-10A

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
N23005-H
RCA 8010**

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
				<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
ITEM NO. 1 SERIES 374C REAR WHEEL DRIVE FULL SIZE SEDAN	10054635	267	Police Department These vehicles will be used citywide by the department's police officers responding to accidents, crimes, and emergency incidents.	29331	10	111128
				29641	10	105437
				29642	10	110540
				29648	10	124571
				29653	10	132309
				29658	10	147842
				29669	10	114750
				29706	10	118217
				29708	10	105732
				29728*	10	55728
				29729	10	61410
				29739*	10	41259
				29743	10	78805
				29747	10	68497
				29751*	10	46665
				29826	10	113979
				29867	10	119154
				29878	10	178532
				29880	10	97238
				29883	10	134919
				29886	10	121806
				29888	10	146998
				29899	10	127897
				29923	10	115530
				29936	10	141057
				29938	10	159458
				29939	10	125592
				29940	10	144188
				29941	10	123161
				29942	10	148141
				29950	10	116531
				29951	10	121049
				29952	10	109199
				29953	10	155432
				29954	10	138725
				29955	10	142973
				29956	10	122344
				29957	10	126162
				29958	10	138907
				29959	10	130451
				29965	10	122228
				29986	10	112863

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
N23005-H
RCA 8010**

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
				<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
ITEM NO. 1 SERIES 374C REAR WHEEL DRIVE FULL SIZE SEDAN (Continued)	10054635		Police Department	31178	9	111791
				31183	9	128534
				31185	9	124156
				31186	9	114665
				31188	9	137182
				31196	9	180457
				31197	9	135521
				31201	9	129974
				31202	9	139912
				31216	9	131415
				31219	9	153213
				31220	9	67132
				31223	9	130913
				31249	9	79893
				31252	9	90628
				31280	8	109440
				31287	8	109751
				31314	8	127407
				31322	8	115945
				31323	8	133308
				31324	8	120158
				31327	8	156159
				31440	8	115794
				31441	8	117795
				31442	8	110302
				31459	8	172468
				31463	8	149145
				31477	8	122462
				31491	8	125966
				31492	8	110827
				31500	8	141665
				31501	8	135240
				31536	8	102723
				31552	8	128779
				32104	8	120250
				32111	8	119884
				32113**	8	36909
				32155	8	125795
				32156	8	123650
				32160	8	123969
				32162	8	159504
				32163	8	125119

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
N23005-H
RCA 8010**

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
				<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
ITEM NO. 1 SERIES 374C REAR WHEEL DRIVE FULL SIZE SEDAN (Continued)	10054635		Police Department	32176	8	137213
				32177	8	152458
				32178	8	122779
				32179	8	144498
				32185	8	141940
				32187	8	123780
				32194	8	129971
				32201	8	109710
				32215**	8	59356
				32218	8	109695
				32219	8	131943
				32226	8	123188
				32232	8	149255
				32233	8	66030
				32236	8	98858
				32237	8	82276
				32238	8	116158
				32239	8	114699
				32245	8	112261
				32250	8	124975
				32260	8	126816
				32268	8	86674
				32270	8	160000
				32272	8	84514
				32274	8	113411
				32275	8	152910
				32280	8	112358
				32283	8	155045
				32285	8	101157
				32290	8	143613
				32299	8	129810
				32301	8	123800
				32303	8	148323
				32304	8	83054
				32309	8	132969
				32312	8	139554
				32313	8	130857
				32317	8	132323
				32318	8	124504
				32320	8	141370
				32321	8	147702

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
N23005-H
RCA 8010**

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
				<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
ITEM NO. 1 SERIES 374C REAR WHEEL DRIVE FULL SIZE SEDAN (Continued)	10054635		Police Department	32323	8	150889
				32326	8	132063
				32331	8	131006
				32334	8	138137
				32337	8	145306
				32338	8	151497
				32342	8	140759
				33069	6	119383
				33071	6	118582
				33089	6	146570
				33095	6	117888
				33097	6	130521
				33104	6	111026
				33108	6	143597
				33117	6	136333
				33122	6	82881
				33123	6	135168
				33129	6	119456
				33131	6	139403
				33132	6	112969
				33133	6	93141
				33135	6	115607
				33136	6	112629
				33137	6	130037
				33138	6	138321
				33139	6	117432
				33141	6	116715
				33145	6	144114
				33146	6	150615
				33156	6	109454
				33158	6	114364
				33160	6	126963
				33175	6	138247
				33177	6	153477
				33178	6	134579
				33179	6	133687
				33181	6	138712
				33183	6	135217
				33188	6	131693
				33197	6	128426
				33199	6	125891

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
N23005-H
RCA 8010**

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
ITEM NO. 1 SERIES 374C REAR WHEEL DRIVE FULL SIZE SEDAN (Continued)	10054635		Police Department	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				33200	6	117762
				33201	6	137664
				33204	6	119926
				33205	6	118534
				33208	6	117844
				33210	6	147024
				33212	6	153330
				33221	6	83537
				33224	6	91003
				33237	6	118825
				33244	6	124508
				33284	6	151131
				33289	6	153676
				33290	6	150668
				33586	6	111325
				33591	5	148729
				33595	5	152412
				33599	5	21698
				33600	5	134490
				33602	5	109768
				33603	5	130512
				33604	5	124031
				33607	5	122093
				33608	5	135397
				33610	5	125707
				33611	5	136599
				33617	5	109447
				33627	5	138140
				33628	5	148392
				33631	5	115483
				33634	5	145648
				33635	5	141037
				33636	5	146010
				33637	5	142443
				33639	5	142902
				33642	5	82218
				33646	5	145055
				33647	5	126706
				33650	5	131182
				33651	5	124617
				33652**	5	3543

**EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
N23005-H
RCA 8010**

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
				<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
ITEM NO. 1 SERIES 374C REAR WHEEL DRIVE FULL SIZE SEDAN (Continued)	10054635		Police Department	33654**	5	119639
				33655	5	132034
				33657	5	127518
				33658	5	121626
				33661	5	116267
				33662	5	112099
				33667	5	141505
				33672	5	124809
				33677	5	130494
				33678	5	119914
				33679	5	119888
				33684	5	123926
				33685	5	111103
				33705	5	126229
				33706	5	125137
				33714	5	129216
				33715	5	114684
				33716	5	127008
				33719	5	124138
				33720	5	118781
				33721	5	135832
				33729	5	145832
				33736	5	119834
				33737	5	127581
				33745	5	128958
				33747	5	114803
				33778	5	122136
				33782	5	148528
				33790	5	134232
				33798	5	112364
				33805**	5	33313
				33813	5	122395
				33816	5	112337
				33819	5	115117
				33838	5	136357
				33848	5	123561
				34376	4	112369
				34378	4	117472
				34385	4	116969
				34402	4	111310
				34404	4	112127

EQUIPMENT USAGE SUMMARY
PATROL VEHICLES FOR POLICE DEPARTMENT
N23005-H
RCA 8010

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT/DIVISION FLEET USAGE	EQUIPMENT REPLACEMENT		
ITEM NO. 1 SERIES 374C REAR WHEEL DRIVE FULL SIZE SEDAN (Continued)	10054635		Police Department	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				34411	4	121505
				34417	4	122594
				34443	4	118100
				34446	4	111656
				34450	4	116719
				34454	4	110773
				34485	4	111200
				34487	4	110929
				34495	4	112664
				34508	4	118125
				34551	4	109865
				34552	4	120391
				34559	4	118562
				34567	4	110066
				34615	4	112400
				34621	4	126384
				34625	4	119468
				34628	4	133670
				** Required major component replacement		
				* Vehicle wrecked		
ITEM NO 2 HEAVY DUTY 2WD, 4 -DOOR UTILITY VEHICLES	10054626	4	Police Department	<u>Shop No.</u>	<u>Age-Yrs.</u>	<u>Mileage</u>
				32528	7	162834
				32529	7	52501
				32531	7	216030
				32532	7	127053

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Sec. 2-2. Council rules of procedure.

The following rules of procedure shall govern all meetings and proceedings of the city council:

Rule 1. Meetings Generally.

- a. The city council shall conduct its regular weekly meeting in two daily sessions commencing at 1:30 p.m. on Tuesday and at 9:00 a.m. on Wednesday, respectively, of each calendar week. Each session shall be conducted in the city council chamber unless another place in the City Hall is designated by the city council. Meetings shall recess at the times provided in Rule 7 and shall be subject to recess at other times as provided in subsection c, below. No notice shall be required to be given to any member of any recessed meeting. In the event that Tuesday or Wednesday, or both, of any calendar week falls on a holiday observed by the closure of city offices, then the regular weekly meeting sessions shall be rescheduled or consolidated as determined by the city council. The city council may consolidate daily sessions or reschedule any weekly meeting or daily session thereof to other days and times in the same calendar week and may for valid reason postpone any regular weekly meeting or daily session to another week.
- b. All council members shall be notified of all special meetings of the council, which notice shall be given by the city secretary or some other duly authorized representative of the city. Such notice may be either written or verbal and may be served upon each party in person or through a representative at either a residence or place of business.
- c. Any meetings may be recessed for short periods of time upon majority vote of the members present.
- d. The description, caption or title of each item on the agenda shall be read by the city secretary (or designee) in the city council chamber beginning not earlier than 60 minutes before the scheduled commencement time of the city council meeting session at which the agenda will be considered. The council chamber shall be open to the public at all times during the reading of the agenda.
- e. At the third Wednesday city council meeting session following the fifteenth day of each month, a report by the city administration and the city controller regarding the current financial status of the city including, but not limited to, a revenue, expenditure and encumbrance report for the general fund, all special revenue funds and all enterprise funds and a report on the status of bond funds is presented. The

director of finance and administration and the city controller shall be present to answer questions about their reports at the Wednesday council meeting session and shall be limited to a combined time of 30 minutes. The director of finance and administration and the city controller shall endeavor to furnish their respective reports in written form to the city secretary in sufficient time preceding the council meeting session at which the reports will be formally presented in order that copies of the reports may be distributed to the city council members among the various city council meeting preparation materials with the agenda. When the scheduled presentation of the report would occur at a time that would make it difficult to provide the written report to city council prior to presentation, such as over holiday periods, the administration may postpone the presentation of the report to the following week, provided the director of finance and the city controller mutually agree to do so. Notwithstanding such changes to the schedule, the financial report shall be presented to city council twelve times each year.

Rule 2. Order of Business.

- a. The order of business for the Tuesday session of the regular weekly meeting of the city council shall be:
 1. Calling the roll and marking absences.
 2. Adopting and, if necessary, correcting the minutes.
 3. Presentations to the city council by persons, groups or organizations regarding matters of public interest. Presentations shall be scheduled by councilmembers through the office of the mayor pro tem. The mayor pro tem shall promulgate rules regarding scheduling. No more than three presentations, each not to exceed ten minutes, shall be scheduled for any council meeting. In the event that a quorum is not present at the scheduled time of commencement of the session, the presentations shall nevertheless proceed as scheduled by the mayor pro tem, provided that no business requiring official action of the city council shall commence until a quorum is present and the roll has been called.
 4. Appearances by members of the public, which out of respect to the public, shall commence promptly at 2:00 p.m. as provided in Rule 8.
 - ~~5. Unfinished business.~~

b. The order of business for the Wednesday session of the regular weekly meeting of the city council shall be:

1. Reading of the descriptions, captions or titles of the agenda items by the city secretary (to begin not earlier than 60 minutes before the scheduled commencement time of the session).

2. Hearings.

3. Monthly Financial and Operations Report (when scheduled).
~~At the third Wednesday city council meeting session following the fifteenth day of each month, a report by the city administration and the city controller regarding the current financial status of the city including, but not limited to, a revenue, expenditure and encumbrance report for the general fund, all special revenue funds and all enterprise funds and a report on the status of bond funds is presented. The director of finance and administration and the city controller shall be present to answer questions about their reports at the Wednesday council meeting session and shall be limited to a combined time of 30 minutes. The director of finance and administration and the city controller shall furnish their respective reports in written form to the city secretary in sufficient time preceding the council meeting session at which the reports will be formally presented in order that copies of the reports may be distributed to the city council members among the various city council meeting preparation materials with the agenda.~~

4. Mayor's report

~~4~~ 5. Consent agenda.

~~5~~ 6. Matters removed from consent agenda.

~~6~~ 7. ~~Unfinished business~~ Matters held.

~~7.~~ ~~Mayor's reports.~~

~~8.~~ ~~Special appearances by department directors or other persons, when requested by the mayor or city council.~~

~~9~~ 8. Matters presented by council members.

- c. The agendas posted for each regular weekly meeting of the city council shall separately specify which items will be considered at each session (the Tuesday session and Wednesday session except where the meeting is rescheduled). Unfinished business from the first daily session in any calendar week's meeting shall not be carried over to the second daily session conducted that week.

Rule 3. Consent Agenda.

The mayor may submit all new items of business as a "consent agenda," which may contain one or more ordinances, resolutions or matters incorporated in a written motion as part of the regular agenda of matters to be considered by city council. The items on the consent agenda shall be grouped by category (e.g., miscellaneous; damages; accept work; property; ~~plans~~; purchasing and tabulation of bids; resolutions and ordinances; ~~miscellaneous~~; etc.). Each item on the consent agenda shall be separately identified and designated. No item may be considered as part of the consent agenda unless it has been publicly posted and submitted to council members at least 72 hours in advance of the scheduled time for the council meeting.

In the due order of business, the mayor shall announce that the consent agenda is to be considered and voted upon by the city council. Each category, or group, of items on the consent agenda will then be considered and voted upon by a separate motion made for each group. At any time during the council meeting, prior to the announcement of the vote on a group of items within the consent agenda, any council member may request the deletion of one or more items from consideration as part of that group of items. The making of such a request shall have the effect of removing the matter from the consent agenda without any further council action, and any matter so deleted may not thereafter be considered as an item on the consent agenda. In the event that any agenda item, whether or not on the consent agenda, is not ready for council action at the time it is reached on the agenda, that item shall be placed at the end of the agenda for action by council when all other agenda items have been considered; all publicly posted agendas shall so state.

Where the accomplishment of any specific matter on the city council agenda will require the adoption of more than one ordinance, resolution or motion, all relating to the accomplishment of that same specific matter, ~~(for example, an appropriation ordinance and/or bid approval item relating to a contract approval item for the purchase of an order of goods or the construction of a public works project or for further example, an appropriation ordinance relating to a real property purchase or condemnation item)~~ the city secretary shall endeavor to ~~group the placement of~~ place the related items so related on the agenda in consecutive order. In such cases the first of the related items will be indicated by a number, and the subsequent related items will be indicated by the letter(s) a, b, c, etc. A request by

any council member to remove any one of the items so grouped on the agenda shall be deemed to constitute a request to remove all of the items that are related to the accomplishment of the same specific matter. Where the city secretary has grouped similar but unrelated items for consideration on the agenda ~~(for example, the referral, denial or approval of various unrelated claims by different persons)~~ a request to remove one item shall not be deemed to extend to the other unrelated items.

Each item so deleted from the consent agenda shall be considered immediately after the council action on the entire consent agenda. In the event that more than one item is deleted from the consent agenda, each item shall be considered individually in the order in which it originally appeared on the agenda, unless a majority of members present vote to consider one or more items out of order.

All items so deleted by the request of a council member shall be subject to any other motion or action of council, including a "tag." Prior to the consideration of any group of items within the consent agenda, the city secretary shall announce, by item number, those items that have been eliminated from the consent agenda.

Only one vote shall be taken on all items within any category, or group, remaining on the consent agenda. However, the city secretary shall record such vote as the vote on each separate item within such category or group.

Rule 4. Tag Rule.

Whenever any motion other than a procedural motion, resolution or ordinance (including a motion to amend a proposed motion, resolution, or ordinance) is presented for the first time to the city council, a council member may 'tag' such matter for a period of one week when such action will not render the subject matter moot. If a council member is ~~absent from the city or ill and therefore is marked absent~~ not in attendance for an entire at the council session meeting when a ~~new~~ matter is originated considered for the first time, then that council member shall have the privilege of "tagging" the new matter for a period of one week at a subsequent council meeting, provided such new matter has not previously been finally approved by the city council. A matter is rendered "moot" if its legal effect, or other practical effect, has been defeated by the passage of time. A matter that is postponed to a later time on the same calendar day is still subject to tag. Debate of an item or consideration or adoption of motions relating to an item shall not preclude its being subject to a tag at the meeting when it is first presented, or by an absent member at a subsequent meeting, as provided above.

A council member may exercise a "tag" at any time before voting on the matter has been completed. However, if a roll call vote has been requested, then the "tag" must be exercised before the first member polled has cast a vote.

Whenever an item is tagged, all council members desiring such tag shall be listed by the city secretary, and no tag shall be released prior to the expiration of the one-week period unless all the members so listed have given their release; an item on which all tag(s) have been released shall be reconsidered following consideration of other agenda legislation items.

A motion to approve or disapprove an appointment by the mayor is not subject to a "tag" if written notice of such appointment, including a resume of the proposed appointee, has been delivered to the offices of all council members at least 14 calendar days prior to the meeting at which an appointment is submitted to council for approval. No resume shall be required in the event of a reappointment.

In this rule, references to a "one week period" or a "period of one week" shall be construed to mean the duration of time between one regular weekly meeting of city council and the next, regardless of whether that period may be more or less than seven days.

Rule 5. Attendance at Meetings.

The council members shall attend the regular and special meetings. If any member shall be absent without just cause, the presiding officer may issue a warrant of attachment for such member to compel attendance, which warrant may be executed by any person to whom the presiding officer shall direct the warrant. The council may impose a fine of not more than \$10.00 upon any member failing to attend a meeting without just cause.

Charter References: Power of council to compel attendance of members, Art. VII, § 6.

Rule 6. Decorum.

Each council member shall be permitted to address the chair while either seated or standing and shall not be interrupted while speaking without the speaker's consent except by a call to order of the chair or to correct a statement of fact. The presiding officer of the council may fine any member guilty of indecorum or disorderly conduct in the council not more than \$10.00 or place such person under arrest.

Charter References: Authority to punish members of council for misconduct, Art. VII, § 6.

Rule 7. Recesses.

- a. Regular meetings of the city council shall be in recess between the hours of ~~3:00 p.m. and 3:30 p.m. on Tuesdays~~, between 5:00 p.m. on Tuesdays and 9:00 a.m. on Wednesdays, ~~between 10:30 a.m. and 11:00 a.m. on Wednesdays~~ and between noon and 1:30 p.m. on Wednesdays.

- b. In any instance in which the city council is unable to complete the appearances by members of the public prior to the regularly scheduled 5:00 p.m. recess of the Tuesday session and there remain speakers to be heard who have timely requested to speak on identifiable items of business to be considered on the agenda for the Wednesday session, then any member of the city council may bring the matter to the attention of the mayor. In such instance, the city council may, at the discretion of a majority of the members present, either continue in session or reconvene after a dinner recess on Tuesday for such length of time as may be required to complete the public appearances of those speakers who have requested to speak on identifiable agenda items.
- c. The provisions of subsection b shall not be construed to require the reconvening or continuation of the city council session to hear any speaker whose name was called in due course and who was not present in the city council chambers.

*Rule 8. Appearances by Members of the Public.**

* **Editors Note:** Rules 8 and 10 both provide five minute limitations, but the two limitations operate independently. Rule 8 provides for city council to suspend questioning of a public session speaker after five cumulative minutes of questioning by council members and for the suspended speaker to be asked to wait and return following the other speakers' appearances, if council members desire. Rule 10 limits each council member to five minutes of questioning at a time, per speaker, on a rotating basis. Rule 8 applies during the appearances by members of the public, which are usually presented during the Tuesday afternoon session. Rule 10 applies to all city council debate.

- a. Any citizen of the city shall have a reasonable opportunity to be heard at all regular and special meetings of the city council in regard to any and all matters to be considered at such meetings that are germane and relevant to any subject matter of city affairs or business that is within the scope of the authority and legislative functions of the city council. Such appearances by members of the public shall be scheduled to begin at 2:00 p.m. at the Tuesday session of the regular meetings of city council. The mayor, mayor pro tem, or other presiding officer shall at all times be responsible for conducting the meeting and maintaining proper order and decorum. Any council member shall have the privilege of raising a point of order as to whether the subject matter to be heard and considered as presented by a citizen is germane and relevant to any subject matter of city affairs or business that is to be considered by city council.

Requests to appear shall be made to the office of the city secretary, and may be made in person; or by mail, email, fax, or ~~by~~ telephone, provided that the request is received before the scheduled time of

commencement of the city council meeting session at which public appearances will be heard. Each speaker shall provide his or her name, street address, mailing address (if different), telephone number, and a brief description (not to exceed ten words) of the intended subject matter of the citizen's remarks. Speakers who have not appeared at any of the four preceding regular city council meetings shall also state whether they wish to limit their remarks to one, two or three minutes.

Speakers will be heard in accordance with the following priority:

1. Speakers who have not appeared at any of the four previous weekly city council meetings and whose intended comments as stated in their request relate to an identifiable item of business that will be considered on that week's city council agenda will be heard in the order in which their requests were received with those requesting one minute being first, those requesting two minutes being second, and those requesting three minutes being third. Each speaker shall be limited to one, two or three minutes as specified in the request to appear. The city secretary shall where possible, however, list together and call as a group, in the order of each individual request to appear, of those speakers who indicate they are speaking on the same subject and for the same length of time.
2. Thence, speakers who have not appeared at any of the four previous weekly city council meetings and whose intended comments as stated in their request do not relate to an identifiable item of business that will be considered on that week's city council agenda will be heard in the same manner as provided in item 1, above.
3. Thence, speakers who have appeared at any of the four previous weekly city council meetings will then be heard in the order in which their requests were received for no more than one minute.

~~Questions~~ Council members shall not be asked of speakers questions during their allotted presentation time ~~by the council members~~, nor shall the council members respond to speakers during their presentations. The city council members may pose questions to any speaker about his or her presentation, either following that speaker's presentation or after all speakers have been heard. City council members having questions for a speaker shall request that the speaker remain and return for questions following presentations by all

other speakers unless they believe that the questions of the speaker by all council members can be concluded in five minutes or less. In any instance in which the questioning of a speaker is commenced following the speaker's presentation and is not completed within five minutes, then the questioning shall be suspended and the speaker may be asked to return for the completion of the questioning following the presentations of the other speakers. If any speaker desires to present public charges of misconduct against a named police officer or other city employee, then the speaker shall be placed under oath. Following the presentations by all speakers the city council shall refer, where appropriate, the matters that have been raised.

- b. Notwithstanding the provisions of subsection a, if the total of the times requested by speakers at any council meeting is greater than 150 minutes, the mayor shall so announce and each speaker's time shall be one minute. Furthermore, when the provisions of this subsection are invoked, the question time for city council members shall be limited to a cumulative total of one minute for each speaker, notwithstanding the provisions of this rule and rule 10 to the contrary.
- c. The provisions of this subsection c: shall only be applicable in an instance in which the city council has rescheduled the order of business to be conducted at any weekly meeting in such a manner that the agenda of city business that is usually conducted at the Wednesday session, or a portion thereof, will be taken up prior to the appearances by the public. In any such instance, if there is scheduled any agenda item on which one or more citizens are scheduled to be heard at that meeting, then the consideration of that agenda item will be postponed by the mayor upon the request of any council member until after the conclusion of the public speaker session at which such persons are scheduled to be heard. This rule shall not apply unless the speaker(s) on the agenda item to be postponed are scheduled to appear as of the time that the session is scheduled to commence. A speaker will be considered to be scheduled when that speaker's name has been placed on the speaker list maintained by the city secretary. Furthermore, this provision shall not apply if the postponement would render the agenda item moot.

This postponement provision shall not affect the use of, but shall be supplemental to, the tag rule; provided, however, that any tag must still be exercised on the first day on which a matter is presented to the city council, subject to the exceptions set forth in the tag rule, and the request by any council member that an item be postponed shall not prevent another council member from tagging it in lieu of its postponement hereunder. An item which has been previously tagged

may nevertheless be further postponed hereunder, subject to the rule that it not thereby be rendered moot.

Rule 9. Appearances by Persons Regarding Agenda Items.

~~If, d~~During consideration of an agenda item, the city council ~~elects may, by suspension of the rules, elect to hear from; or question; any city employee, or other person, regarding such agenda item, that item shall be postponed until the end of the agenda, an individual who is not seated at the council table. at which time such person shall be heard and/or questioned.~~ Suspension of ~~any the~~ rules and postponement of the agenda item shall not be necessary for inquiries from city council to the city officials attorney, the agenda director, the director of the finance and administration department, the city secretary or their attending designees who are present at the council table, and such persons may be questioned at the time the agenda item is being considered. For purposes of this rule "agenda item" includes any item on the published agenda or any other matter properly before city council.

*Rule 10. Time Limit on Debate.**

* **Editors Note:** Rules 8 and 10 both provide five minute limitations, but the two limitations operate independently. Rule 8 provides for city council to suspend questioning of a public session speaker after five cumulative minutes of questioning by council members and for the suspended speaker to be asked to wait and return following the other speakers' appearances, if council members desire. Rule 10 limits each council member to five minutes of questioning at a time, per speaker, on a rotating basis. Rule 8 applies during the appearances by members of the public, which are usually presented during the Tuesday afternoon session. Rule 10 applies to all city council debate.

Whenever individual citizens or city employees appear before the city council to speak or to present testimony relative to any item on the agenda, each council member shall limit the questions or remarks for each speaker to an initial maximum period of five minutes, including time used by the speaker to answer the council member's questions. A person answering a question shall be permitted to complete the answer, despite the expiration of the five-minute limit.

In all other deliberations by the city council, the same initial maximum period of five minutes per council member shall apply during the debate of any item on the agenda. A council member may question or remark as to each speaker, or debate any agenda item, for a second maximum period of five minutes, but only after all other council members desiring to be heard on the matter have exercised their initial ~~five minutes of opportunity for~~ questioning, remarks or debate. Subsequent rounds may ensue in the same manner, each limited to five minutes per council member, until all questioning, remarks or debate has been completed.

During hearing of the agenda item entitled "matters presented by council members" each council member shall be limited to ~~a total of ten~~ an initial period of

up to five minutes. After all council members wishing to speak have made remarks in the first round, each member who desires additional time may speak for a second period of up to five minutes. Unused time from the first round shall not carryover to the second round.

Rule 11. Readings Required of Ordinances and Resolutions.

The passage of ordinances, other than on the consent agenda, shall be by reading the same at ~~three~~ two regular meetings by caption or title, unless a reading in full is requested by a council member; provided, however, that all ordinances that are public emergencies may be passed finally on the date of their introduction when so requested by the mayor in writing, by one reading of the caption or title thereof; ~~unless additional readings of such caption or title are requested by a council member, which, in no event, shall exceed three readings of such caption.~~ This rule shall not be applicable to ordinances that are required, by virtue of their subject matter or otherwise, to be read or adopted in a different manner pursuant to applicable provisions of the Charter or state law.

Charter References: Passage of ordinances on date of introduction, Art. VII, § 7.

Rule 12. Appeals to City Council.

Every appeal that is authorized by federal law, state law, the city Charter, or city ordinance to be made to the city council from a decision by an officer, agency, board or commission shall be reviewed by the city council, without the taking of further evidence by city council, on the basis of the record of the decision from which the appeal is taken. Consideration of appeals may be scheduled at any specific time on the agenda, irrespective of the order of business established by these rules.

The director of each department (or a designee), or the presiding officer of a board, commission or agency, or a hearing examiner (the "hearing officer"), as appropriate, shall conduct an evidentiary hearing, the record of which shall be made by a certified court reporter of any matter that may be appealed to the city council.

Each presiding officer or hearing officer shall give written notice to any party appearing in an evidentiary hearing that:

- (1) A court reporter is required to prepare a record in order for there to be an appeal to the city council;
- (2) The party must request, in writing, the presence of a court reporter at the hearing before the hearing officer not less than 24 hours prior to such evidentiary hearing; and

- (3) The party requesting the court reporter agrees to pay all costs of the court reporter, including preparation of transcript(s) for appeal to city council.

In the event that an appeal to the city council is filed by a party to a decision, the city council shall consider the appeal solely on the basis of:

- (1) The written transcript of the hearing conducted below; and
- (2) The written exceptions, if any, of each party to the proceeding to the facts and administrative rulings and decisions made by the officer, agency, board or commission.

In the event that city council finds that the record is incomplete or inadequate, the city council may refer the matter to the officer, agency, board or commission for further proceedings. All decisions of the council on the record, other than a referral for further proceedings, shall be final and not subject to further appeal or rehearing.

The provisions of this rule shall not apply to any appeal on which evidence is required to be taken by the city council pursuant to applicable provisions of state or federal law or the city Charter.

Rule 13. Roll Call Vote.

A vote shall be taken by roll call at the request of any council member. A council member may not abstain or pass on any vote.

Rule 14. Questions of Order.

All questions of order shall be decided by the presiding officer, with the right of appeal to the city council, the majority of whom may override the ruling.

Rule 15. City Secretary as Clerk.

The city secretary shall be the clerk or secretary of the council, whose duty it shall be to act as reading and recording clerk to the council and to certify the correctness of the minutes and the journals and to perform such other duties as may be required by the city council and the mayor.

Rule 16. Confirmations and Approvals.

All confirmations or approvals required by the city council shall be made by a majority vote of the members present at such council meeting at the time of such confirmation or approval. It shall be assumed the council member is voting "aye" or

"yes" unless he audibly votes "nay" or "no"; i.e., silence during a voice vote shall be recorded as an "aye" or "yes" vote.

Rule 17. Motions.

All oral motions must be seconded before being put by the chair and upon the request of any council member shall be reduced to writing by the party making the same. Written motions shall require no second.

Rule 18. Motion to Reconsider.

When a question has once been determined by the city council, the same question shall not again be considered until 90 days thereafter, and then only by motion to reconsider made by a member who voted with the prevailing side of such question.

Rule 19. City Council Appointments.

- a. *Notice to nominate.* Where an appointment to a board, commission, or similar entity is decided through nomination and confirmation by the city council ("council appointment"), any member of council shall have the right to make a motion in open session of council that an item appear on the printed agenda (the "agenda") not less than seven days thereafter to consider nominations for such council appointment. At the time the motion is made, the member making the motion shall provide to those members of council present the name of the board, commission, or similar entity for which the nomination is being made, the length of the term for that position, the incumbent for that position, and the expiration date for that incumbent's term.
- b. *Making nominations.* When the item to consider nominations for such council appointment is reached on the agenda, each council member, including the mayor, shall have the right to make one or more nominations. Where more than one council appointment to the same board, commission, or similar entity is to be voted upon, then each nomination shall be to a specified position. Each council member who makes a nomination shall, at the time of such nomination, submit to the city secretary, the mayor, and to each other council member, a resume for the nominee. If a council member fails to provide such a resume, the nomination shall be void. The resume shall include at least the nominee's full name, current residence address, current business address, residence and business telephone numbers, employment history for the preceding six years, and a record of all other public positions currently or previously held, whether elected or appointed. Neither the item to consider nominations to such council

appointment or the nomination or nominations by a council member shall be subject to tag.

- c. *Vote on nomination.* The vote on a council appointment shall be taken seven days after nominations to the council appointment are presented in open council meeting. This provision can be suspended, and the vote taken in less than seven days, if the matter is properly posted under state law. If more than one council appointment to a particular board, commission, or similar entity is being voted upon, the candidates for each position shall be voted upon separately. If no nominee for a particular council appointment receives a majority of the votes cast for that position, then council shall, by majority vote, choose between those two candidates having the greatest number of votes. In the event of a tie, the council shall vote again. If the result is again a tie, then the election shall be decided by the drawing of lots.

Rule 20. Suspension of Rules.

Any one or all of these rules may be suspended by a vote of ten council members, except such rules that embody provisions of the Charter, identically or substantially. The rules may be suspended only for a specific purpose, and immediately following the achievement of that purpose, the rules shall again be in full force and effect, subject to further suspension by motion.

Rule 21. Robert's Rules of Order Newly Revised.

The rules of procedure as stated in the current edition of "Robert's Rules of Order Newly Revised" shall govern the proceedings of the city council except when in conflict with the provisions of state law, the Charter or city ordinances or the rules of procedure adopted hereby.

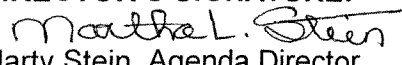
Rule 22. Posters in Council Chambers, Applause, Booing; Containers at Speakers' Podium; Decorum.



- a. No person shall brandish, wave or display or cause to be brandished, waved or displayed any sign, placard, poster or banner within the city council chambers in such a manner as to impede the use of the aisles, interfere with the use of the seating area, obstruct the view of another or in any other manner disturb or interfere with the orderly conduct of the meeting at any time during which the city council is conducting a meeting in the city council chambers.
- b. Only one person at a time shall be permitted to stand at the speaker's podium, unless the speaker requires an interpreter or other special assistance or during a presentation by a council member.

- c. No person making an appearance before the city council pursuant to Rule 8 of these rules shall have in his or her possession while at the public speakers' podium any paper bag, plastic bag, handbag, briefcase, purse, satchel, box, envelope, tape recorder or other container of any sort. A shelf drawer shall be provided near the speakers' podium at in which handbags, briefcases and other small items may be placed during an appearance.
- e d. No person within public aisles or seating area of the city council chambers shall applaud, boo, clap, or otherwise audibly express approval or disapproval of the actions being taken at the city council table or the public speakers' podium in a loud and raucous manner calculated to disturb the meeting, except for public recognition initiated by city council.
- e. Citizens appearing before city council are expected to do so without being disorderly or disruptive of the proceedings.
- d f. Violation of this rule shall not be a municipal offense; however, any police officer or other person assigned to provide security for the council meeting shall advise any person who fails to comply with this rule of his or her noncompliance. Any person who, after having been advised of his or her noncompliance, continues to violate ~~subsection a., or c., of this rule~~ shall be ejected by the security personnel from the council chambers for the noncompliance with this rule. ~~Any person who, after being advised of his or her noncompliance continues to violate subsection b., of this rule shall be removed by the security personnel from the public speakers' podium.~~ The operation of this rule shall not be construed to preclude any person from prosecution for violation of any applicable penal law.

Charter References: Authority of council to prescribe its rules, Art. VII, § 6; presiding officer, Art. VII, §§ 3, 6.

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Section 2-2 of the Code of Ordinances relating to City Council rules of procedure		Page 1 of 1	Agenda Item # 11
FROM (Department or other point of origin): Mayor's Office		Origination Date: September 17, 2008	Agenda Date: SEP 30 2008
DIRECTOR'S SIGNATURE:  Marty Stein, Agenda Director		Council District affected: All	
For additional information contact: Larry Schenk 832-393-6447		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Adopt ordinance amending Section 2-2 of the Code of Ordinances relating to City Council rules of procedure			
Amount and source of funding: Not applicable			Finance Dept.
EXPLANATION: <p>The City Council rules of procedure are codified in Section 2-2 of the Code of Ordinances. The proposed amendments include changes to time limits for "pop-off" and the scheduling of the Monthly Financial and Operations Report (MFOR) presentation, the addition of provisions regarding decorum, and other changes to update and clarify the Council rules.</p> <p>The change to "pop-off", which is referred to in the rules as "matters presented by Council Members," is contained in Rule 10 regarding time limit for debate. Currently during pop-off each Council Member may speak for 10 minutes. With the proposed change each Member would have an initial period of up to <u>five</u> minutes, and when all those who wish to speak have concluded the first round, those who need additional time may speak for a second period of up to five minutes.</p> <p>The Council Rules currently address decorum only with respect to Council Members. The proposed amendments add provisions that the Mayor or chair has a responsibility to maintain decorum, that public speakers are expected to conduct themselves in a manner that is not disorderly or disruptive, and that only one public speaker at a time may stand at the podium, unless the individual needs an interpreter or other special assistance.</p> <p>Also proposed is a change regarding the scheduling of the MFOR to allow the administration to postpone a report if its presentation would occur during a City holiday period or a time when it would be difficult to publish the report in advance. Such a change currently would require Council action. With the amendment, the report could be postponed by mutual agreement of the City Controller and the Finance Department Director, provided there still would be 12 reports within the year.</p> <p>Other changes are proposed to make the rules more transparent and easier to understand. For example, the revisions clarify that Council may consider items out of order by a majority vote, that a Member's silence during a voice vote is recorded as a "yes" or "aye" vote, that a Council Member who is recorded absent for the entire session when an item is considered for the first time may "tag" (delay for one week) the item at a subsequent session, and that the City Secretary shall endeavor to group Public Speakers together who are appearing on the same subject and for the same amount of time.</p>			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

SUBJECT: Revision to Chapter 14 of the City Of Houston Code of Ordinances, Pertaining to Vacation		Category # 3	Page 1 of 1	Agenda Item # 11-1
FROM (Department or other point of origin): Human Resources Department		Origination Date September 19, 2008	Agenda Date SEP 24 2008	
DIRECTOR'S SIGNATURE: 		Council District affected: N/A		
For additional information contact: Candy Clarke Aldridge, Acting HR Director Phone: 713-837-9333 		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) The Human Resources Department recommends a revision to Chapter 14-170 of the Code of Ordinances relating to vacation accruals exceeding the maximum limit for a limited period of time. This affects municipal and Fire Classified employees. Police classified employees have a separate Paid Time Off program which does not include these maximums.				
Amount of Funding: N/A			F & A Budget:	
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: In light of the heightened needs for City services and operations precipitated by Hurricane Ike, employee staffing is critical. Since many employees are not able to use vacation time due to staffing needs for Hurricane Ike activities, the Human Resources Department recommends amending Section 14-170 so employees do not potentially lose vacation accrual benefits because their vacation balances have reached the ordinated maximum. Effective September 11, 2008, accruals of vacation time that exceed the accrual maximum limits (720 hours for those employees hired before January 1, 2000 and 360 hours for those employees hired after January 1, 2000) the maximum accrual limit will be eliminated for 90 days. These accruals above the maximum must be used within 180 days following September 11, 2008 on a last-in, first-out basis. The Mayor may extend either period as warranted.				

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

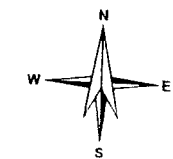
SUBJECT: Ordinance authorizing the sale of 2,948 square feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. Parcel SY7-134		Page 1 of 1	Agenda Item # <i>12</i>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date <i>9/17/08</i>	Agenda Date <i>SEP 24 2008</i>
DIRECTOR'S SIGNATURE: <i>MS Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		Council District affected: F <i>W9b</i> Key Map 529A	
For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate <i>let h NPC</i>		Date and identification of prior authorizing Council Action: C.M. 2007-0821 (8/8/07)	
RECOMMENDATION: (Summary) It is recommended City Council approve an Ordinance authorizing the sale of 2,948 square feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. Parcel SY7-134			
Amount and Source of Funding: Not Applicable			
SPECIFIC EXPLANATION: By Motion 2007-0821, City Council authorized the sale of ±3,060 square feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. Subsequent to passage of the Motion the required survey determined the correct square footage as 2,948 square feet. Preach The Word Evangelical Church, Inc., the abutting property owner, wants to incorporate the property being sold into its abutting property for additional vehicle parking. Preach The Word Evangelical Church, Inc. has complied with the Motion requirements, has accepted the City's offer, and has rendered payment in full. The City will sell to Preach The Word Evangelical Church, Inc. Parcel SY7-134 2,948 square feet of street right-of-way \$22,110.00 Valued at \$7.50 per square foot TOTAL ABANDONMENT <u>\$22,110.00</u> In exchange, Preach The Word Evangelical Church, Inc. will pay Cash \$22,110.00 TOTAL CASH <u>\$22,110.00</u> Therefore, it is recommended City Council approve an Ordinance authorizing the sale of 2,948 square feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision, in exchange for a consideration of \$22,110.00. MSM:NPC:dob c: Raymond D. Chong, P.E., P.T.O.E. Marlene Gafrick Reid Mrsny, P.E. Marty Stein <i>MSM</i>			
dob\sy7-134.rc2.doc		CUIC #20DOB033	
REQUIRED AUTHORIZATION			
Finance Department:	Other Authorization:	Other Authorization: <i>AF Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division	

SUBJECT: Sale of 2,948 square feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. **Parcel SY7-134**

Harris County Appraisal District



0 100 200
PUBLICATION DATE:
5/16/2007



MAP LOCATION



FACET 4855D

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

WEST HOUSTON CENTER BL

CLODINE ROAD

5TH STREET

G STREET

6TH STREET

7TH STREET

H STREET

ALIEF MONTESSORI COMMUNITY SCHOOL II

J STREET

K STREET

L STREET

6TH STREET

7TH STREET

KIRKWOOD DRIVE

DAIRY 011-081 12000 28.100 AC. 011-082-000-0005

90M 011-134-000-0010 1.2504 AC A117

RES A 011-945-001-0001 1.5050 AC 123-945

DAIRY PROPER 011-125

011-134-000-0100 3.1000 AC.

4855D6

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Bishop Amos O. Oyewale of Preach the Word Evangelical Church, Inc., 4134 South Kirkwood Drive, Houston, Texas, 77072, for the sale of ±3,060-square-feet of excess fee-owned Kirkwood Drive Right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision, Parcel No. SY7-134, be adopted as follows:

1. The City sell the ±3,060-square-feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision;
2. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the property being sold;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the property interest is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Alvarado and carried.

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

PASSED AND ADOPTED this 8th day of August, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is August 14, 2007.




City Secretary

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the creation of 122.482 acres of land as Harris County Fresh Water Supply District No. 48 (Key Map No.377-N,P,S & T)	Category #	Page 1 of 1	Agenda Item # 13
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/17/08	Agenda Date SEP 24 2008
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DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., DEE, Director	Council District affected: "ETJ"
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For additional information contact: Jun Chang, P.E.  Senior Assistant Director Phone: (713) 837-0433	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the creation of 122.482 acres of land as Harris County Fresh Water Supply District No. 48 be approved.

Amount of Funding: NONE REQUIRED	F & A Budget:
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SOURCE OF FUNDING: ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund
☐ Other (Specify)

SPECIFIC EXPLANATION:

The owners of 122.482 acres of land, located in the city's extraterritorial jurisdiction, have petitioned the City of Houston for consent to create a district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.


The district is located in the vicinity of West Lake Houston Parkway, Will Clayton Parkway and Lockwood Street. The district will consist of 122.482 acres. The district will be served by a regional plant, Harris County MUD No. 400/City of Houston Wastewater Treatment Plant. The other districts served by this plant are Harris County Municipal Utility District No. 499, Harris County Municipal District No. 422 and Harris County Municipal Utility District No. 423. The nearest major drainage facility for Harris County Fresh Water Supply District No. 48 is Lake Houston.

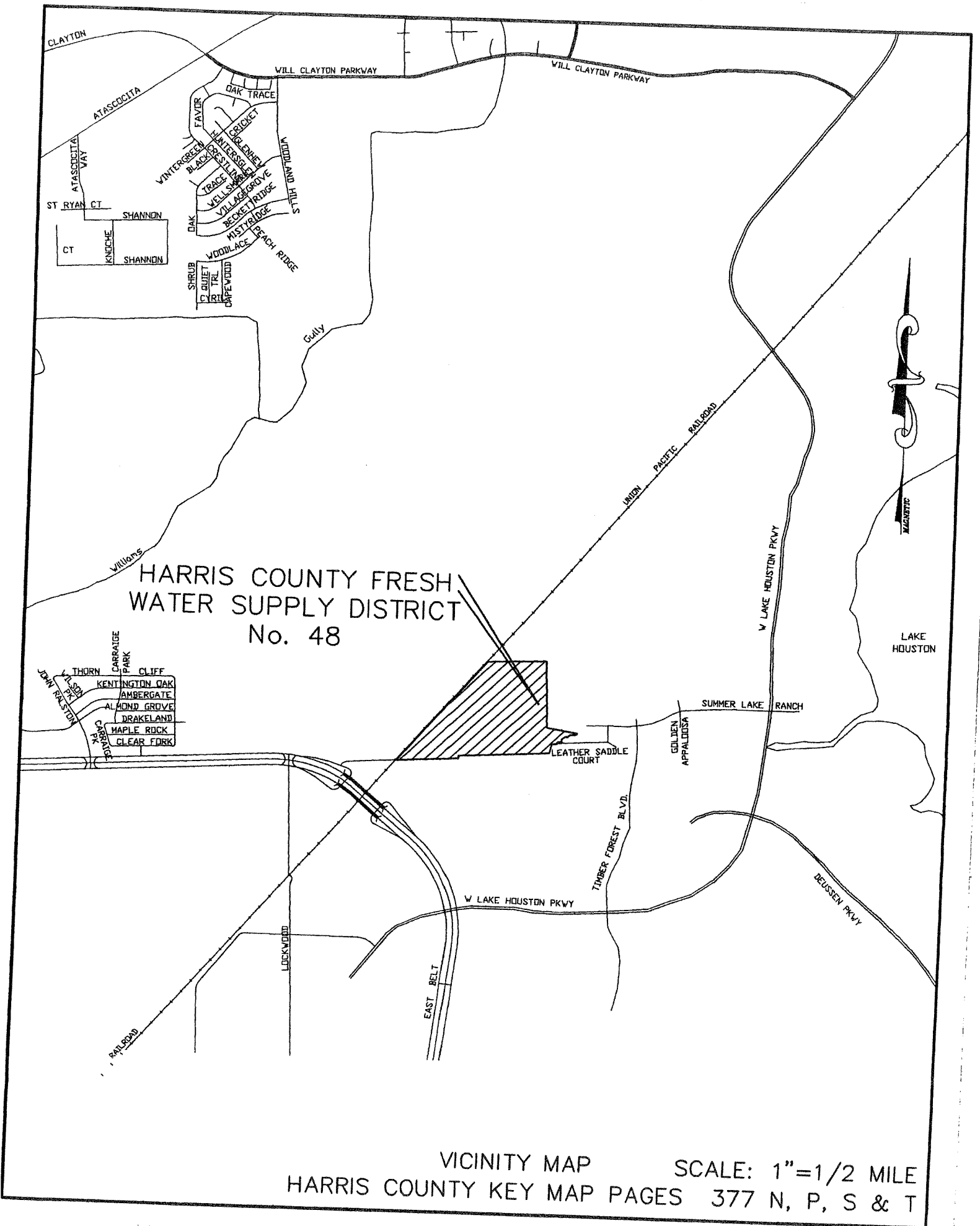
Potable water will be provided by Aqua Texas. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

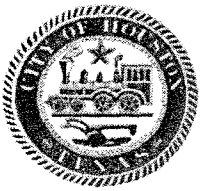
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Mark Loethen
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

REQUIRED AUTHORIZATION 20JZC461	
Finance Department	Other Authorization:  Andrew F. Icken Deputy Director Planning & Development Services Div.
Other Authorization:	





CITY OF HOUSTON

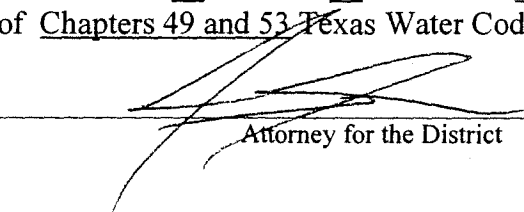


Department of Public Works and Engineering
Water District Consent Application Form

03-10-07 P12:06 RCVD

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

Application is hereby made for consent of the City of Houston to the ☒ creation/ ☐ addition of 122.482 acres to Harris Co. FWSD No. 48 under the provisions of Chapters 49 and 53 Texas Water Code.


Attorney for the District

Attorney: Coats Rose attn:Tim Green

Address: 3 Greenway Plaza, Suite 2000, Houston, Tx

Zip: 77046-0307

Phone: 713-653-7360

Engineer: Benchmark Engineering Corp attn: Saib Saour

Address: 2401 Fountainview, Suite 500

Zip: 77057

Phone: 713-266-9930

Owners: West Lake Houston Investments, Ltd.

Address: 600 Rockmead, Suite 105, Kingwood, Tx

Zip: 77339

Phone: 281-359-1177

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

LOCATION

INSIDE CITY ☐
Survey Victor Blanco

OUTSIDE CITY ☒

NAME OF COUNTY (S) Harris
Abstract No. 2

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

North of: West Lake Houston Parkway

East of: Lockwood Street

South of: Will Clayton Parkway

West of: West Lake Houston Parkway

WATER DISTRICT DATA

Total Acreage of District: 122.482

Existing Plus Proposed Land 122.482

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

Single Family Residential 100%

Multi-Family Residential ____

Commercial ____

Industrial ____

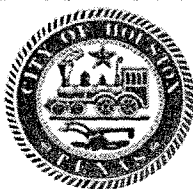
Institutional ____

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

Sewage Treatment Plant Name: HCMUD #400 and City of Houston

NPDES/TPDES Permit No: N/A

TCEQ Permit No: N/A



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): proposed

Ultimate Capacity (MGD): 2.6564

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

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: _____ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: HCMUD 499

MGD Capacity Allocation 0.6567

or property owner(s)

Name of District: HCMUD 400

MGD Capacity Allocation 0.7402

Water Treatment Plant Name: Summer Lake Ranch

Water Treatment Plant Address: 12301 Summer Lake Ranch Drive

Well Permit No: 1013187

Existing Capacity:

Well(s): 325

GPM

Booster Pump(s): 1,625

GPM

Tank(s): 0.01

MG

Ultimate Capacity:

Well(s): 325

GPM

Booster Pump(s): 1,625

GPM

Tank(s): n/a

MG

Size of Treatment Plant Site: 2.0 acres

square feet/acres.

Comments or Additional Information: AquaTexas owns plant and operates under CCN # 12902

Plant is under city of Houston GRP program.

Additional Information for FWSD #48 Water District Consent Application Form

Additional Districts to be served by proposed Regional Wastewater Plant

HCMUD #422	MGD Capacity Allocation <u>0.2583</u>
HCMUD #423	MGD Capacity Allocation <u>0.4252</u>
City of Houston	MGD Capacity Allocation <u>0.4500</u>
FWSD #48	MGD Capacity Allocation <u>0.1260</u>

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 2.7652 acres of land to Harris County Municipal Utility District No. 165 (Key Map No. 406-R)

Category #

Page 1 of 1

Agenda Item #

14

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

9/17/08

SEP 24 2008

DIRECTOR'S SIGNATURE

Michael S. Marcotte, P.E., DEE

Council District affected: "ETJ"

For additional information contact:

Jun Chang, P.E. Senior Assistant Director Phone: (713) 837-0433

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 2.7652 acres of land to Harris County Municipal Utility District No. 165 be approved.

Amount of Funding:

NONE REQUIRED

SOURCE OF FUNDING: [] General Fund [] Grant Fund [] Enterprise Fund

[] Other (Specify)

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 165 has petitioned the City of Houston for consent to add 2.7652 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of FM 529, Greenhouse Road, Longenbaugh, and Barker Cypress. The district desires to add 2.7652 acres, thus yielding a total of 2,729.6512 acres. The district is served by the Harris County Municipal Utility District No. 165 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 165 is Dinner Creek which flows to Langham Creek then to Bear Creek then into South Mayde Creek which flows into Buffalo Bayou and finally into the Houston Ship Channel.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

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

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Mark Loethen
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

REQUIRED AUTHORIZATION

20JZC468

Finance Department

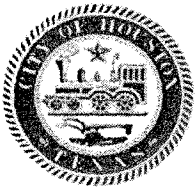
Other Authorization:

Andrew F. Icken

Deputy Director

Planning & Development Services Div.

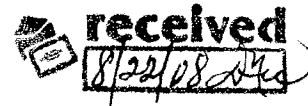
Other Authorization:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 2.7652 acres to Harris County MUD No. 165 under the provisions of Chapter 49 Texas Water Code.

Attorney for the District

Attorney: Jessica Holoubek-Allen Boone Humphries Robinson

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027

Phone: 713-860-6406

Engineer: David B. Keel, P.E., KMS Engineering, LLP

Address: 2550 Gray Falls, Suite 215, Houston, TX Zip: 77077

Phone: 281-598-0000

Owners: Almaas & Sarah, Inc.

Address: c/o Imran Baig, IBA Design, 1221 Montcliff Ct.,
Houston, TX

Zip: 77006

Phone: 832-858-9533

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

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey JC OGBURN

NAME OF COUNTY (S) Harris

Abstract 616

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

North of: FM 529

East of: Greenhouse Road

South of: Longenbaugh

West of: Barker Cypress

WATER DISTRICT DATA

Total Acreage of District: 2,726.886

Existing Plus Proposed Land 2,729.6512

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

Single Family Residential _____

Multi-Family Residential _____

Commercial 100% Industrial _____

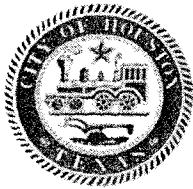
Institutional _____

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

Sewage Treatment Plant Name: HC MUD 165 Wastewater Treatment Plant

NPDES/TPDES Permit No: WQ00114583001

TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.35

Ultimate Capacity (MGD): 2.0

Size of treatment plant site: 5.0 ac square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 2.0 MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: HC MUD 165 Water Plants No. 1 & 2

Water Treatment Plant Address: River Pines Dr. & Raven Rock Ln

Well Permit No: 121545

Existing Capacity:

Well(s): 1500, 1200

GPM

Booster Pump(s): 8 @ 1,500

GPM

Tank(s): 1.1

MG

Ultimate Capacity:

Well(s): Surface

GPM

Booster Pump(s): 16 @ 1,500

GPM

Tank(s): 2.3

MG

Size of Treatment Plant Site: 2 ac Ea.

square feet/acres.

Comments or Additional Information: _____

H.C.M.U.D.
No. 165

Langham

ANNEXATION
TRACT

KMS Engineering, LLP

2550 GRAY FALLS - SUITE 215
281-598-0000 HOUSTON, TEXAS ZIP 77077

HARRIS COUNTY M.U.D. NO. 165

EXHIBIT
ANNEXATION TRACT
2.7652 ACRES

418

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 1.445 acres of land to Harris County Municipal Utility District No. 191 (Key Map No. 369-H)

Category #

Page 1 of 1

Agenda Item # 15

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

9-4-08

SEP 24 2008

DIRECTOR'S SIGNATURE

Michael S. Marcotte, P.E., DEE

Council District affected:
"ETJ"

For additional information contact:

Jun Chang, P.E.

Senior Assistant Director Phone: (713) 837-0433

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 1.445 acres of land to Harris County Municipal Utility District No. 191 be approved.

Amount of Funding:

NONE REQUIRED

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

Harris County Municipal Utility District No. 191 has petitioned the City of Houston for consent to add 1.445 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of State Highway 249 and Cutten Road. The district desires to add 1.445 acres, thus yielding a total of 425.7740 acres. The district is served by the Harris County Municipal Utility District No. 191 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 191 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

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

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Mark Loethen
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

REQUIRED AUTHORIZATION

20JZC462

Finance Department

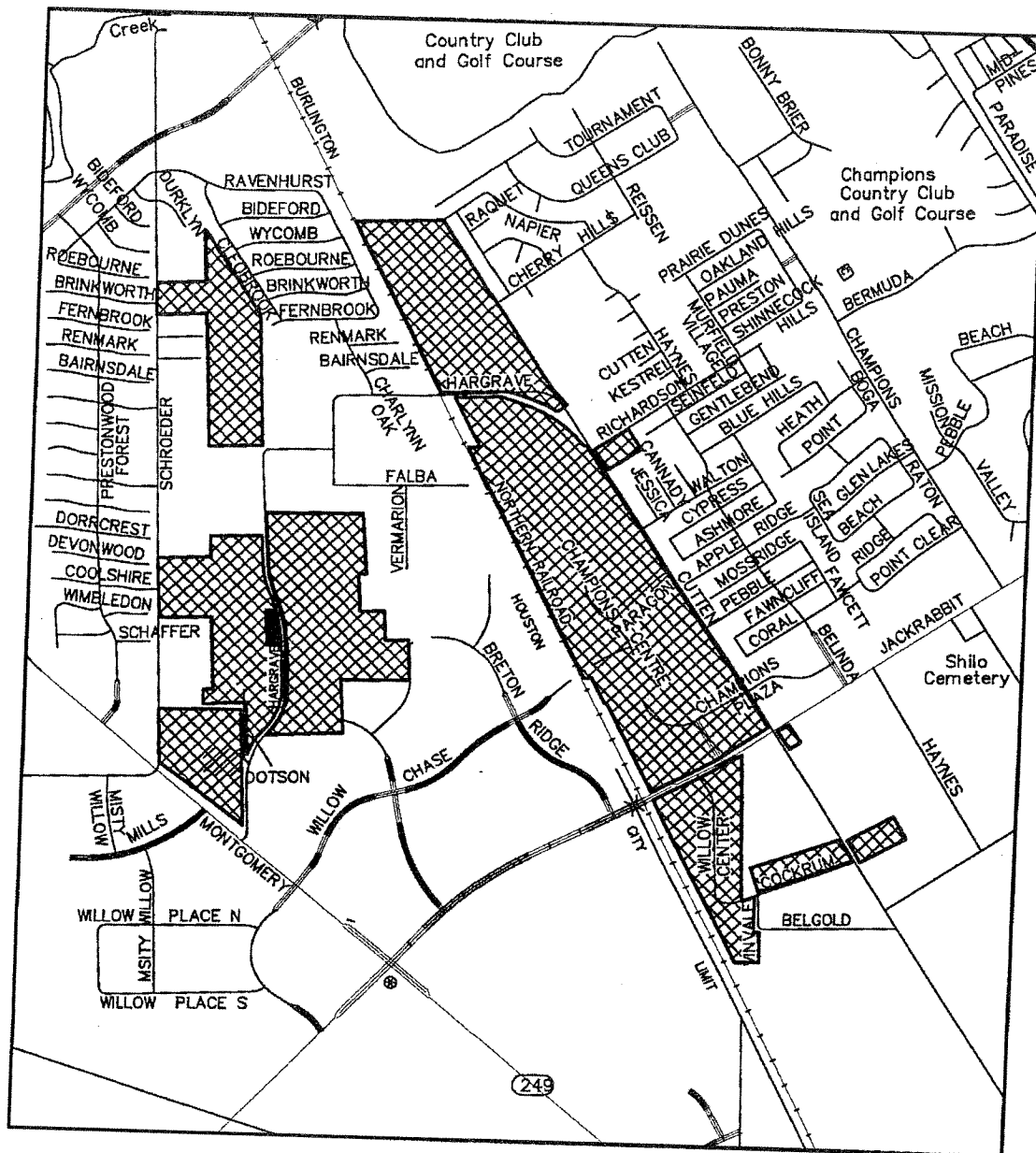
Other Authorization:

Andrew F. Icken

Deputy Director

Planning & Development Services Div.

Other Authorization:



NORTH

LEGEND



PROPOSED TRACT



EXISTING DISTRICT

VICINITY MAP OF 1.445 ACRE PROPOSED ANNEXATION TRACT HARRIS COUNTY, TEXAS AUGUST 2008

JC JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS
6335 Gulfport Dr., Suite 100 Houston, Texas 77061 (713) 777-5337

HC MUD 191



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 1.445 acres to Harris County M.U.D. No. 191 under the provisions of Chapter 49 and 54 Texas Water Code.

[Signature]
Attorney for the District

Attorney: Michail A. Cole

Address: 5120 Bayard Lane, Houston, TX

Zip: 77006

Phone: 713/880-3800

Engineer: Bradley Jenkins, P.E., Jones & Carter, Inc.

Address: 8701 New Trails Dr., Suite 200, The Woodlands

Zip: 77381

Phone: 281/363-4039

Owners: KMY Realty Invistments, LLC (Kevin M. Young)

Address: 13910 Winding Springs Dr., Houston, TX

Zip: 77429

Phone: _____

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

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

NAME OF COUNTY (S) Harris

Survey _____

Abstract _____

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

North of: S.H. 249

East of: S.H. 249

South of: _____

West of: Cutten Rd.

WATER DISTRICT DATA

Total Acreage of District: 424.329

Existing Plus Proposed Land 425.774

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

Single Family Residential _____

Multi-Family Residential _____

Commercial 100%

Industrial 0

Institutional 0

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

Sewage Treatment Plant Name: H. C. M.U.D. No. 191 Sewage Treatment Plant

NPDES/TPDES Permit No: TPDES-WQ0014447001 TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): .710

Ultimate Capacity (MGD): .710

Size of treatment plant site: 2.2ac square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: .710 MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: M.U.D. No. 191 Water Plant

Water Treatment Plant Address: 7150 Paragon Court

Well Permit No: 3751

Existing Capacity:

Well(s): 1,368

GPM

Booster Pump(s): 3,000

GPM

Tank(s): .429

MG

Ultimate Capacity:

Well(s): 1,368

GPM

Booster Pump(s): 3,000

GPM

Tank(s): .429



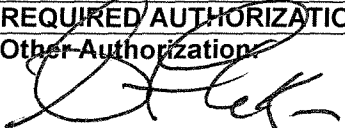
MG

Size of Treatment Plant Site: .6ac

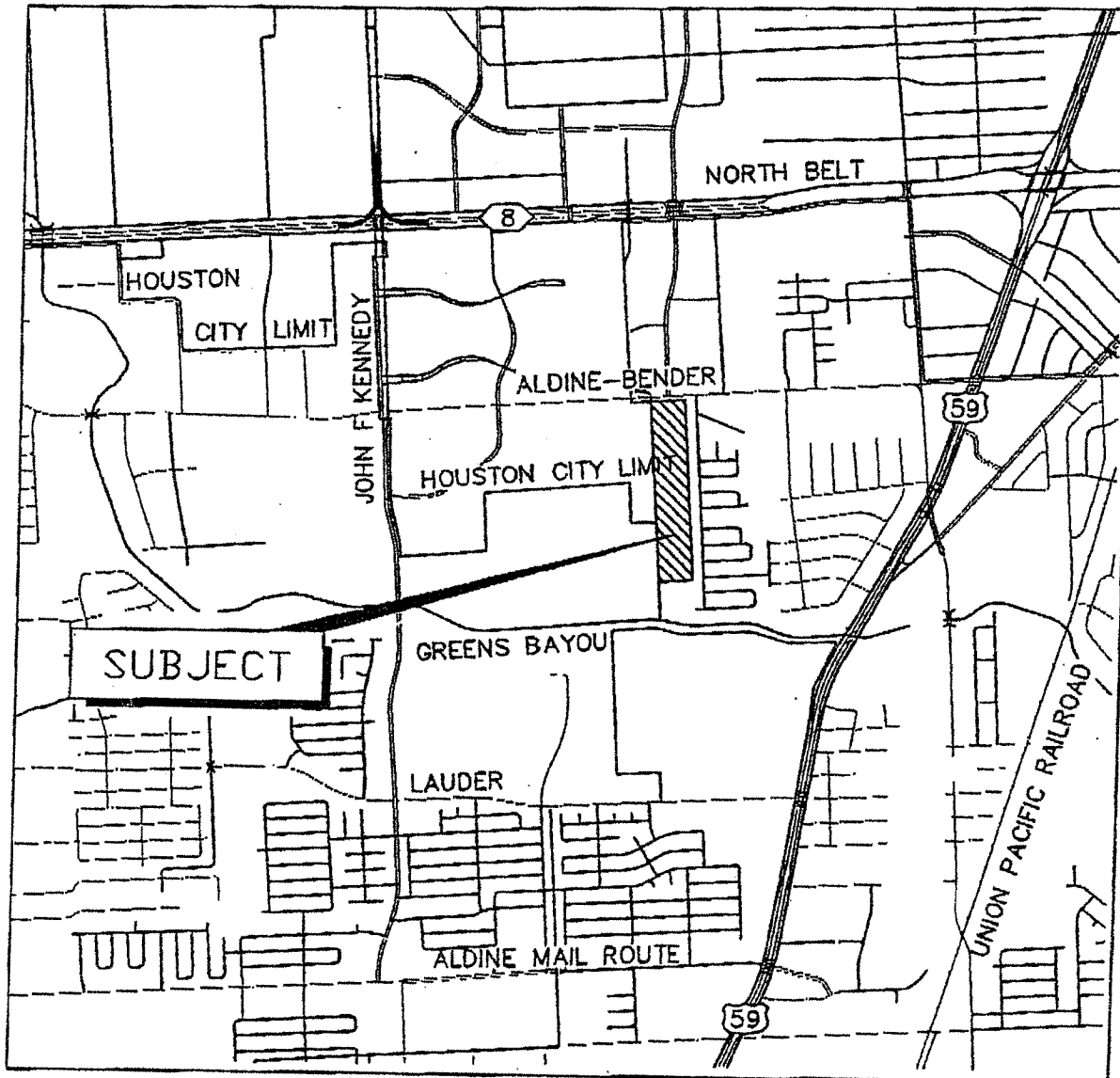
square feet/acres.

Comments or Additional Information: _____

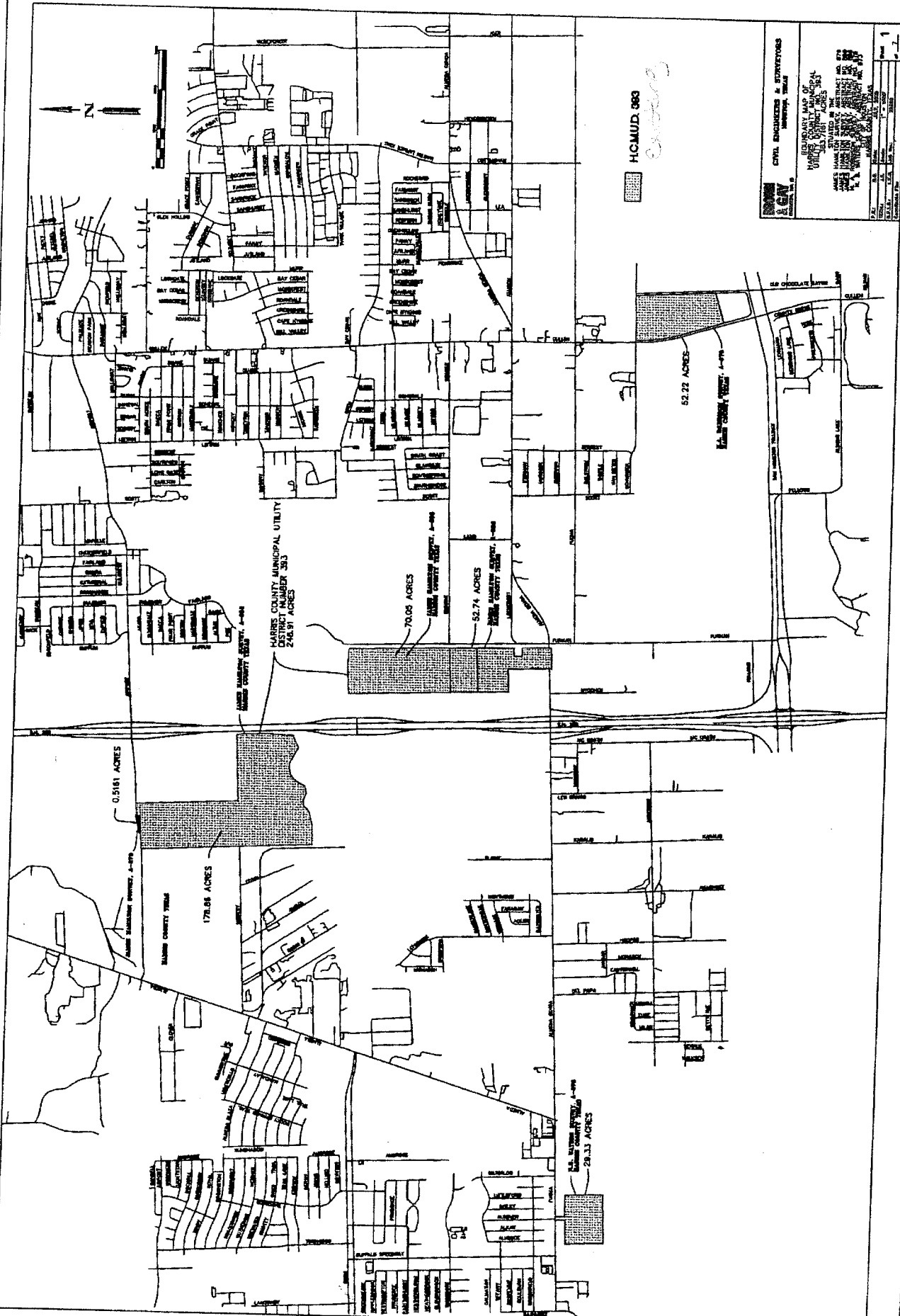
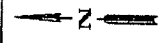
TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 42.60 acres of land to the in-city district, Harris County Municipal Utility District No. 393 (Key Map No. 374-Y)		Category #	Page 1 of <u>1</u>	Agenda Item # 16
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/18/08		Agenda Date SEP 24 2008
DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., DEE		Council District affected: "B & D"		
For additional information contact: Jun Chang, P.E.  Senior Assistant Director Phone: (713) 837-0433		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) The petition for the addition of 42.60 acres of land to the in-city district, Harris County Municipal Utility District No. 393 be approved.				
Amount of Funding: NONE REQUIRED				
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: Harris County Municipal Utility District No. 393 has petitioned the City of Houston for consent to annex 42.60 acres to its district located entirely within the corporate limits of the city. The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services. The district is located in the vicinity of Greens Bayou, John F. Kennedy Boulevard, Aldine Bender Road, and Interstate Highway 59. The district desires to add 42.60 acres, thus yielding a total of 426.3161 acres. The district is served by the City of Houston's Almeda Sims Regional Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 393 is Greens Bayou which flows into the Houston Ship Channel. Potable water is provided by the City of Houston. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction. The Utility District Review Committee recommends that the subject petition be approved. Attachments cc: Marty Stein Marlene Gafrick Jeff Taylor Mark Loethen Bill Zrioka Waynette Chan Deborah McAbee Gary Norman				
Finance Department		REQUIRED AUTHORIZATION Other Authorization:  Andrew F. Icken Deputy Director Planning & Development Services Div.		
		20JZC376 Other Authorization:		

HC 393



VICINITY MAP
KEY MAP 374 Y
(NOT TO SCALE)
*Proposed 42.60
Acre Addition*



HCMUD 380

CIVIL ENGINEERS & SURVEYORS
J. C. GAVIN

BOUNDARY MAP OF
HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 383
JULY 1980
JAMES HARRIS COUNTY, TEXAS
JAMES HARRIS COUNTY, TEXAS
JAMES HARRIS COUNTY, TEXAS

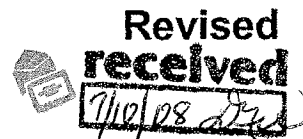
DATE	7/1/80
BY	J. C. GAVIN
FOR	HARRIS COUNTY, TEXAS
PROJECT	BOUNDARY MAP OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383
SCALE	1" = 100'
REVISIONS	
NO.	1
DATE	7/1/80
BY	J. C. GAVIN
FOR	HARRIS COUNTY, TEXAS
PROJECT	BOUNDARY MAP OF HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 383
SCALE	1" = 100'



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 42.60 acres to Harris County MUD No. 393 under the provisions of Chapters 49.301 and 54.016 Texas Water Code.

Martha Bersch
Attorney for the District

Attorney: Martha T. Bersch, Schwartz, Page & Harding, L.L.P.

Address: 1300 Post Oak Blvd., Suite 1400, Houston, Texas Zip: 77056 Phone: 713-623-4531

Engineer: Steve Nastri, Brown & Gay Engineers, Inc.

Address: 10777 Westheimer, Suite 400, Houston, Texas Zip: 77042 Phone: 281-558-8700

Owners: Hannover Estates, Ltd.

Address: 1616 Voss, Suite 618, Houston, Texas Zip: 77057 Phone: 713-784-6102

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

LOCATION

INSIDE CITY ☒ OUTSIDE CITY ☐ NAME OF COUNTY (S) Harris
Survey Thomas Normants Abstract 601

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

North of: Greens Bayou East of: John F. Kennedy Blvd.
South of: Aldine Bender Rd. West of: Interstate Hwy 59

WATER DISTRICT DATA

Total Acreage of District: 383.7161 Existing Plus Proposed Land 426.3161

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

Single Family Residential 0% Multi-Family Residential 0%

Commercial 100% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: City of Houston - See Additional Comments Section

NPDES/TPDES Permit No: City of Houston TCEQ Permit No: City of Houston



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): _____

Ultimate Capacity (MGD): _____

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

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: _____ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: City of Houston - Add'l Comments Below

Water Treatment Plant Address: City of Houston

Well Permit No: City of Houston

Existing Capacity:

Well(s): _____ GPM

Booster Pump(s): _____ GPM

Tank(s): _____ MG

Ultimate Capacity:

Well(s): _____ GPM

Booster Pump(s): _____ GPM

Tank(s): _____ MG

Size of Treatment Plant Site: _____ square feet/acres.

Comments or Additional Information: HCMUD No. 393 has contracted with the City of Houston for

Water and Wastewater Service. See Contract No. 55470 for details of the Water and Waste-

water Treatment Facilities to serve this tract.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 70.295 acres of land to Montgomery County Municipal Utility District No. 84 (Key Map No. 295-L, M)

Category #

Page
1 of 1

Agenda Item #
17

FROM (Department or other point of origin):

Origination Date

9-4-08

Agenda Date

SEP 24 2008

Department of Public Works and Engineering

DIRECTOR'S SIGNATURE

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

Council District affected:
"ETJ"

For additional information contact:

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

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 70.295 acres of land to Montgomery County Municipal Utility District No. 84 be approved.

Amount of Funding:

NONE REQUIRED

SOURCE OF FUNDING: ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

Montgomery County Municipal Utility District No. 84 has petitioned the City of Houston for consent to add 70.295 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of North Park Drive, Sorters Road, FM 1314 and US Highway 59. The district desires to add 70.295 acres, thus yielding a total of 437.076 acres. The district is served by the Montgomery County Municipal Utility District No. 83 Wastewater Treatment Plant. The nearest major drainage facility for Montgomery County Municipal Utility District No. 84 is the San Jacinto River which flows into Lake Houston.

Potable water is provided by Montgomery County Municipal Utility District No. 83. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

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

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Mark Loethen
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

REQUIRED AUTHORIZATION

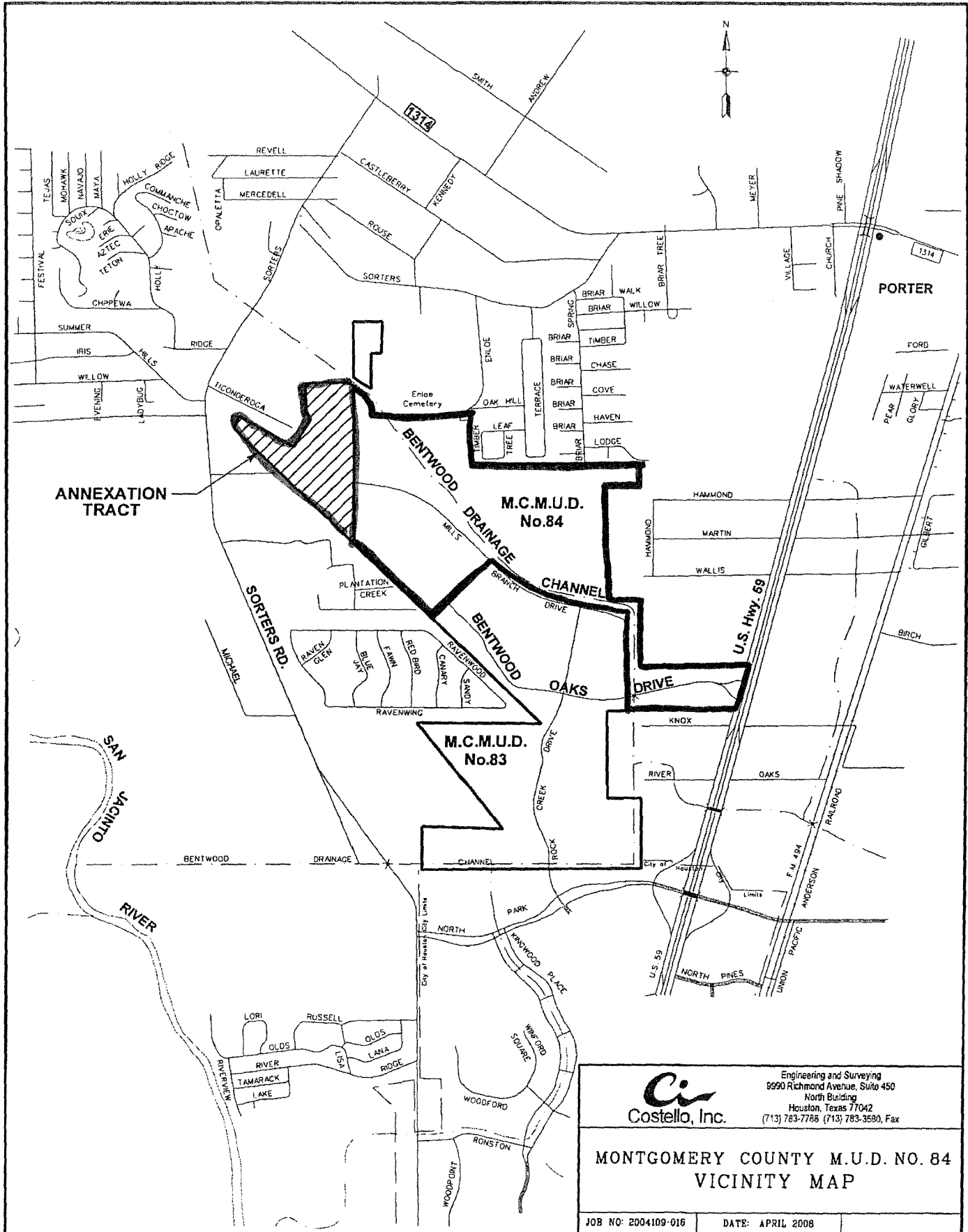
20JZC465

Finance Department

Other Authorization:

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

Other Authorization:



Castello, Inc.

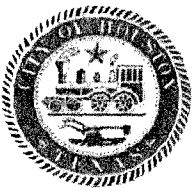
Engineering and Surveying
9990 Richmond Avenue, Suite 450
North Building
Houston, Texas 77042
(713) 783-7788 (713) 783-3590, Fax

**MONTGOMERY COUNTY M.U.D. NO. 84
VICINITY MAP**

JOB NO: 2004109-016

DATE: APRIL 2008

465



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 70.295 acres to Montgomery County MUD No. 84 under the provisions of Chapters 49 and 54, Texas Water Code.

Attorney for the District

Attorney: Joseph M. Schwartz, Schwartz Page & Harding, L.L.P

Address: 1300 Post Oak Boulevard, Suite 1400, Houston, TX Zip: 77056

Phone: 713-623-4531

Engineer: Keith Bille, Costello, Inc.

Address: 9990 Richmond Avenue, Suite 450, Houston, TX Zip: 77042

Phone: 713-783-7788

Owners: Lennar Homes of Texas Land and Construction, Ltd.

Address: 550 Greens Parkway, Suite 100, Houston, TX Zip: 77067

Phone: 281-874-8558

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

LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒
Survey Day Land & Cattle Company

NAME OF COUNTY (S) Montgomery
Abstract 678

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

North of: North Park Drive

East of: Sorters Road

South of: F.M. 1314

West of: U.S. Highway 59

WATER DISTRICT DATA

Total Acreage of District: 366.781

Existing Plus Proposed Land 437.076

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

Single Family Residential 100%

Multi-Family Residential 0%

Commercial 0%

Industrial 0%

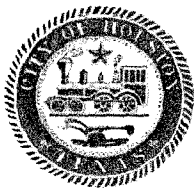
Institutional 0%

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

Sewage Treatment Plant Name: Montgomery County MUD No. 83

NPDES/TPDES Permit No: 14482-001

TCEQ Permit No: N/A



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.2

Ultimate Capacity (MGD): 0.6

Size of treatment plant site: 6.05 square feet/ acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: _____ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: 0.6

MGD of (Regional Plant).

Name of District: MC MUD No. 83

MGD Capacity Allocation 0.3

or property owner(s)

Name of District: MC MUD No. 84

MGD Capacity Allocation 0.3

Water Treatment Plant Name: Montgomery County MUD No. 83

Water Treatment Plant Address: 20816 Sausalito Lane, Porter, Texas

Well Permit No: 1700581

Existing Capacity:

Well(s): 1@1600

GPM

Booster Pump(s): 3@600

GPM

Tank(s): 1@0.171

MG

Ultimate Capacity:

Well(s): 1@1600

GPM

Booster Pump(s): 3@600 & 2@1150

GPM

Tank(s): 1@0.171 & 1@0.260

MG

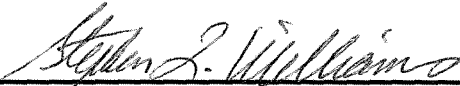
Size of Treatment Plant Site: 2.23

square feet/ acres.

Comments or Additional Information: _____

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance amending Ordinance No. 2007-0315 to increase the maximum contract amount of agreement with Hill's Pet Nutrition, Inc. from \$38,625.00 to \$98,625.00 for animal shelter feeding services		Category # 9	Page 1 of 1	Agenda Item # 18
FROM (Department or other point of origin): Houston Department of Health and Human Services		Origination Date 7/28/08	Agenda Date SEP 24 2008	
DIRECTOR'S SIGNATURE: 		Council District affected: ALL		
For additional information contact: Kathy Barton Telephone: 713-794-9998 ; 713-826-5801		Date and identification of prior authorizing Council action: 3/21/07; 07-0315		
RECOMMENDATION: (Summary) Approval of an ordinance amending Ordinance No. 2007-0315 to increase the maximum contract amount of agreement with Hill's Pet Nutrition, Inc. from \$38,625.00 to \$98,625.00 for animal shelter feeding services				
Amount of Funding: New Maximum Contract Amount: \$98,625.000 Total Funding Increase: \$60,000.00 General Fund (1000)		Finance Department:		
SOURCE OF FUNDING: <input checked="" type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: Ordinance No. 2007-0315 authorized a contract with Hill's Pet Nutrition, Inc. to provide pet food products, free of charge, to the Houston Department of Health and Human Services' (HDHHS) Bureau of Animal Regulation and Care (BARC) with HDHHS being responsible for the shipping costs. HDHHS' request for an increase to the maximum contract amount is due to an increase in shipping rates since the effective date of the contract, which was March 21, 2007. HDHHS requests that Council approve an ordinance amending the maximum amount of the contract with Hill's Pet Nutrition, Inc. for the continued provision of pet food for the animals being cared for at BARC.				
cc: Finance Department Legal Department Agenda Director				
REQUIRED AUTHORIZATION				
Finance Department	Other Authorization:		Other Authorization:	

SUBJECT: Ordinance amending various ordinances to extend the term of various contracts for elderly services for 90 days and to set/increase the maximum contract amount for various Contractors for the Harris County Area Agency on Aging		Category #	Page 1 of 2	Agenda Item # 19
FROM (Department or other point of origin): Houston Department of Health and Human Services		Origination Date 9/10/08	Agenda Date SEP 24 2008	
DIRECTOR'S SIGNATURE: <i>Stephen Williams</i>		Council District affected: All		
For additional information contact: Kathy Barton Telephone: 713-794-9998; pgr 713-826-5801		Date and identification of prior authorizing Council action: 2003-1052/Nov. 12, 2003; 2003-1022/Nov. 5, 2003; 2003-0933/Oct. 8, 2003; 2003-0981/Oct. 22, 2003; 2003-0848/Sept. 17, 2003; 2003-0849/Sept. 17, 2003; 2003-0934/Oct. 8, 2003; 2003-0185/March 10, 2004; 2004-0022/Jan. 14, 2004; 2004-0023/Jan. 14, 2004; 2008-1919/March 11, 2008		
RECOMMENDATION: (Summary) Approval of an Ordinance to amend various ordinances to increase the term and the maximum contract amount for various contractors providing elderly services for the Harris County Area Agency on Aging; giving the director of HDHHS the ability to increase the amount of the contract cap by supplemental allocation and extend the time by an additional 90 days if funds remain in the contract.				
Amount of Funding: Maximum Contract Amount: \$49,005,732.34 Total Contract Increase: \$3,319,900.98 Fund 152 Aging Title III Grant			F&A Budget:	
SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)				
<p>The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance to amend various ordinances to extend the time of performance by 90 days and to set/ increase the maximum contract amount for various contractors for the Department's Harris County Area Agency on Aging. These contractors were selected through a request for proposal process. The amendment also gives the Director of Health and Human Services the ability to add funds through the supplemental allocation process to the amount of the increased cap and extend the time up to 90 days further without further Council action or amendment as long as sufficient funds remain in the contract.</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>Services provided by these contractors include::</p> <ul style="list-style-type: none"> • Congregate services include a hot or other appropriate meal that meets the recommended dietary allowance and is served to an eligible person at a congregate meal site. • Home delivered meal services include a hot or otherwise appropriate meal that meets the recommended dietary allowance and is served to an eligible person at his/her residence. • Caregiver education and training services include the establishment of support groups for caregivers, conferences and training for those providing care to older adults. • Respite in-home and non-residential includes temporary relief of caregivers that includes an array of services provided to people who need supervision. In home services are provided in the client's home environment on a short term, temporary basis while the primary caregiver is unavailable or needs relief. Non-residential respite services are provided in an adult type day care location while the primary caregiver is unavailable or needs relief. Services may also include meal preparation, housekeeping and assistance with personal care and/or social recreational activities. The City or the service provider identifies the client. • Personal Assistance includes the performance of personal care tasks including bathing, dressing, feeding, grooming, transferring / ambulation to individuals who need assistance with performing activities of daily living in their residential place. • Ombudsman services that identify, investigate, and resolve complaints made by, or on behalf of, residents in nursing facilities and assisted living facilities. • Support Services includes the provision of dental, hearing, vision and mental health services to seniors. 				

REQUIRED AUTHORIZATION

F&A Director

Other Authorization:

Other Authorization:

F&A 011.A REV. 12/94
7530-0100403-00

Date

9/10/08

Subject: Ordinance amending Ordinances to increase the maximum contract amount for various Contractors of the Harris County Area Agency on Aging

Originator's
Initials

Page
2 of 2

The Contractors and their respective increase through supplemental allocations will be:

Contractors	Contract No.	Current Cap Value	Cap Increase	Total Contract Value
Alzheimer's Disease and Related Disorders Association	FC55701	\$366,825.00	\$23,402.40	\$390,224.40
Asian American Family Services	FC55505	\$652,146.31	\$29,403.63	\$681,549.94
Chinese Community Center	FC55430	\$701,739.06	\$20,970.81	\$722,709.87
City of Jacinto City	FC55675	\$336,893.00	\$34,429.59	\$371,322.59
City of La Porte	FC55469	\$353,431.00	\$16,296.09	\$369,727.09
City of South Houston	FC55703	\$882,885.84	\$51,661.02	\$934,546.86
Eye Care Express Lab, Inc.	FC55839	\$196,687.50	\$8,160.00	\$204,847.50
First Presbyterian	FC55924	\$729,808.75	\$43,917.93	\$773,726.68
Salvation Army	4600008613	\$135,440.09	\$55,391.43	\$190,831.52
Interfaith Care Partners	FC55467	\$2,143,234.00	\$125,099.52	\$2,268,333.52
Interfaith Ministries	FC55600	\$15,842,558.75	\$1,119,715.41	\$16,962,274.16
Jewish Community Center	FC55627	\$1,939,565.00	\$125,350.92	\$2,064,915.92
Lone Star Legal Aid	FC55781	\$157,500.00	\$7,380.00	\$164,880.00
Neighborhood Centers, Inc	FC55742	\$6,963,131.25	\$347,946.21	\$7,311,077.46
Perrylee Home Health	FC55807	\$1,322,923.73	\$141,792.00	\$1,464,715.73
Robert C. Golke	FC55856	\$879,425.00	\$78,825.00	\$928,250.00
Sheltering Arms	FC55520	\$2,997,980.00	\$272,434.80	\$3,270,414.80
Texas Southern University	FC55628	\$555,957.58	\$26,753.70	\$582,711.28
UT Health Science Center at Houston	FC55472	\$2,112,500.00	\$150,918.87	\$2,226,418.87
Young Women's Christian Association	FC55471	\$6,482,202.50	\$640,051.65	\$7,122,254.15
Total		\$45,752,834.36	\$3,319,900.98	49,005,732.34

Cc: Finance& Administration
Legal Department
Agenda Director

SUBJECT: An ordinance approving the Applications and budget submissions to the Department of State Health Services, (DSHS) for various public health services in the City of Houston		Category # 9	Page 1 of 1	Agenda Item # 20
FROM (Department or other point of origin): Houston Department of Health and Human Services		Origination Date 8/26/08	Agenda Date SEP 24 2008	
DIRECTOR'S SIGNATURE: <i>Stephen Williams</i>		Council District affected: ALL		
For additional information contact: Kathy Barton Telephone: 713-794-9998 ; 713-826-5801		Date and identification of prior authorizing Council action: 8-22-01; 01-0790, 9-4-02; 02-0833, 8-13-03; 03-0747, 8-31-04; 04-0907, 9-14-05; 05-1063, 09-06-06; 06-925, 8-15-07		
RECOMMENDATION: (Summary) Approval of an ordinance for the applications and budget submissions to the Department of State Health Services for various public health services in the City				
Amount of Funding: Total Project Cost: \$17,644,397.00 Federal State Local – Pass Through Fund (5030)			Finance Department:	
SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)				
SPECIFIC EXPLANATION: The Houston Department of Health and Human Services (HDHHS) requests City Council approval of the FY 9 applications and budget submissions to the Department of State Health Services (DSHS) for the City's Tuberculosis Control, Titles V, XX & X for Family Planning Services, Immunization Program, and the Bureau of Nutritional Services (WIC program). The period of performance for programs except WIC is September 1, 2008 through August 31, 2009. The period of performance for the WIC program is October 1, 2008 through September 30, 2009. HDHHS requests City Council authorize the Director of HDHHS to: 1) accept the initial funding of the applicable Contract Change Notices(s) and expend approved funding as soon as awarded; and 2) accept supplemental awards offered by DSHS during this budget year. Tuberculosis Control \$4,813,867.00 Funding from DSHS will continue to provide Directly Observed Therapy (DOT) services for tuberculosis treatment and prevention and expanded outreach services throughout the City of Houston. Titles V, XX & X – Family Planning Services \$1,677,100.00 Funding from DSHS will provide preventative clinic services. These services support family planning at seven community-based health centers. Immunization Program \$706,530.00 Funding from DSHS will support the administration of the HDHHS' Project Milestone which utilized navigators to serve as parent coaches at various City operated WIC sites. The navigators provide information to the parent/guardian about Project Milestone and the importance of bringing their child's immunization record to each WIC visit. The parent is given a needs assessment, and participants are given incentives at immunization milestones to encourage continued participation. The funding will also be used to continue ImmTrac (immunization database) outreach. Bureau of Nutritional Services (WIC) \$10,446,900.00 Funding from DSHS will serve an average of 80,000 WIC participants per month. Immunization screenings are provided to all WIC clients in 18 WIC sites. cc: Finance Department Legal Department Agenda Director				
REQUIRED AUTHORIZATION				
Finance Department	Other Authorization:		Other Authorization:	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving the budget submission and contract with the Department of State Health Services, DSHS No. 2008-028270-001 for Cities Readiness Initiative**Category**
9**Page**
1 of 1**Agenda**
Item
21**FROM (Department or other point of origin):**
Houston Department of Health and Human Services**Origination Date**
8/26/08**Agenda Date**
SEP 24 2008**DIRECTOR'S SIGNATURE:** **Council District affected:**
ALL**For additional information contact:** Kathy Barton
Telephone: 713-794-9998 ; 713-826-5801**Date and identification of prior authorizing Council action:** 06-01-05; 2005-0685, 12-20-06; 2006-1253**RECOMMENDATION: (Summary)**

Approval of the budget submission and contract with the Department of State Health Services, DSHS No. 2008-028270-001 for Cities Readiness Initiatives

Amount of Funding: New Grant Funding Amount: \$736,546.00
Federal State Local – Pass Through Fund (5030)**Finance Department:****SOURCE OF FUNDING:** [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of the budget submission and contract with the Department of State Health Services (DSHS) No. 2008-028270-001 for the Cities Readiness Initiative. The contract period is from September 1, 2008 through August 31, 2009 in the amount of \$736,546.00.

This grant enhances the City's efforts to effectively and efficiently utilize the Strategic National Stockpile (SNS) in response to acts of chemical, biological or radiological terrorism and other events where the SNS contains applicable counter measures. The SNS is a national repository of antibiotics, chemical antidotes, antitoxins, life-support medications, IV administration, airway maintenance supplies, and medical/surgical item and is designed to supplement and re-supply state and local public health agencies in the event of a national emergency anywhere and at anytime within the U.S. or its territories.

HDHHS will coordinate planning and program implementation activities to ensure that state and local health departments, hospitals, and other health care entities, and State and local public safety and emergency management agencies are able to mount a collective response featuring interaction of their event-specific capabilities. Coordinated response activities include: 1) dispensing of oral medications and points of dispensing; 2) providing oral medications to first responders and critical infrastructure personnel; 3) public information and communications; 4) dispensing of medical material to treatment centers; and 5) tactical communications between command and control elements.

cc: Finance Department
Legal Department
Agenda Director**REQUIRED AUTHORIZATION****Finance Department****Other Authorization:****Other Authorization:**

HCD08-141

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance authorizing contracts between the City of Houston and various contractors approved to demolish and reconstruct (8) eight houses for the Single Family Home Repair Program.		Category #	Page 1 of 1	Agenda Item # 22
FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department (HCDD)		Origination Date 09/11/08		Agenda Date SEP 24 2008
DIRECTOR'S SIGNATURE: <i>MS Henry L. Hadnot</i>		Council District affected: B & D		
For additional information contact: Ray Daniels Phone: (713) 868-8321		Date and identification of prior authorizing Council action: July 14, 2004 Ordinance No. 2004-0773 Oct 18, 2006 Ordinance No. 2006-1056 July 30, 2008 Ordinance No. 2008-0683		

RECOMMENDATION: (Summary)

An Ordinance authorizing contracts between the City of Houston and Joshua Dade Homes, CM Construction, PPMG Custom Homes, Marco Antonio Ramirez Framing and Kirkland Homes to demolish and reconstruct (8) eight houses for the Single Family Home Repair Program.

Amount of Funding:	Total Bid Price	\$ 615,056.63	F&A Budget:
	Plus Contingencies (10%)	<u>61,505.66</u>	
	Total Amount of Funding	\$ 676,562.29	

SOURCE OF FUNDING ☐ General Fund ☒ Grant Fund ☐ Enterprise Fund

HOME Fund 5000 - \$656,503.44
CDBG Fund 5000 - \$ 20,058.85

☐ Other (Specify)

Specific Explanation:

A Request for Proposals (RFP) was publicly announced seeking contractors for turnkey new home construction for the Single Family Home Repair Program on November 5, 2007. Contractors selected from this RFP will be used for construction of homes for the Tier III (Reconstruction) component of the Single Family Home Repair Program.

Approved proposals from qualified contractors obtained from the RFP were selected by homeowners in selection meetings held by the Housing and Community Development Department (HCDD). Homeowners were informed of the Program Guidelines and each contractor's exterior renderings, floor plans and material selections were presented by staff members of HCDD before the homeowners made their selections. The names of eight (8) homeowners, construction site addresses, contract amounts and the names and business addresses of the contractors awarded the contracts are attached to this request.

REQUIRED AUTHORIZATION

NDT




Finance Director: <i>Michelle Mitchell</i>	Other Authorization:	Other Authorization:
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Homeowner Name, Address & Council District	Contractor Name & Address	Contract Amount and Number of Bedrooms	Contingency Amount	Contract Amount plus Contingency Amount
Edna M. Jones 7984 Fields Houston, Texas 77028 Council District B Houston Hope	Kirkland Homes 1318 S. Loop W. Houston, TX 77054	\$76,100.00 (2)	\$7,610.00	\$83,710.00
Narie Lee Fontenot 4429 Galesburg Houston, Texas 77051 Council District D Houston Hope	PPMG Custom Homes 2871 Morningmist Ln. Dickinson, TX 77539	\$77,073.92 (2)	\$7,707.39	\$84,781.31
Tomas and Manuelita Martinez 4604 Briscoe Houston, Texas 77051 Council District D Houston Hope	Joshua Dade Homes 16519 W. Kingswade Dr. Crosby, TX 77532	\$77,300.00 (2)	\$7,730.00	\$85,030.00
Kyle Smith 6114 Haight Houston, Texas 77028 Council District B Houston Hope	Kirkland Homes 1318 S. Loop W. Houston, TX 77054	\$76,100.00 (2)	\$7,610.00	\$83,710.00
Rose E. Pegues 6811 Lavender Houston, Texas 77028 Council District B	CM Construction 6711 Gleneagles Pasadena, TX 77505	\$76,500.00 (2)	\$7,650.00	\$84,150.00
C.D. Branch 7711 Duncan Houston, Texas 77093 Council District B	CM Construction 6711 Gleneagles Pasadena, TX 77505	\$77,200.00 (2)	\$7,720.00	\$84,920.00
Patricia A. Collins 11130 Tamworth Drive Houston, Texas 77016 Council District B	PPMG Custom Homes 2871 Morningmist Ln. Dickinson, TX 77539	\$78,164.23 (2)	\$7,816.42	\$85,980.65
Varie Wair 7414 Maxroy Houston, TX 77088 Council District B	Marco Antonio Ramirez Framing 3015 CRD 81 Rosharon, TX 77583	\$76,618.48 (2)	\$7,661.85	\$84,280.33
		\$615,056.63	\$61,505.66	\$676,562.29

To: Mayor Via City Secretary

REQUEST FOR COUNCIL ACTION

HCD08-106

Subject: An Ordinance authorizing the execution of a contract between the City of Houston and Houston HELP, Inc. for the administration and operation of a community residence through a HOPWA Grant.		Category	Page 1 of 2	Agenda Item # 23
From (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department		Origination Date 5/13/08	Agenda Date SEP 24 2008	
Directors Signature 		Council District affected: District D		
For additional information contact: Keith Bynum Phone: 713.868.8396		Date and Identification of prior authorizing Council action:		
Recommendation: (Summary) Approval of an ordinance authorizing the execution of a contract between the City of Houston and Houston HELP, Inc. providing up to \$310,000.00 for the administration and operation of a community residence under the Housing Opportunities for Persons with AIDS ("HOPWA") Act.				
Amount of Funding \$620,000.00 \$310,000.00 HOPWA Grant \$310,000.00 Renewal HOPWA Grant			Finance Budget:	
Source of Funding <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify) Fund 5000				
Specific Explanation The Housing and Community Development Department ("HCDD") recommends approval of a contract between the City of Houston and Houston H.E.L.P., Inc. for the administration and operation of a Housing Opportunities for Persons with AIDS ("HOPWA") – funded community residence. The community residence is located in southeast Houston. Houston H.E.L.P., Inc. is a Texas 501(c)(3) not-for-profit entity affiliated with (but separately incorporated from) the national not-for-profit organization HELP USA. HELP USA is the nation's largest builder, developer and operator for supportive housing with comprehensive, on-site human services for homeless and low-income families. Houston H.E.L.P., Inc. was responsible for the development of the 50 unit apartment complex to serve HIV/AIDS affected families, and has operated the project since 1999. The original construction project was funded with a combination City of Houston HOPWA, HOME and Housing and Homeless Bond funds. In addition to housing, the facility also provides childcare and supportive services. The child care services are provided to pre-school age children, with an additional after school component for older children of families at the on-site facility. The apartment complex provides affordable housing for a minimum of 50 homeless families at any one time.				
Required Authorization				
Finance Director	Other Authorization	Other Authorization		
				

Date 5/13/08	Subject: An Ordinance authorizing the execution of a contract between the City of Houston and Houston HELP, Inc. for the administration and operation of a community residence through a HOPWA Grant.	Originators Signature 	Page 2 of 2
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Houston HELP, Inc. is requesting \$310,000.00 for a twelve (12) month contract with an option for a one (1) year renewal in the same amount, in order to operate and maintain a community residence, provide child care and supportive service assistance to a minimum of sixty-two (62) unduplicated, low-income HIV/AIDS individuals and their families. The activities will include housing assistance through the community residence, repairs of the facility, child-care and supportive services.

Total Funds and Sources:	\$310,000.00 (12 months)
Number of Persons to be Served:	62
Category of Persons:	HIV/AIDS/Low-income

The contract will provide funding for:

Administrative Expenses	\$ 21,176.00
Operation Costs	<u>\$288,824.00</u>
Total	\$310,000.00

Therefore, HCDD is requesting approval of a Contract providing up to \$620,000.00 in HOPWA funds, which sum includes a limitation of additional funding for \$310,000.00. Funds for the \$310,000.00 that cover the second year renewal option will be identified at the time of renewal.




Therefore, the HCDD is requesting approval of a contract up to \$310,000.00 in HOPWA funding for this project.


Cc: City Secretary
Finance Department
Legal Department
Mayor's Office

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD 08-127

SUBJECT: An Ordinance Authorizing the Execution of a contract between the City of Houston and Stop Turning Entering Prison, Inc. (Shay's House) for administrative and operational costs for a HOPWA transitional housing program.		Category #	Page 1 of 2	Agenda Item # 24
FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department		Origination Date 06/3/08	Agenda Date SEP 24 2008	
DIRECTOR'S SIGNATURE: 		Council District affected: District B		
For additional information contact: Keith Bynam Phone: (713) 868-8396		Date and identification of prior authorizing Council action: NA		
RECOMMENDATION: (Summary) Approval of an ordinance authorizing the execution of a contract between the City of Houston and Stop Turning Entering Prison, Inc. (Shay's House) to provide funding for the administration and operation of a transitional housing program under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.				
Amount of Funding: \$119,733.00			Finance Budget:	
SOURCE OF FUNDING <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) HOPWA Grant				
SPECIFIC EXPLANATION: The Housing and Community Development Department ("HCDD") recommends approval of a contract between the City of Houston ("City") and Stop Turning Entering Prison, Inc. ("Shay's House") to finance the organizations administrative, and operation of its transitional housing costs associated with its HIV/AIDS program. Shay's House will provide transitional housing to women living with HIV/AIDS who have experienced substance abuse and incarceration, as well as those who are at risk of becoming homeless due to lost employment, long-term hospitalization/illness and similar circumstances. The goal of Shay's House is to guide each client, and help her to develop a high self-esteem, become economically independent, and provide family nourishment in a safe sheltering place in hopes of offering support, so that each woman can build a solid foundation to re-enter back into the community and reduce recidivism among women. Shay's House is a re-entry, and rehabilitation program for women. The transitional housing program is open 24-hours a day, year around. The program aim is to provide services that develop a client mentally, socially, spiritually and economically. For clients that successfully complete the program that need additional services, aftercare referrals are available through collaboration with other agencies. A 24-hour hotline will be available for clients who are not a resident to reach out for relapse prevention when office hours are closed. Daycare referrals for clients will also be provided to assure attendance is maintained.				
REQUIRED AUTHORIZATION				
Finance Director: 		Other Authorization:		Other Authorization: 

Date 06/03/08	Subject: An Ordinance Authorizing the Execution of a Contract between the City of Houston and Stop Turning Entering Prison, Inc. for a HOPWA Transitional Housing Program.	Originator's Initials 	Page 2 of 2
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Shay's House will provide transitional housing and relevant services to 35 participants annually. Shay's House will provide an intake, comprehensive psychosocial and mental health assessment, housing and support service plan, individualized case management and life skills to HIV positive women who have experienced chemical dependency and incarceration. Through referral services, participants will receive services that support independent living.

Total Funds and Services:	\$119,733.00
Number of Persons Served:	35 HIV positive women
Category of Persons:	Low-income individuals living with HIV/AIDS

This contract will provide funding for the following HOPWA activities during the next 12-month period.

Administration:	\$ 8,183.00
Operations:	<u>\$111,550.00</u>
Total	\$119,733.00

Therefore, HCDD requests approval of this contract in the amount of \$119,733.00 in HOPWA funds.

RC:KB:dg

CC: City Attorney
Mayor's Office
City Secretary
Finance Department

SUBJECT: An ordinance appropriating \$215,000 out of TIRZ Affordable Housing Fund and authorizing issuance of a purchase order to the Land Assemblage Redevelopment Authority ("LARA") to cover costs to promote home ownership opportunities in Houston HOPE areas of the City of Houston.	Category #	Page 1 of 2	Agenda Item # 25
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FROM (Department or other point of origin):

Housing and Community Development

Origination Date:

August 12, 2008

Agenda Date:

SEP 24 2008

DIRECTOR'S SIGNATURE:

Richard S. Celli, Director

Council District affected:

All

For additional information contact:

Stephen Tinnermon (832) 393-0966

Andrea Young Jones (832) 393-0975

Date and identification of prior authorizing**Council action: Ordinance #2007-0957**

August 8, 2007

RECOMMENDATION: (Summary)

An ordinance appropriating \$215,000 out of TIRZ Affordable Housing Fund (Fund 2409) and authorizing issuance of a purchase order to the Land Assemblage Redevelopment Authority ("LARA") to cover costs to promote home ownership opportunities in Houston HOPE areas of the City of Houston.


Amount of Funding: \$215,000**Finance Budget:****SOURCE OF FUNDING**☐ General Fund☐ Grant Fund☐ Enterprise Fund☒ Other (Specify) TIRZ Affordable Housing Fund (2409)**SPECIFIC EXPLANATION:**

Homeownership as a means to achieve independent living is a basic ambition of most citizens. Through homeownership, individuals are able to establish self-sufficiency and autonomy while building a foundation of acceptable credit that is critical for financial stability. Those Houstonians who fall within low-to-moderate income levels are often unable to meet the financial requirements necessary to acquire a home of their own.

In October of 2007 the Housing and Community Development Department (HCDD) in partnership with the Land Assemblage Redevelopment Authority (LARA) undertook a successful targeted marketing campaign to attract qualified homebuyers to purchase homes in the Houston HOPE areas of the City of Houston. Income qualified homebuyers, who earn 80% or below the area median income, could qualify for up to \$30,000 in down payment assistance from the City of Houston if they purchase a home in a Houston HOPE Neighborhood. The prior targeted marketing campaign consisted of printed media placement, radio and television time, and direct mail. As a result, HCDD was able to create a database of potential income qualified homebuyers for the Homebuyers Assistance Program (HAP) and over 74 homes have been sold in the Houston HOPE Neighborhoods to low-to-moderate-incomes families.

In effort to continue to assist low-to-moderate income citizens to achieve affordable homeownership, HCDD recommends that the City fund an additional targeted marketing campaign to promote the City's Houston HOPE initiative and down payment assistance program. The marketing plan will be developed and approved by a team under the Mayor's supervision and all expenditures will be in accordance with the approved plan.

REQUIRED AUTHORIZATION**Finance Director:****Other Authorization:****Other Authorization:**

Date 08/12/08	Subject: An ordinance appropriating \$215,000 out of TIRZ Affordable Housing Fund and authorizing issuance of a purchase order to the Land Assemblage Redevelopment Authority ("LARA") to cover costs to promote home ownership opportunities in Houston HOPE areas of the City of Houston.	Originator's Initials 	Page <u>2</u> of <u>2</u>
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HCDD therefore recommends for approval of the appropriation of \$215,000 from the TIRZ Affordable Housing Fund and authorization to issue a purchase order to LARA to cover cost as indicated in the following marketing budget:

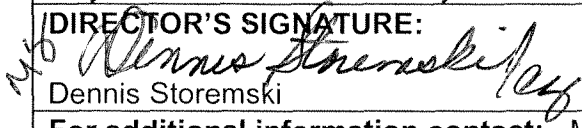
News Print	\$50,000
Radio	\$90,000
Homebuyers Event	<u>\$75,000</u>
Total	\$215,000

The Director will be authorized to increase or reduce specific line item amounts in accordance with the final marketing plan.

RSC:ST:ayj

cc: City Secretary
Legal Department
Mayor's Office
City Controller

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance approving first amendment to contract with VidSys, Inc. for the Public Safety Video Initiative	Category	Page 1 of 1	Agenda Item # 26
FROM (Department or other point of origin): Mayor's Office of Public Safety and Homeland Security	Origination Date: 9/19/08	Agenda Date: SEP 24 2008	
DIRECTOR'S SIGNATURE:  Dennis Storemski	Council District affected: ALL		
For additional information contact: Matt Hyde 713.884.4587	Date and identification of prior authorizing Council action: August 7, 2007, Ordinance 2007-919		

RECOMMENDATION:

Adopt ordinance approving first amendment to contract with VidSys, Inc. for the Public Safety Video Initiative.

Amount and source of funding: No additional funding required	Finance Budget:
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EXPLANATION:

By Ordinance No. 2007-919, passed and adopted by City Council on August 7, 2007, the City entered into a contract with VidSys, Inc. to provide a video subject matter expert, systems engineering, and computer aided design documentation personnel to assist the City in designing and implementing a public safety video system.

The City and VidSys, Inc. now desire to amend the original contract to allow the Director to authorize the transfer of funds within the contract from one of the professional services consulting categories to the travel category. VidSys, Inc. is based in Virginia and is required to travel to Houston on occasion for site evaluations and meetings with project suppliers, customer groups and partner agencies. The \$16,000 specified for travel in the original contract was quoted as an estimate. The increased cost of travel and the need to have VidSys, Inc. onsite in the future to complete the work under the contract will require an amendment. The vendor would continue to be required to adhere to the City's current travel reimbursement policy for its employees. Funding changes will be made within the original allocated contract amount.

VidSys, Inc. has been an invaluable resource to the City to manage the risk of the project and make informed decisions when selecting a system design and vendor products. They offer a unique combination of video systems engineering, network design, and knowledge of the industry, both with products and activities currently underway in other metropolitan areas.

No additional funding is required for this amendment.

REQUIRED AUTHORIZATION

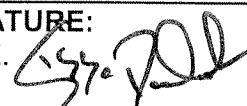
Finance Director:	Other Authorization:	Other Authorization:
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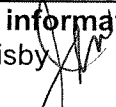
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

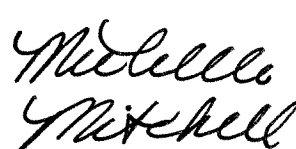
SUBJECT: First Amendment to Construction Contract The Gonzalez Group, LP Renovation of Kashmere Multi-Service Center WBS No. H-000053-0001-4	Page 1 of 2	Agenda Item 27

FROM (Department or other point of origin): General Services Department	Origination Date 9-5-08	Agenda Date SEP 24 2008
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  8/25/08	Council Districts affected: B
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For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2007-1329; dated November 28, 2007
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RECOMMENDATION: Approve First Amendment to Construction Contract and appropriate additional funds for the project.

Amount and Source of Funding: \$300,000.00—Public Health Consolidated Construction Fund (4508)	Finance Budget: 
Previous Funding: \$1,370,000.00—General Improvements Consolidated Construction Fund (4509) \$2,513,000.00—Public Health Consolidated Construction Fund (4508) \$3,883,000.00 Total Funding	

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the construction contract with The Gonzalez Group, LP to increase the director's authority to approve Change Orders up to 19.01% of the original contract price. This amendment and requested appropriation are necessary to provide the following additional improvements and address an unforeseen condition, which will exceed the original 10% contingency.

Increased Scope of Work:

- Renovation of the former day care facility to a new office suite. The Health Department requested this additional work after the tenant cancelled the lease and vacated the space.
- Employee-only restroom and break room sink in the administration area to comply with Health Department standards.


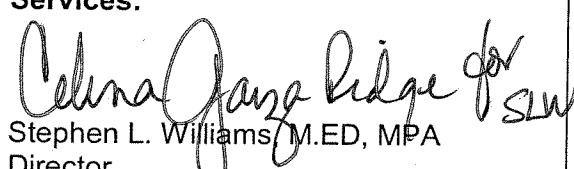
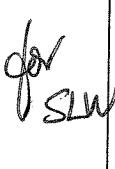
Unforeseen Condition:

- Add exterior wall ties to support the brick façade. During the demolition phase, the exterior brick walls were found to lack adequate wall ties to secure the brick to the building.

PROJECT LOCATION: 4802 Lockwood (454 U)

REQUIRED AUTHORIZATION

CUIC ID # 25CONS60

General Services Department:  Humberto Bautista Chief of Design & Construction Division	Other Authorization:	Department of Health & Human Services:   Stephen L. Williams, M.ED, MPA Director
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DATE:	SUBJECT: First Amendment to Construction Contract The Gonzalez Group, LP Renovation of Kashmere Multi-Service Center WBS No. H-000053-0001-4	Originator Initials RJO	Page 2 of 2
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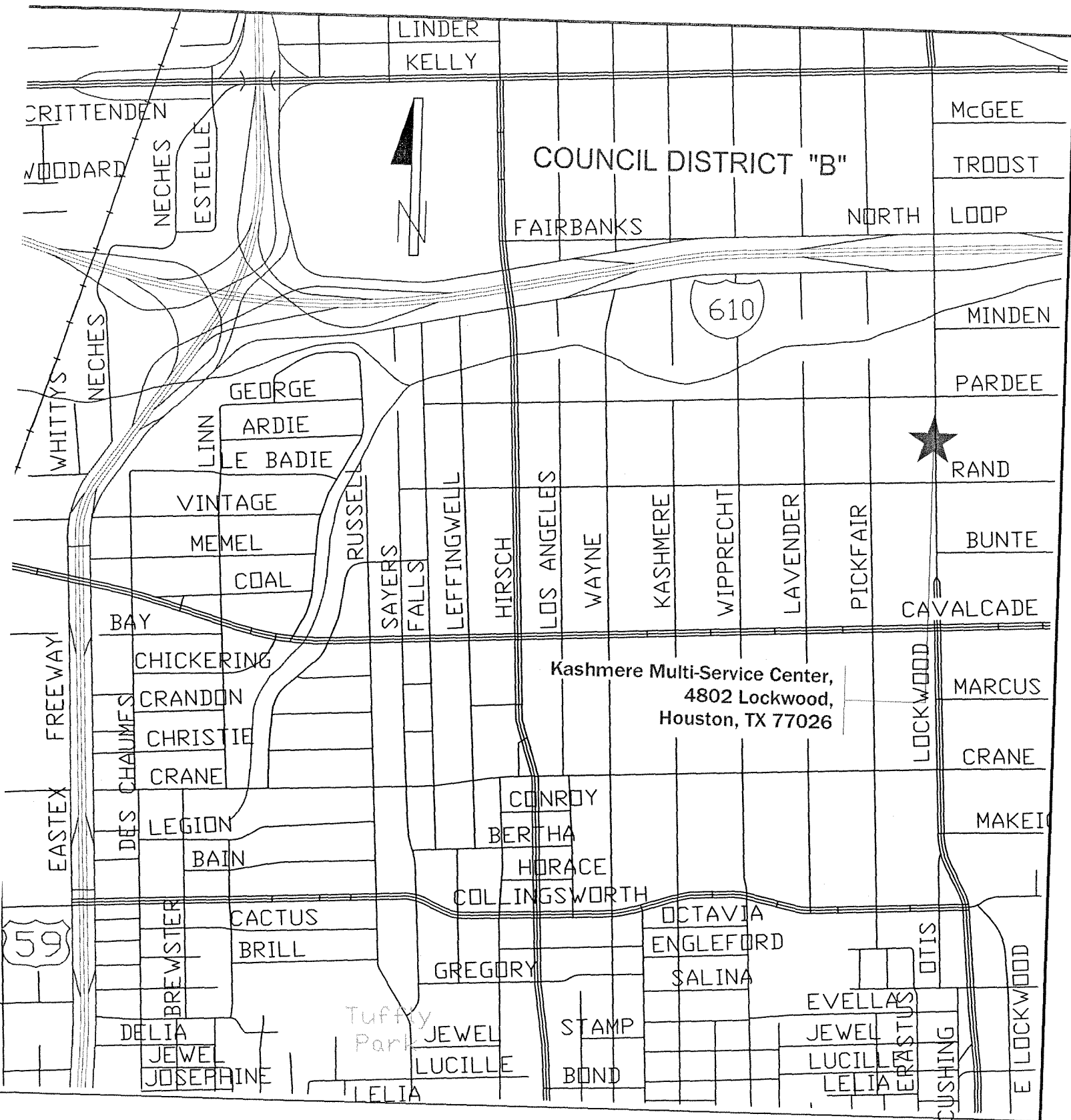
PREVIOUS HISTORY AND PROJECT DESCRIPTION: On November 28, 2007, City Council awarded a construction contract to The Gonzalez Group, LP to provide construction services for the renovation of Kashmere Multi-Service Center. The scope of work consists of a building expansion, new roof, structural modifications, plumbing repairs, building code and ADA updates, HAVC replacement including replacement of all ductwork, installation of a new fire alarm and sprinkler system, and reconfiguration of interior spaces. The senior citizen's area is being expanded due to heavy usage by the community.

CONSTRUCTION GOALS: The original contract and this additional appropriation have a 13% MBE goal, 5% SBE goal, and 5% WBE goal. The contractor will utilize the certified subcontractors referenced in the original contract to achieve the goals. To date, the contractor has achieved 5.57% MBE participation, 1.81% SBE participation, and .87% WBE participation. The project is currently 50% complete and contractor anticipates meeting the goals by the completion of the contract.



 IZD:HB:JLN:MCP:RJO:rjo


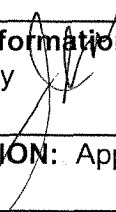
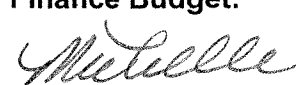



c: Marty Stein, Jacquelyn L. Nisby, Webb Mitchell, Velma Laws, Joseph Kurian, Kim Nguyen, Celina Ridge, File 813



Kashmere Multi-Service Center
4802 Lockwood, Houston, TX

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: First Amendment to Construction Contract The Gonzalez Group, LP Miller Outdoor Theatre Improvements WBS No. D-000125-0001-4		Page 1 of 2	Agenda Item 28
FROM (Department or other point of origin): General Services Department	Origination Date 9-5-08	Agenda Date SEP 24 2008	
DIRECTOR'S SIGNATURE: Yissa Z. Dadoush, P.E.  8/28/08	Council District(s) affected: D		
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance 2007-1361; Dated December 5, 2007		
RECOMMENDATION: Approve First Amendment to Construction Contract and appropriate additional funds for the project.			
Amount and Source of Funding: \$59,000.00 General Improvements Consolidated Construction Fund (4509)		Finance Budget:  	
Previous Funding: \$1,342,000.00 General Improvements Consolidated Construction Fund (4509)			
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the construction contract with The Gonzalez Group, LP to increase the director's authority to approve Change Orders up to 10% of the original contract price. This amendment and requested appropriation are necessary to address the following unforeseen conditions and provide additional improvements, which will exceed the original 5% contingency.			
Unforeseen Conditions: <ul style="list-style-type: none">Replace deteriorated electrical conduit for the new aisle and wall lighting in the canopy seating area.Replace undersized sound chases under the existing concrete slab for the canopy seating area.			
Additional Improvements: <ul style="list-style-type: none">Additional grading and stabilization for the pavestone plaza areas. During construction, the decision was made to increase stabilization under the pavestone plaza areas to accommodate vehicular traffic and emergency response vehicles access to the new pedestrian walkway.Earthwork and sod to address erosion on the back side of the hill seating area.Install an electrical junction box and conduit for a new sound console. During construction, a new sound console was installed to replace the rental unit. The additional electrical junction box and conduit is necessary to accommodate the new sound console.			
PROJECT LOCATION: Miller Outdoor Theatre, Hermann Park 100 Concert Drive (533A)			
REQUIRED AUTHORIZATION CUIC ID # 25CONS65			
General Services Department:  Humberto Bautista Chief of Design & Construction Division	Other Authorization:	Convention and Entertainment Facilities Department:  Dawn R. Ullrich, Director	

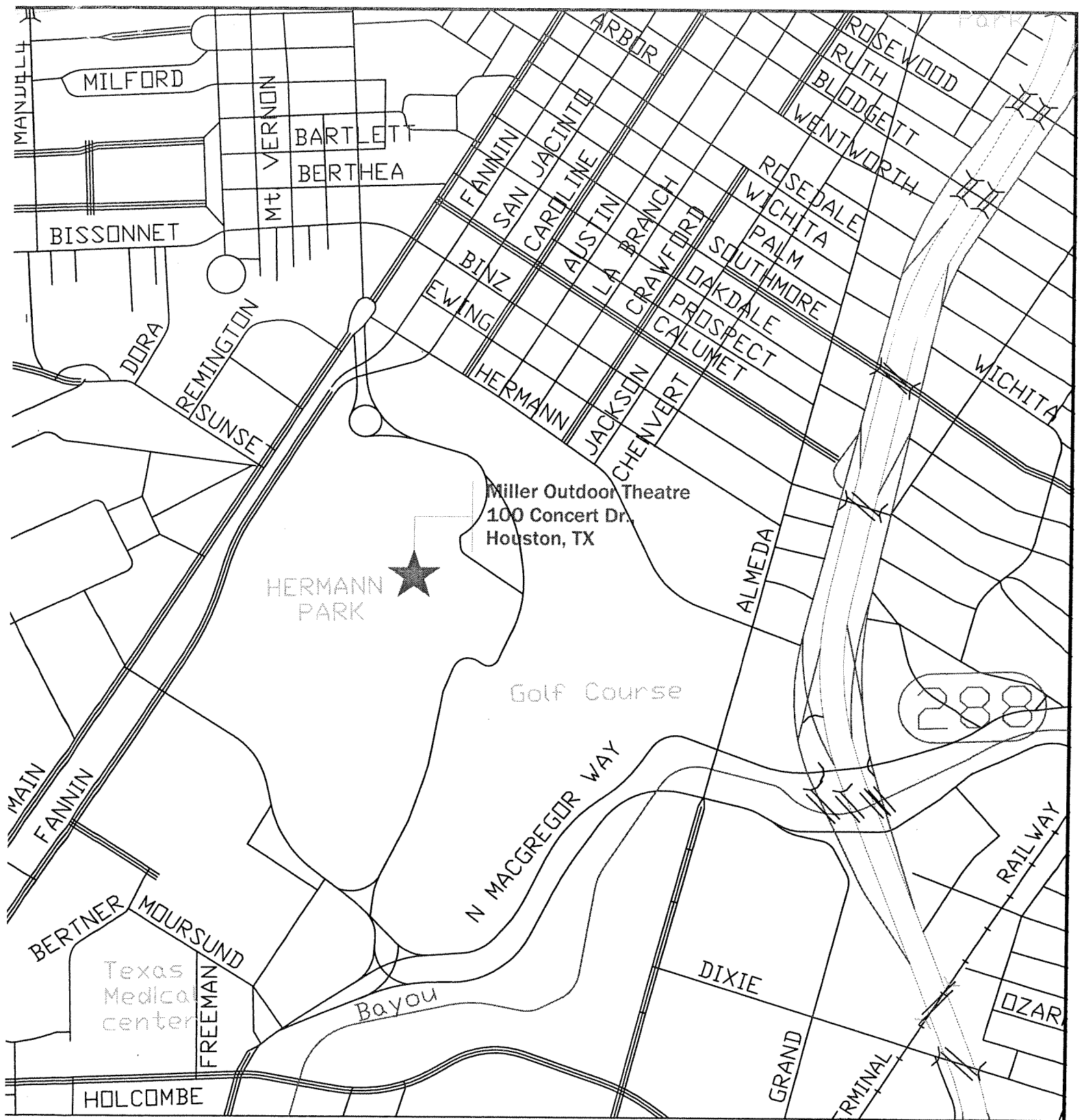
DATE:	SUBJECT: First Amendment to Construction Contract The Gonzalez Group, LP Miller Outdoor Theatre Improvements WBS No. D-000125-0001-4	Originator Initials JJR	Page 2 of 2
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PREVIOUS HISTORY AND PROJECT DESCRIPTION: On December 5, 2007, City Council awarded a construction contract to The Gonzalez Group, LP to provide construction services for improvements at the Miller Outdoor Theatre to increase public safety during large performances. The project will address accessibility issues in and around the covered seating area; improve the pedestrian traffic flow between the canopy seating area and the grass seating area; reconfigure the audio/visual control stations; provide additional electrical service for pathway lighting; concrete paving and landscaping.

CONSTRUCTION GOALS: The original contract and this additional appropriation have a 14% MBE goal, 5% SBE goal and 5% WBE goal. The contractor will utilize the certified firms referenced in the original contract to achieve the goals. To date, the contractor has achieved 19.29% MBE participation, 5.08% SBE participation, and 5.08% WBE participation.


IZD:HB:JLN:MCP:JJR:jjr

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



Miller Outdoor Theatre

100 Concert Dr. Houston, TX

TO: Mayor via City Secretary


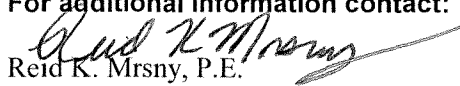
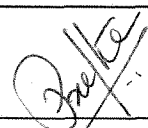

REQUEST FOR COUNCIL ACTION

SUBJECT: Interlocal Cost Sharing Agreement Between Harris County Municipal Utility District 382 and the City of Houston WBS R000521-0043-4		Page 1 of 1	Agenda Item # 29
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/18/08	Agenda Date SEP 24 2008
DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		Council District affected: E	
For additional information contact: Jun Chang, P.E. ^{go} Phone: (713) 837-0433		Date and identification of prior authorizing Council action 12/19/2001 2001-1175 7/31/2002 02-0691	
RECOMMENDATION: (Summary) Pass an Ordinance Approving an Interlocal Cost Sharing Agreement and Appropriating Funds			
Amount and Source of Funding: \$408,088.00 from the Water and Sewer System Consolidated Construction Fund 8500 <i>One/ko 08/27/08</i>			
SPECIFIC EXPLANATION: The City Council consented to the creation of in-city Harris County Municipal Utility District No. 382 ("HCMUD 382") on December 19, 2001. HCMUD 382 entered into a Utility Functions and Services Allocation Agreement with the City of Houston ("City") on September 13, 2002. As development continues, HCMUD 382 and the City are working together to replace utilities with those of greater capacity and less maintenance requirements. This contract allows for HCMUD 382 to enter into a cost sharing agreement to replace the Durham Park Lift Station located at Kessaway and Blackhawk Ridge Lane with a gravity sewer to allow for residential and commercial development in the vicinity of Monroe, Hall, and Beltway 8. The gravity sewer is divided into 3 segments. Segment A is to be constructed by HCMUD 382. The estimated cost of Segment A is \$627,827 and the City's share of that segment is not to exceed \$408,088. HCMUD 382 is responsible for the design of the sewer segments B and C that will be constructed under the Monroe Paving Improvements Project from Fuqua to Beltway 8. The total construction cost of segment B is estimated to be \$182,994 and segment C is estimated to be \$1,466,200. The City's share of the construction of these segments is not to exceed \$133,586 and \$1,000,000, respectively. This Agreement sets the cost sharing terms for all of the sections and appropriates funds for Segment A. The funds for Segments B and C will appropriated with the Monroe Paving Improvements Project.			
CUIC# 20JZC449			
Finance Department: <i>Michelle Mitchell</i>	Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services		Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

R

SUBJECT: Public Road At-Grade Crossing Agreements between the City of Houston and Union Pacific Railroad at Armour Drive and Gazin Street; WBS No. N-000733-0001-4.		Page 1 of 2	Agenda Item # 30
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/18/08	Agenda Date SEP 24 2008
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director		Council District affected: I SC JK	
For additional information contact:  Reid K. Mersny, P.E. Senior Assistant Director Phone: (713) 837-0452		Date and identification of prior authorizing Council action: June 21, 2006; Ordinance No. 2006-0648	
RECOMMENDATION: (Summary) Adopt an ordinance approving and authorizing Public Road At-Grade Crossing Agreements between the City of Houston and Union Pacific Railroad and appropriate funds.			
Amount and Source of Funding: \$294,732.00 from Street and Bridge Consolidated Construction Fund 4506.  09/27/08			
PROJECT NOTICE/JUSTIFICATION: These Agreements provide for railroad crossing improvements on Armour Drive and Gazin Street at Union Pacific Railroad (UPRR) in southeast Houston. The crossing improvements are required to accommodate ongoing improvements associated with the Armour Drive paving project from Clinton Drive to Lockwood Drive. The reconstruction of Armour Drive upgraded the existing roadway to one 36-foot, 10-inch thick reinforced concrete roadway section.			
DESCRIPTION/SCOPE: This project will provide for replacement of the existing crossing surface with a new concrete crossing surface (including new rail, ties and other track materials) at Armour Drive and Gazin Street. The crossings will also include the installation of grade crossing warning devices with flashing lights and automatic gate arms.			
LOCATION: The crossings are located on Armour Drive and Gazin Street between Clinton Drive and Lockwood Drive and are located in Key Map Grids No. 494Q & R.			
PREVIOUS HISTORY AND SCOPE: The City of Houston reconstructed Armour Drive from Lockwood Drive to Clinton Drive under Ordinance No. 2006-0648 passed June 21, 2006. Since the alignment of this segment of Armour Drive crosses UPRR tracks, it is necessary that improvements of the at-grade crossing of the tracks be constructed in cooperation with UPRR. Under the terms of the Public Road At-Grade Crossing Agreements with UPRR, the City of Houston will pay UPRR an amount of \$268,120.00 as its contribution to the needed work. The Agreements set forth terms and conditions for UPRR to remove and replace existing Armour Drive and Gazin Street railroad crossing surface and installation of grade crossing warning devices. The total appropriation requested is \$294,732.00 which includes \$26,612.00 for Contingencies.			
REQUIRED AUTHORIZATION CUIC ID #20SMC16B NDT			
Finance Department:  M. Heile	Other Authorization:		Other Authorization:

Date	SUBJECT: Public Road At-Grade Crossing Agreements between the City of Houston and Union Pacific Railroad at Armour Drive and Gazin Street; WBS No. N-000733-0001-4	Originator's Initials SMC <i>SC</i>	Page <u>2</u> of <u>2</u>
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ACTION RECOMMENDED: It is recommended that City Council adopt an ordinance approving and authorizing Public Road At-Grade Crossing Agreements between the City of Houston and UPRR and appropriate \$294,732.00 for the City's cost participation on this project.

RKM JK SC
MSM:RKM:JHK:SMC

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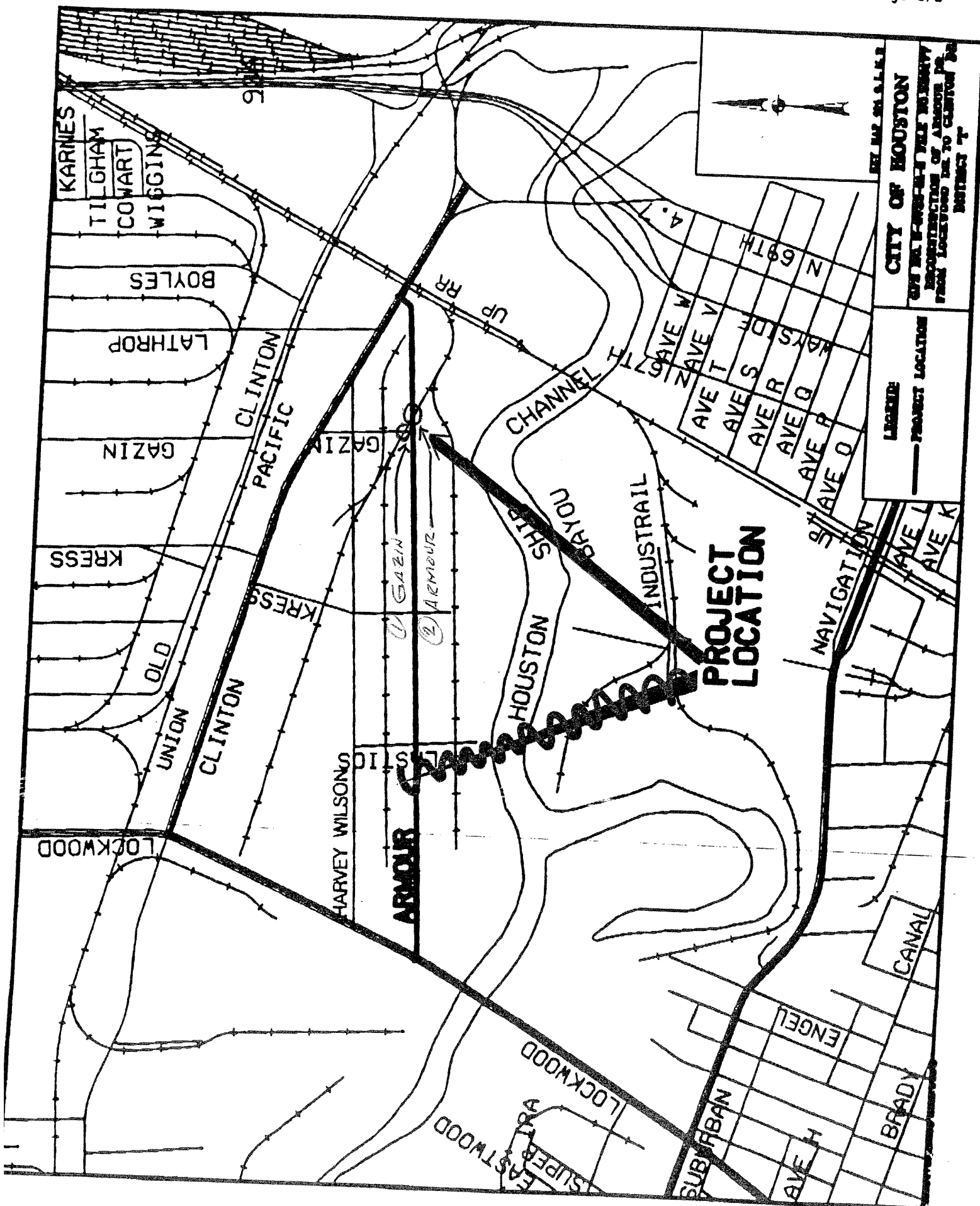
c: Marty Stein

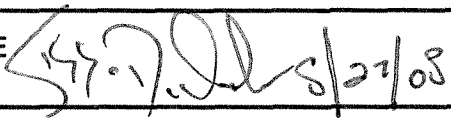
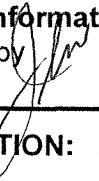
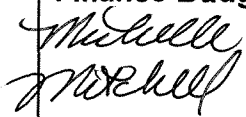

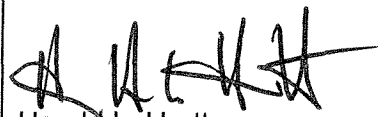
Velma Laws

Susan Bandy

Craig Foster

File: WBS No. N-000733-0001-4 (3.7 R/R Agreement RCA)



SUBJECT: Appropriate Additional Funds Professional Architectural Services Contract Morris Architects, Inc. Tactical Training and SWAT Rifle Ranges WBS No. G-000088-0004-3		Page 1 of 2	Agenda Item 31
FROM (Department or other point of origin): General Services Department		Origination Date 9.18.08	Agenda Date SEP 24 2008
DIRECTOR'S SIGNATURE  Issa Z. Dadoush, P.E.		Council District(s) affected: B All	
For additional information contact: Jacquelyn L. Nisby  Phone: 832.393.8023		Date and identification of prior authorizing Council action: Ordinance No. 2008-0183; dated 3/5/08	
RECOMMENDATION: Appropriate additional funds for the project.			
Amount and Source Of Funding: \$62,136.00—Police Consolidated Construction Fund (4504)		Finance Budget: 	
Previous Funding: \$335,830.00—Police Consolidation Construction Fund (4504)			
SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate an additional amount of \$62,136.00 to the professional architectural services contract with Morris Architects, Inc. to provide additional design services for a new Tactical Training & SWAT Rifle Range for the Houston Police Department (HPD). During the Design review phase, HPD requested changes that warrant additional geotechnical, electrical, structural, surveying and civil engineering services to revise the design. The requested appropriation is necessary to incorporate the following revisions: <ul style="list-style-type: none">• Relocate proposed tactical range west of the existing berm and north of the drainage ditch. The range is to be "inverted" with the firing lines on the west end of the facility, shooting east.• Extend the depth of the fully baffled SWAT range from 25 to 50 yds.• Widen the range to 75 ft starting from the 25 yd line firing position and ending at the 50 yd line firing position.• Install an 8 ft wide concrete pad at the 50 yd line firing position.• Relocate the pre-engineered control structure behind the 50 yd line firing position.• Provide a vehicle access ramp over the 50 yd line firing position concrete pad if required due to grade elevations.• Relocate the existing access gate 25 yds to the east.			
REQUIRED AUTHORIZATION CUIC ID# 25DSGN28			
General Services Department:  Humberto Bautista Chief of Design & Construction Division		Houston Police Department:  Harold L. Hurtt Chief of Police	

SUBJECT: Appropriate Additional Funds Professional Architectural Services Contract Morris Architects, Inc. Tactical Training and SWAT Rifle Ranges WBS No. G-000088-0004-3	Originator's Initials ON	Page 2 of 2
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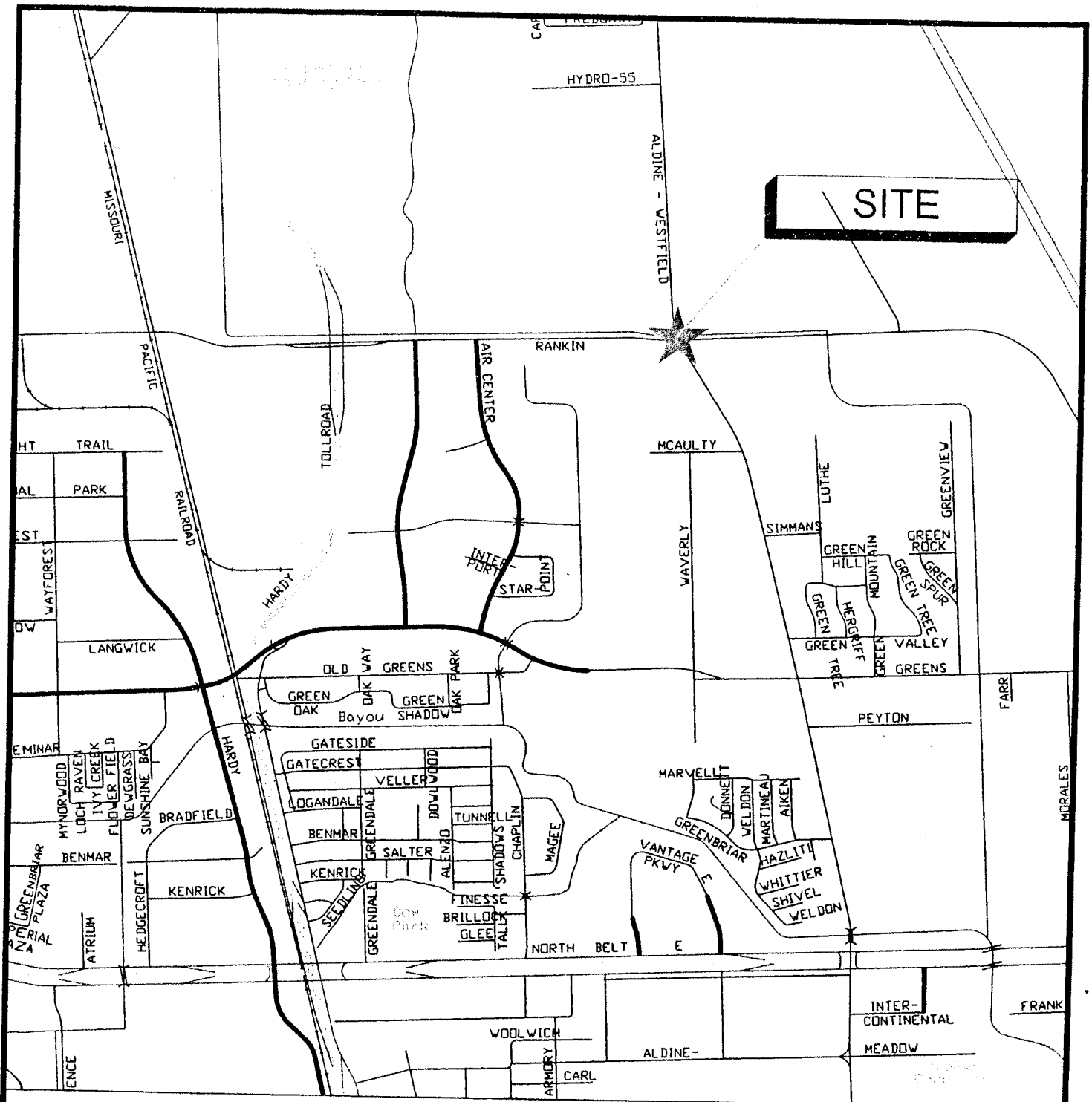
PROJECT LOCATION: 17000 Aldine Westfield Road (373H)

PREVIOUS HISTORY AND PROJECT SCOPE: On March 5, 2008, City Council approved an architectural services contract with Morris Architects, Inc. to provide programming, design, and construction phase services for a new outdoor tactical training range and renovation of the existing SWAT rifle range at the Houston Police Academy. The new facility will replace the existing facility, and will include 15 firing lanes, target system, bullet trap, range master booths and ballistic steel baffles to stop stray bullets. The new facility will allow the officers to qualify annually with duty ammunition.

M/WBE INFORMATION: The original contract and this additional appropriation have a 24% M/WBE goal. The architect will utilize the certified M/WBE firms referenced in the original contract to achieve the goal. To date the architect has achieved 8.73% M/WBE participation. It is anticipated that the architect will achieve its M/WBE goal by the completion of the contract.

IZD:HB:RAV:JLN:ON:on

c: Marty Stein, Kirk Munden, Calvin Curtis, Esq., Jacquelyn L. Nisby, Esq., Webb Mitchell, Mary M. Villarreal, Joseph Kurian, File G-000088-0004-3/507



Professional Architectural Services Contract
Tactical Training and SWAT Rifle Ranges
17000 ALDINE WESTFIELD

COUNCIL DISTRICT "B"

KEY MAP NO. 373H

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: First and Second readings of ordinance allowing the general purpose annexation of property located adjacent to Interstate 10 and in the vicinity of Barker Cypress and Park Row immediately west of the existing city limits		Category #	Page 1 of 1	Agenda Item #
				321 #4
FROM (Department or other point of origin): Planning and Development Department		Origination Date August 15, 2008		Agenda Date AUG 20 2008
DIRECTOR'S SIGNATURE: <i>Margaret R. Wallace</i>		Council District affected: A SEP 24 2008		
For additional information contact: Margaret Wallace Phone: 713-837-7826		Date and identification of prior authorizing Council action: <i>2nd + final reading</i>		
RECOMMENDATION: (Summary) That Council approve an ordinance allowing for the general purpose annexation of property located adjacent to Interstate 10 and in the vicinity of Barker Cypress and Park Row immediately west of the existing city limits, extending the City's corporate limits to include the territory and adopting a service plan.				
Amount and Source of Funding: N/A			Finance Budget:	
SPECIFIC EXPLANATION: On June 9, 2008, the City received a petition from the Methodist Hospital requesting that the city annex for general purposes property located adjacent to Interstate 10 and in the vicinity of Barker Cypress and Park Row. The territory to be annexed consists of 73.021 acres of land owned entirely by Methodist Hospital. The Methodist Hospital intends to develop a six-story hospital, a two story central utility plant and a six-story medical office building in the first phase of project. There are no residents in the area to be annexed. Annexation ordinances must be passed on two readings according to City Charter. The second reading of the annexation ordinance will be September 24, 2008. Following the second reading and adoption by council, the annexation will be complete. This matter was heard by the Council Committee for Regulation, Development & Neighborhood Protection Committee on June 24, 2008, and the committee voted to recommend consideration of this item to City Council. The Regulation, Development and Neighborhood Protection Committee functions as the Charter Ordinance Committee for purposes of annexation. City Council held two public hearings on the matter: the first held on July 23, 2008 and the second on July 30, 2008. There was no public opposition to the annexation at those hearings. In response to comments at the public hearings a service plan has been developed that defines not only the services to be provided by the City of Houston, but also the duties and obligations of Methodist Hospital. It is recommended that City Council approve with the first reading on August 20, 2008, and by subsequent Council action, the second reading on September 24, 2008, to approve the annexation ordinance.				
Cc: Marty Stein, Agenda Director Michael Moore, Mayor's Office Arturo Michel, City Attorney Sameera Mahendru, City Legal Michelle Mitchell, Finance Director Chief Harold Hurtt, HPD Chief Phil Boriskie, HFD				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

2. In order to preserve the buffer area in the future, Ms. Marks requested special restrictive language be placed on the plat.

- 12/7/07 – The Utility Analysis Section of PWE finalized all its requirements, and PWE Real Estate staff provided Valero with a letter listing all the requirements it needs to accomplish to complete the abandonment and sale process.
- 12/18/07 - PWE Real Estate staff requested that Valero contact the incoming District Council Member about the project.
- 1/8/08 – Valero representative, Fred Newhouse, advised PWE Real Estate staff that he visited with Council Member James Rodriguez to discuss Valero's project.
- 6/26/08 – A number of exchanges between Ms. Marks, the City's Legal Department, PWE, and Valero resulted in acceptance of the following language:

"Valero Houston Refinery or property owner is prohibited from using the area of the streets to be abandoned and sold for placement of any refinery heaters, boilers, distillation towers, cracking units, coker units, storage tanks which exceed 1,000 gallons, tank truck or rail car loading/unloading operations, or any other similar petroleum refining and/or processing units."

Valero's request has continued to be processed in PWE towards the Request for Council Action for motion in the normal sequence of events.

Should you require additional information, please contact Nancy Collins at (713) 837-0881.






AFI: NPC: dob

dob\sy8-009.doc

cc: Gary Norman


Andrew F. Icken

SUBJECT: Request for the abandonment and sale various streets and easements; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. Parcels SY8-009A through I		Category # 7	Page 1 of 3	Agenda Item # 33-8
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 8/14/08		Agenda Date SEP 10 2008
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director		Council District affected: 1 Key Map 535C, 535D 		
For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate		Date and identification of prior authorizing Council Action: Ordinances: 69-1527 (8/19/69) 67-613 (4/4/67)		

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) a 55-foot-wide sanitary sewer and water line easement in former East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) 30- to 55-foot-wide sanitary sewer and water line easements in former East Avenue P (from 96th Street to 97th Street), in former East Avenue O (from the west line of Lot 10, Block 76 east to 97th Street), in former East Avenue N (from the west line of Lot 8, Block 66 to 97th Street), and in former 97th Street (from the north line of East Avenue P south to Manchester Avenue); and (i) 55-foot-wide sanitary sewer and water line easements in former East Avenue S (from Central Avenue east to the east line of 96th Street), in former East Avenue R (from the west line of Lot 47, Block 94 east to 96th Street), in former East Avenue Q (from 95th Street to 96th Street), in former 95th Street (from East Avenue S to East Avenue Q), and in former 96th Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. **Parcels SY8-009A through I**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Frederick Newhouse of Valero Houston Refinery, 9701 Manchester, Houston, Texas, 77012, requested abandonment and sale of (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) a 55-foot-wide sanitary sewer and water line easement in former East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) 30- to 55-foot-wide sanitary sewer and water line easements in former East Avenue P (from 96th Street to 97th Street), in former East Avenue O (from the west line of Lot 10, Block 76 east to 97th Street), in former East Avenue N (from the west line of Lot 8, Block 66 to 97th Street), and in former 97th Street (from the north line of East Avenue P south to Manchester Avenue); and (i) 55-foot-wide sanitary sewer and water line easements in former East Avenue S (from Central Avenue east to the east line of 96th Street), in former East Avenue R (from the west line of Lot 47, Block 94 east to 96th Street), in former East Avenue Q (from 95th Street to 96th Street), in former 95th Street (from East Avenue S to East Avenue Q), and in former 96th Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9.

Valero Houston Refinery intends to construct an office building, warehouse, and several small administration buildings in the area of the subject streets, which will also serve as a buffer zone between the fenced-in petroleum processing portion of the refinery and area single-family properties. The applicant is prohibited from using the area of the streets to be abandoned and sold for placement of any refinery heaters, boilers, distillation towers, cracking units, coker units, storage tanks which exceed 1,000 gallons, tank truck or rail car loading/unloading operations, or any other similar petroleum refining and/or processing units. The final plat to be recorded for the applicant's project must contain this information.

In 1960's the City abandoned and sold by Ordinances 69-1527 and 67-613 several streets to Valero Houston Refinery's predecessor, Signal Oil and Gas Company, and retained easements for the maintenance of sewer and water lines. Valero Houston Refinery requested the retained easements be abandoned and sold in this transaction.

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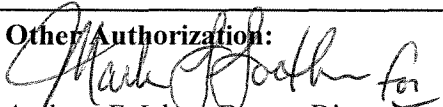
CUIC #20DOB8882


REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:


Other Authorization:


Andrew F. Icken, Deputy Director
Planning and Development Services Division

Date:	Subject: Request for the abandonment and sale various streets and easements; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. Parcels SY8-009A through I.	Originator's Initials 	Page <u>2</u> of <u>3</u>
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This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City abandon and sell (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) a 55-foot-wide sanitary sewer and water line easement in former East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) 30- to 55-foot-wide sanitary sewer and water line easements in former East Avenue P (from 96th Street to 97th Street), in former East Avenue O (from the west line of Lot 10, Block 76 east to 97th Street), in former East Avenue N (from the west line of Lot 8, Block 66 to 97th Street), and in former 97th Street (from the north line of East Avenue P south to Manchester Avenue); and (i) 55-foot-wide sanitary sewer and water line easements in former East Avenue S (from Central Avenue east to the east line of 96th Street), in former East Avenue R (from the west line of Lot 47, Block 94 east to 96th Street), in former East Avenue Q (from 95th Street to 96th Street), in former 95th Street (from East Avenue S to East Avenue Q), and in former 96th Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the streets being abandoned and sold;
4. The applicant be required to (a) cut, plug, and abandon or convert to private metered service the existing 8-inch water line in 95th Street from East Avenue O to East Avenue Q; (b) cut, plug, and abandon or convert to private metered service the existing 12-inch water line in 96th Street from Manchester Avenue to East Avenue P; (c) cut, plug, and abandon or convert to private metered service the existing 4-inch water line in East Avenue N from 96th Street to its terminus; (d) cut, plug, and abandon or convert to private metered service the existing 8-inch water line in East Avenue N from 95th Street to 96th Street; (e) cut, plug, and abandon or convert to private metered service the existing 4-inch water line in East Avenue O from 96th Street to its terminus; (f) cut, plug, and abandon or convert to private metered service the existing 6-inch water line in East Avenue O from 95th Street to 96th Street; (g) cut, plug, and abandon or convert to private metered service the existing 12-inch water line in East Avenue P from 95th Street to 96th Street; (h) cut, plug, and abandon or convert to private metered service the existing 16-inch water line in East Avenue P from Central Street to 95th Street; (i) cut, plug, and abandon or convert to private metered service the existing 8-inch water line in East Avenue Q from Central Street to 95th Street; (j) cut, plug, and remove or convert to private metered service the eight fire hydrants connected to the various water lines; and (k) pay the depreciated value for the water lines and fire hydrants being abandoned or converted to private service, all at no cost to the City and under the proper permits;
5. The applicant be required to (a) cut, plug, and abandon or convert to private service the existing 21-inch sanitary sewer line in 95th Street from East Avenue O to East Avenue S; (b) cut, plug, and abandon or convert to private service the existing 10-inch sanitary sewer line in 96th Street from Manchester Avenue to East Avenue O; (c) cut, plug, and abandon or convert to private service the existing 8-inch sanitary sewer line in East Avenue N from 95th Street to its terminus; (d) cut, plug, and abandon or convert to private service the existing 8-inch sanitary sewer line in East Avenue O from 95th Street to its terminus; (e) cut, plug, and abandon or convert to private service the existing 8-inch sanitary sewer line in East Avenue P from Central Street to its terminus; (f) cut, plug, and abandon or convert to private service the existing 8-inch sanitary sewer line in East Avenue P from Central Street to 95th Street; (g) cut, plug, and abandon or convert to private service the existing 8-inch sanitary sewer line in East Avenue Q from Central Street to its terminus; (h) cut, plug, and abandon or convert to private service the existing 8-inch sanitary sewer line in East Avenue R from Central Street to its terminus; (i) cut, plug, and abandon or convert to private service the existing 12-inch sanitary sewer line in East Avenue S from Central Street to its terminus; (j) cut, plug, and remove or convert to private service the twenty-five manholes connected to the various sanitary sewer lines; (k) construct a 21-inch sanitary sewer line in Central Street from East Avenue O to East Avenue S; (l) construct a 21-inch sanitary sewer line in East Avenue O from Central Street to 95th Street to connect to the 24-inch sanitary sewer line in 95th Street; and (m) pay the depreciated value for the sanitary sewer lines and manholes being abandoned and sold or converted to private service. As an alternative to Items (k) and (l) the applicant may instead choose to (n) construct a 21-inch sanitary sewer line in Central Street from East Avenue O to Manchester Avenue and (o) construct a 21-inch sanitary sewer line in Manchester Avenue from Central Street to 95th Street to connect to the 24-inch sanitary sewer line in 95th Street. All of the foregoing items must be completed at no cost to the City and under the proper permits;
6. The applicant be required to relocate the two existing storm sewer inlets in 96th Street to Manchester Avenue, all at no cost to the City and under the proper permits;

Date:	Subject: Request for the abandonment and sale various streets and easements; all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. Parcels SY8-009A through I	Originator's Initials 	Page <u>3</u> of <u>3</u>
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7. The applicant be required to eliminate the public street appearance of the streets being abandoned and sold by removing a minimum of ten feet of the pavement or removing the pavement and culvert at the intersection to restore the ditch flow line of (a) East Avenue Q at its intersection with Central Street, (b) East Avenue P at its intersection with Central Street, (c) East Avenue O at its intersection with 95th Street, (d) East Avenue N at its intersection with 95th Street, and (e) 95th Street at its intersection with East Avenue O, all at no cost to the City and under the proper permits;
8. The applicant be required to eliminate the public street appearance of 96th Street at its intersection with Manchester Avenue by extending the curb and sidewalk across 96th Street and adjusting the drainage, all at no cost to the City and under the proper permits. Other possible ways to comply with the requirements in Items 7 and 8 may be acceptable, subject to review and approval by the Public Works and Engineering Department, Traffic and Transportation Division;
9. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Items 4, 5, 6, 7, and 8 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in an amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for this transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
10. The applicant be required to coordinate with CenterPoint Energy to have the street lights along the streets to be abandoned and sold converted to metered private service or the City will authorize the removal of the street lights upon passage of the ordinance to conclude this transaction.
11. The applicant be required to insert the following language in the final plat: "Use of the area is prohibited from placement of any refinery heaters, boilers, distillation towers, cracking units, coker units, storage tanks which exceed 1,000 gallons, tank truck or rail car loading/unloading operations, or any other similar petroleum refining and/or processing units."
12. The Legal Department be authorized to prepare the necessary transaction documents; and,
13. Inasmuch as the value of the property interests is expected to exceed \$1,000,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – David Dominy and Michael Copland.

MSM:NPC:dob

c: Phil Boriskie
Raymond Chong, P.E., P.T.D.E.
Marlene Gafrick
Bill Hlavacek
Elena Marks, JD, MPH
Arturo G. Michel
Reid Mrsny, P.E.
Marty Stein
Jeff Taylor

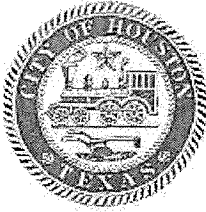
LOCATION MAP

Abandonment and sale of (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) a 55-foot-wide sanitary sewer and water line easement in former East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) a 30- to 55-foot-wide sanitary sewer and water line easement in former East Avenue P (from 96th Street to 97th Street), former East Avenue O (from the west line of Lot 10, Block 76 east to 97th Street), former East Avenue N (from the west line of Lot 8, Block 66 to 97th Street), and former 97th Street (from the north line of East Avenue P south to Manchester Avenue); and (i) a 55-foot-wide sanitary sewer and water line easement in former East Avenue S (from Central Avenue east to the east line of 96th Street), former East Avenue R (from the west line of Lot 47, Block 94 east to 96th Street), former East Avenue Q (from 95th Street to 96th Street), former 95th Street (from East Avenue S to East Avenue Q), and former 96th Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. **Parcels SY8-009A through I**



CAUTION:

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



CITY OF HOUSTON

Public Works and Engineering
Department

33
SEP 24 2008

Interoffice

Correspondence

To: Marty Stein
Agenda Director
Office of the Mayor

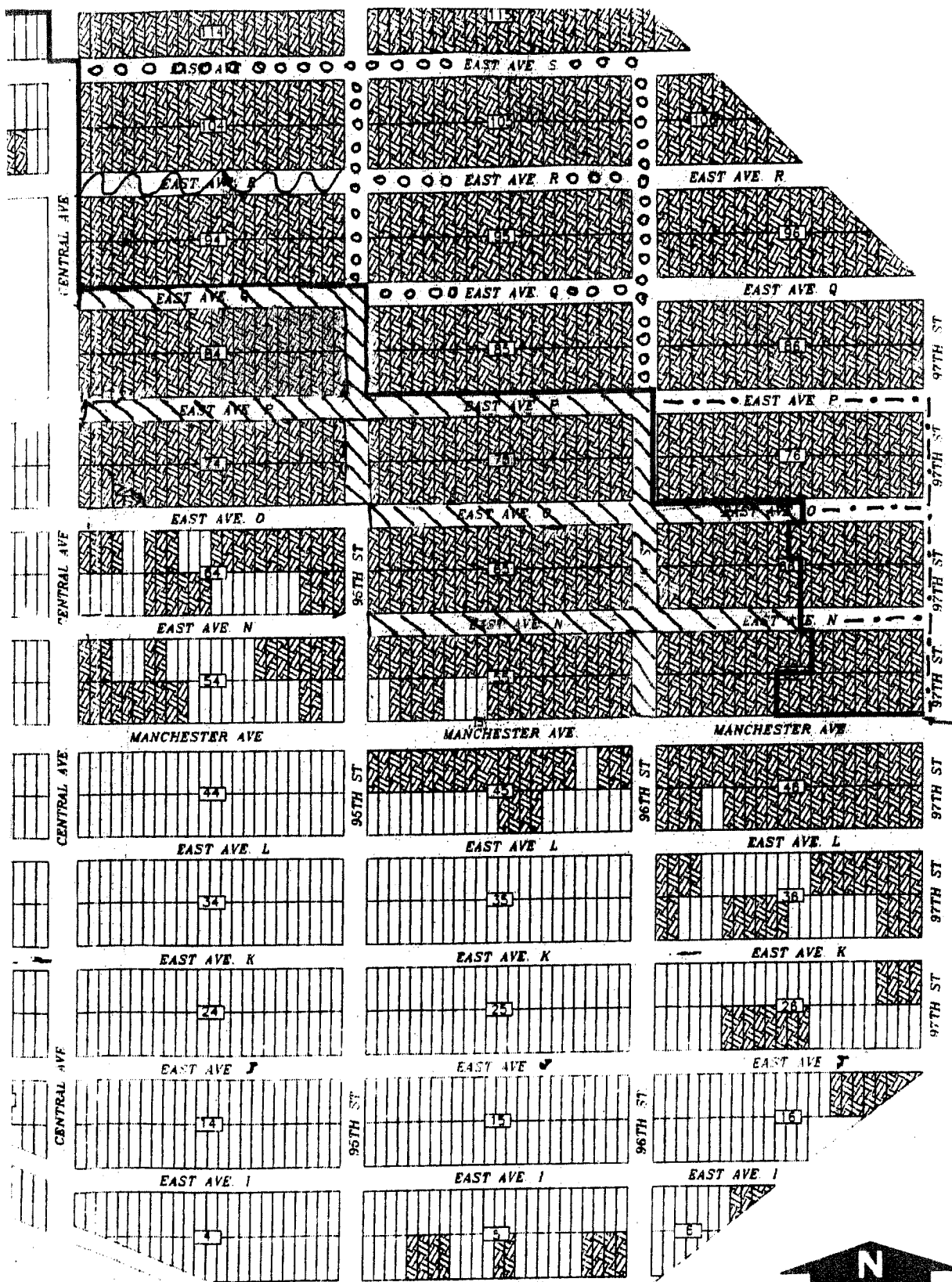
From: Deputy Director
Planning and Development Services
Division

Date: August 27, 2008

Subject: Request from Valero Houston Refinery for the abandonment and sale of various streets and easements located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. **Parcels SY8-009A through I (CUIC 20DOB8882)**

The subject transaction has proceeded within the following time line:

- 4/24/07 - Representatives from JNS Consulting Engineers, Inc. and Valero Houston Refinery (Valero) presented a preliminary overview of Valero's project to the Joint Referral Committee (JRC) prior to submitting the formal application for abandonment.
 - 6/7/07 - Real Estate Branch, Public Works and Engineering Department (PWE) received an application from Valero requesting several street abandonments.
 - 6/19/07 - The JRC discussed Valero's application and deferred action pending further review of utility-related issues.
 - 6/26/07 - Representatives from JNS Consulting Engineers, Inc. attended the JRC meeting to answer questions from the members and provide additional information about Valero's project and construction plans.
 - 7/10/07 - The JRC deferred further action on the request until signs notifying the public of the abandonment request were posted for 30 days, which began July 10, 2007. The Traffic and Transportation Division of PWE, indicated a traffic impact study was not required.
 - 7/17/07 - Valero's representative, Fred Newhouse, advised PWE staff that he presented Valero's plans at the July 17, 2007 Manchester Civic Association meeting at Hartman Park. Advance notice of the presentation was via newsletter to approximately 400 homes in the neighborhood. In attendance were approximately 50 area residents, representatives from former Council Member Carol Alvarado's office, and others.
 - 8/8/07 - The 30-day sign posting period ended with no calls received by PWE staff. JRC approved the request subject to the normal requirements as well as specific utility-related requirements.
 - 9/5/07 - Information provided by Valero regarding the project plans, buffer zone, and property use was forwarded to Elena Marks of the Mayor's office for her review.
1. Valero intends to provide a buffer area between the processing portions of its refinery and area residents by utilizing the proposed street abandonments and adjacent lots for office space, warehousing, and security. This area is to remain outside the current fence line which delineates the proposed street abandonments from Valero's petroleum processing operations.



VALERO
PENCE LINE

Easements to be Abandoned and Sold:

(Previous Street Abandonments in 1960's)

Parcel SY8-009G -- Portion of E Ave R

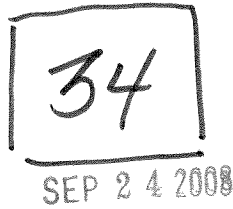
Parcel SY8-009H -- Tract 1

Parcel SY8-009I -- Tract 2

Streets to be Abandoned and Sold:
Parcels SY8-009A through SY8-009F

Valero
Property

Abandonment and sale of (a) East Avenue Q, from Central Avenue to 95th Street; (b) East Avenue P, from Central Avenue to 96th Street; (c) East Avenue O, from 95th Street east to the west line of Lot 39, Block 66; (d) East Avenue N, from 95th Street east to the west line of Lot 8, Block 66; (e) 95th Street, from the north line of East Avenue Q to East Avenue O; (f) 96th Street, from the north line of East Avenue P to Manchester Avenue; (g) per Ordinance 69-1527: a 55-foot-wide sanitary sewer and water easement in East Avenue R, from Central Avenue east to the west line of Lot 47, Block 94; (h) Tract One per Ordinance 67-613: a 30- to 55-foot-wide sanitary sewer and water easement in East Avenue P (from 96th Street to 97th Street), East Avenue O (from the west line of Lot 10, Block 76 east to 97th Street), East Avenue N (from the west line of Lot 8, Block 66 to 97th Street), and 97th Street (from the north line of East Avenue P south to Manchester Avenue); and (i) Tract Two per Ordinance 67-613: a 55-foot-wide sanitary sewer and water easement in East Avenue S (from Central Avenue east to the east line of 96th Street), East Avenue R (from the west line of Lot 47, Block 94 east to 96th Street), East Avenue Q (from 95th Street to 96th Street), 95th Street (from East Avenue S to East Avenue Q), and 96th Street (from East Avenue S to East Avenue P); all located in the Manchester Subdivision, out of the Callahan and Vince Survey, A-9. **Parcels SY8-009A through I**



MOTION NO. 2008

MOTION by Council Member Clutterbuck to amend the proposed Ordinance Amending Chapter 26 of the Code of Ordinances relating to parking lot standards, to delete the following sections:

Sec. 26-631 Marking of spaces

Sec. 26-632 Parking lot surface

Sec. 26-633 Lighting

Sec. 26-634 Maintenance

Seconded by Council Member Khan

Council Member Jones absent

On 9/10/08 the above motion was tagged by Council Member Clutterbuck.

cr

34A

SEP 24 2008

MOTION NO. 2008

WRITTEN Motion by Council Member Holm to amend the proposed ordinance amending Chapter 26 of Code of Ordinances relating to parking lot standards, as follows:

I move to amend Item 13, Section 26-602 to read:

The provisions of this article shall apply to parking lots that are open to the public and operating 10 days or more per year.

Council Members Johnson and Jones absent

On 09/10/2008 the above motion was tagged by Council Member Holm.

mla

SUBJECT: Ordinance establishing minimum standards for privately-owned parking lots.		Page 1 of 2	Agenda Item 34B / 13
FROM: (Department or other point of origin): General Services Department		Origination Date 9/5/08	Agenda Date SEP 10 2008 SEP 24 2008
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 9/5/08		Council Districts affected: All	
For additional information contact: Liliana Rambo <i>Liliana Rambo</i> Phone: 713-853-8193 Jacquelyn L. Nisby Phone: 832-393-8023		Date and identification of prior authorizing Council Action:	
RECOMMENDATION: Approve an ordinance establishing minimum standards, including signage, for privately-owned parking lots.			
Amount and Source of Funding: Not Applicable		Finance Budget:	
SPECIFIC EXPLANATION: In August 2007, the Public Parking Commission's Private Parking Lot Subcommittee began investigating complaints from patrons of privately-owned parking lots about the parking lots' coercive and fraudulent operating practices. Such practices included booting vehicles for alleged failure to pay parking fees at parking fee "drop boxes" (unmanned pay stations that do not provide receipts for payment of parking fees). The Parking Lot Subcommittee also reviewed various conditions that exist in parking lots in the Central Business District (CBD). A companion ordinance regulates vehicle immobilization ("booting") activities by private booting companies. <u>The following changes to the ordinance were made after the Transportation, Infrastructure & Aviation Committee meeting of August 12, 2008:</u> <ul style="list-style-type: none"> • "Special event" is defined. • Limitation to CBD removed; ordinance goes into effect in CBD 180 days after passage and into effect in the rest of the City 360 days after passage. • Police officers added to section on persons authorized to enforce the ordinance. • Fee for registration of parking lots is raised to \$50 and HPD will perform site inspection of parking lot after registration. • Clarified provision making it unlawful to have a vehicle booted or towed in a parking lot that does not provide a receipt for payment of parking fees. • Signage and receipt must contain words "Display Receipt on Dashboard". • Third party enforcement services (including booting and towing companies) are prohibited from possessing keys or other means to move money in unmanned pay stations or to remove money from the pay stations. • Ratio limitation removed from lighting requirement. <u>This ordinance applies to paid parking lots that are open to the public 200 days or more a year. Specific provisions include:</u> <ul style="list-style-type: none"> • Requirement for parking lot companies to register lots with the police official. 			
REQUIRED AUTHORIZATION		CUIC ID #25MLI003	
General Services Department: <i>Liliana Rambo</i> Liliana Rambo Assistant Director Parking Management Division	Other Authorization:	Other Authorization:	

Date:	SUBJECT: Ordinance establishing minimum standards for privately-owned parking lots	Originator's Initials MLI	Page 2 of 2
<ul style="list-style-type: none"> • Specific signage, with requirements regarding placement and content of signs. <ul style="list-style-type: none"> ○ If booting will be used as enforcement tools in a lot, signage must include telephone number to arrange removal of boot and number for HPD Auto Dealers Detail. ○ Temporary signage required if special event rates are different than usual rates, same as state law requirement. • Prohibition against booting or towing vehicles from a parking lot for nonpayment of parking fees if a parking lot does not provide receipts for payment of parking fees. Receipts must contain the words "Display receipt on dashboard". • Requirements for parking attendants: <ul style="list-style-type: none"> ○ Must wear picture ID, name tag, and shirt, jacket or vest with logo of parking lot. ○ Must provide written, dated receipt for payment of parking fees with parking lot name and logo. • Requirement for closed lots to barricade entrances and exits. Caution tape, plastic tape, rope, or other non-durable equipment may not be used and barriers may not be attached to signs, trees, or any such object in the public right-of-way. • Parking spaces must be clearly striped, parking space numbers must be clearly visible, parking lot surfaces must be free of potholes and lots shall be kept free from graffiti, weeds, litter and trash. • Lots shall be lighted to .7 foot candles when operating at night. <p>IZD:LR:JLN:MLI:mli</p> <p>c : Marty Stein, Jacquelyn L. Nisby, Arturo Michel</p>			

City of Houston, Texas, Ordinance No. 2008-_____

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO PARKING LOT STANDARDS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFOR; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, in response to complaints from patrons of parking lots about operating practices of the parking lots such as wrongfully towing and booting patrons' vehicles, the Public Parking Commission's Private Parking Lot Subcommittee undertook to identify practices giving rise to the complaints; and

WHEREAS, confusion about whether a parking lot is open for business and how to appropriately pay for parking in the lot is exploited by persons who fraudulently present themselves as representatives of the parking lot and take payment from members of the public; and

WHEREAS, confusion about the appropriate and legitimate person or device to whom payment should be made results in adverse actions, such as towing or immobilizing vehicles, by the parking lot owners or operators against members of the public; and

WHEREAS, slotted pay boxes are obsolete, outdated equipment and are the source of numerous complaints because: (1) members of the public sometimes mistakenly insert payment into the incorrect slot; (2) the pay boxes do not provide receipts for payment of parking fees; (3) the pay boxes are susceptible to theft because money can be extracted from the pay slots by unauthorized persons; and (4) numbering of parking spaces is sometimes illegible; and

WHEREAS, privately-owned parking lots often fail to provide access restrictions such as barriers, chains, or gates to restrict the public from entering parking lots that are closed for business; and

WHEREAS, when the public assumes parking lots that are closed for business but have no access restrictions are available for free parking after normal business hours, such erroneous assumptions have resulted in vehicles being booted or towed from the lots; and

WHEREAS, the Public Parking Commission has found that regulation of parking lots is necessary to safeguard the health, safety, property and welfare of the public and to prevent unreasonable business practices; and

WHEREAS, the Public Parking Commission has recommended that City Council adopt amendments to Chapter 26 of the Code of Ordinances to protect the health, safety, property and welfare of the users of parking lots and to prevent fraud and unreasonable business practices; **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 Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article IX that reads as follows:

"ARTICLE IX. MINIMUM STANDARDS FOR PARKING LOTS.

DIVISION 1. GENERALLY

Sec. 26-601. Definitions.

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

Barrier gate means an automated gate at each entrance to a parking lot to regulate vehicular entry to the parking lot that provides a ticket for entry or a receipt for payment of parking fees.

Foot-candles means a measure of illuminance in lumens per square foot.

Parking lot means public or private property used, wholly or partly, for restricted or paid motor vehicle parking, but does not include parking garages.

Parking lot attendant means an individual who, on behalf of a parking lot general manager, collects a parking fee from motor vehicle operators as payment to park in a parking lot.

Parking lot general manager means an individual who is employed by a parking lot operating company and is responsible for the day-to-day operations of a parking lot.

Parking lot operating company means the person who:

- (1) Owns and operates a parking lot;
- (2) Contracts with the owner(s) of a parking lot to manage the lot; or
- (3) Leases the parking lot from the owner, for the purpose of operating the property as a parking lot.

Pay station means a booth or box, whether attended or not, situated at or on a parking lot where payment of the hourly, daily, or monthly parking fee for that parking lot is made or deposited.

Police official means the chief of police or such other person as he may designate to act as the official primarily responsible for the administration of this article or the said official's designees.

Special event means an event for which demand for parking in an area is increased because of an activity that does not occur on a daily or regular basis; such special event rate may change during a special event depending on the demand for parking.

Special event parking fee means any parking fee charged other than the commonly-charged hourly, daily, or monthly rate as reflected on permanent signage in a parking lot.

Unauthorized vehicle means a vehicle parked, stored, or located on a parking lot without the consent of a parking lot general manager or parking lot operating company.

Sec. 26-602. Application.

The provisions of this article shall apply to parking lots used for paid motor vehicle parking that are open to the public and operating 200 days or more per year.

Sec. 26-603. Entry powers of city officials.

It shall be the duty of any parking lot manager to allow immediate access by any police officer or building official to any portion of the premises of the parking lot for the purpose of inspection of such premises and vehicle

immobilization services for compliance with this article, article X of this chapter, or any other applicable law.

Sec. 26-604. Compliance with other laws.

Compliance with the requirements of this article does not excuse compliance with any other provisions of state law or this Code relating to parking regulations or parking facilities.

Sec. 26-605. Enforcement.

The building official or any police officer is authorized to issue citations charging the violation of any of the provisions of this article.

Sec. 26-606. Registration of parking lot operating companies.

(a) It shall be unlawful for any person to operate a parking lot in the city that has not been registered as required by this section.

(b) A parking lot general manager shall register each parking lot under his management by paying a fee of \$50.00 per lot to the police official and providing to such official the following information regarding each parking lot:

- (1) The name, telephone number, and business address of the parking lot operating company;
- (2) The name, telephone number, facsimile number, and business or residence address, including street name and number, city, state and zip code, of the parking lot general manager; and
- (3) The street address, days and hours of operation of the parking lot.

The use of a public or private post office box or other similar address shall not be sufficient for the purposes of complying with this subsection.

(c) After a parking lot general manager complies with the provisions of this section, the police official will:

- (1) Perform an inspection of the parking lot to make an initial determination as to whether the lot is in violation of any requirements of this article and advise the parking lot general manager of his findings; and

- (2) Provide to the parking lot general manager a registration compliance statement.

(d) Any change in the information required in subsection (b) of this section shall require the new parking lot general manager to file updated registration information and to pay a registration update fee of \$10 to the police official within 30 days of the effective date of the change. A prior parking lot general manager shall advise the police official that he no longer manages the property.

(e) The parking lot general manager of a newly constructed or established parking lot shall comply with the provisions of this section not later than the thirtieth day following completion of construction or new opening of the parking lot, whichever occurs first.

Secs. 26-607--26-615. Reserved.

DIVISION 2. BUSINESS PRACTICES

Sec. 26-616. Signage required.

(a) Signage prohibiting unauthorized vehicles on a parking lot must be:

- (1) Facing and conspicuously visible to the driver of a vehicle that enters the parking lot;
- (2) Located at all pay stations;
- (3) Permanently mounted on a pole, post, permanent wall, or permanent structure installed on the parking lot;
- (4) Installed so that the bottom edge of any such sign is no lower than five feet and no higher than eight feet above ground level.
- (5) Unobstructed by vegetation or any other obstruction;
- (6) Made of weather-resistant material; and
- (7) At least 18 inches in width and 24 inches in height.

(b) Signage prohibiting unauthorized vehicles must contain lettering at least one inch in height in a solid color that contrasts with the background and must clearly state:

- (1) The days and hours of operation of the parking lot;
- (2) Who may park in the parking lot, prohibiting all others, and the consequences for non-payment of parking fees (*i.e.*, 'Unauthorized Vehicles Will Be Booted or Towed at Owner's or Operator's Expense') in bright red lettering at least two inches in height on a white background;
- (3) How to pay for parking in the lot (*i.e.*, 'pay attendant' or 'pay drop box,' etc.), and the hourly or other fee for such service; provided, however, for lots utilizing different rates for various periods of parking, fee information may be contained on a separate sign adjacent to the pay station;
- (4) If unauthorized vehicles may be booted in the parking lot:
 - a. The number of a telephone that is answered by the vehicle immobilization service 24 hours a day, 7 days a week to arrange for removal of a boot device; and
 - b. The telephone number for the police department's auto dealers detail; and
- (5) If unauthorized vehicles may be booted or towed in the parking lot, the following: 'Receipts must be displayed on dashboard.'

(c) When the fee to park in a parking lot during a special event is a different amount than the hourly, daily or monthly rate, conspicuous temporary signage at least two feet high and two feet wide shall be posted at all entrances to the parking lot and at all pay stations, clearly stating the amount of the special event parking fee in letters not less than six inches high.

Sec. 26-617. Receipt and enforcement.

It shall be unlawful for a parking lot general manager to have a vehicle immobilized ('booted') or towed for non-payment of parking fees in a parking lot that does not provide receipts for payment of parking fees. Each receipt issued for payment of a parking fee shall have printed thereon in bold type the following directive 'Display receipt on dashboard.'

Sec. 26-618. Attendant requirements.

It shall be the duty of any owner or manager of a parking lot to ensure that no individual at any time performs as a parking lot attendant unless the individual meets each of the requirements of this section. Each parking lot attendant shall:

- (1) Be 16 years of age or older;
- (2) Wear a picture ID, name tag with the employee's first name and employee identification number, and shirt, jacket or vest with the name and logo of the parking lot operating company;
- (3) Provide a written receipt to the operator of a vehicle parked on the parking lot with the name and logo of the parking lot, and the date parking fees were paid; and
- (4) Perform his duties in a courteous and professional manner.

Sec. 26-619. Access to money in unmanned pay stations.

It shall be unlawful for third-party enforcement services, including but not limited to vehicle immobilization services and tow companies, to possess keys or to have any other means of access to move or remove money from any unmanned pay station in a parking lot.

Sec. 26-620. Closure of parking lot entrances.

(a) The parking lot operator or manager of a parking lot that is closed for business shall barricade all entrances to and exits from the parking lot by means of a barrier gate, chain, or other durable barrier equipment.

(b) The use of caution tape, plastic tape, rope, or other such non-durable equipment to indicate the closure of entrances and exits is prohibited.

(c) Barriers shall not be attached to signage, trees, or any such object in the public right-of-way.

Secs. 26-621–26-630. Reserved.

DIVISION 3. DESIGN AND MAINTENANCE

Sec. 26-631. Marking of spaces.

(a) All parking spaces must be clearly and permanently identified by stripes.

(b) When unmanned pay stations are used, parking space numbering shall be clearly visible on each parking space.

Sec. 26-632. Parking lot surface.

Parking lot surfaces must be free of potholes.

Sec. 26-633. Lighting.

(a) Lighting shall be installed to illuminate pay stations and parking spaces in parking lots at all times while the parking lot is open for business between the hours of 6:00 p.m. on any day and 6:00 a.m. on the following day.

(b) All pay stations and parking areas shall be lighted to at least 0.7 foot-candles, measured at any such location on the lot at all times while the parking lot is open for business between 6:00 p.m. on any day and 6:00 a.m. on the following day.

Sec. 26-634. Maintenance.

(a) Parking lots shall be kept free from graffiti, weeds, litter and trash.

(b) Gravel from a parking lot shall not extend onto sidewalks or adjoining streets."

Section 3. That, for purposes of this **Section 3**, the term *central business district* has the meaning ascribed in Section 26-2 of the Code of Ordinances, Houston, Texas. The provisions of this Ordinance shall be applicable and take effect within the central business district on the one hundred eightieth day following passage and approval of this Ordinance and shall be applicable and take effect elsewhere within the City on the three hundred sixtieth day following passage and approval of this Ordinance.

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 as provided in

Section 3, above.

PASSED AND APPROVED this ____ day of _____, 2008.


Mayor of the City of Houston

Prepared by Legal Dept. _____

TBC:asw 09/04/2008

Requested by Issa Dadoush, Director, General Services Department

L.D. File No. 0250700029002



Senior Assistant City Attorney



SUBJECT: Ordinance regulating the booting of vehicles in privately-owned parking lots.		Page 1 of 2	34C	Agenda Item 3A
FROM: (Department or other point of origin): General Services Department		Origination Date 9/5/08		Agenda Date SEP 10 2008 SEP 24 2008
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 9/5/08</i>		Council Districts affected: All		
For additional information contact: Liliana Rambo Phone: 713-853-8193 Jacquelyn L. Nisby Phone: 832-393-8023		Date and identification of prior authorizing Council Action:		
RECOMMENDATION: Approve an ordinance regulating the practice of booting of vehicles to enforce payment of parking fees in privately-owned parking lots.				
Amount and Source of Funding: Not Applicable			Finance Budget:	
<p>SPECIFIC EXPLANATION: Over the past year, the City has received an ever-increasing number of complaints about fraudulent and coercive practices by boot operators that operate in privately-owned parking lots. Vehicle immobilization ("booting") on private property is currently unregulated in Texas.</p> <p>After several public hearings, the Public Parking Commission's Private Parking Lot Subcommittee determined that boot operators were engaging in predatory and sometimes fraudulent practices that negatively impact the health and safety of the public. The Commission found that regulation of booting on private parking lots throughout the City of Houston is necessary to promote the health, safety and welfare of the public and to provide needed guidelines for consistent business practices associated with private parking lots.</p> <p>This ordinance regulates booting practices in paid parking lots, access to which is not regulated by barrier gates. A companion ordinance sets forth minimum standards for parking lots.</p> <p>The following revisions were made after the Transportation, Infrastructure & Aviation Committee meeting of August 12, 2008:</p> <ul style="list-style-type: none"> If a patron paid for parking but failed to display a receipt on their vehicle's dashboard, the booting operator will only charge an administrative fee of \$25 (rather than \$100) to remove the boot, if patron can produce a receipt. The ordinance will apply to the Central Business District 90 days from passage of the ordinance and will apply to the rest of the City 360 days from passage of the ordinance. <p><u>Specific provisions of the ordinance include:</u></p> <ul style="list-style-type: none"> Prohibitions against booting a vehicle: <ul style="list-style-type: none"> without a permit to operate a booting service from the City of Houston in a lot that does not have specific signage required by the parking lots standards ordinance in a paid lot that does not provide a receipt for payment of parking fees 				
REQUIRED AUTHORIZATION			CUIC ID #25MLI002	
General Services Department: <i>Liliana Rambo</i> Liliana Rambo Assistant Director Parking Management Division		Other Authorization:		Other Authorization:

Date:	SUBJECT: Ordinance regulating the booting of vehicles in privately-owned parking lots.	Originator's Initials MLI	Page 2 of 2
<ul style="list-style-type: none">• Towing is prohibited in a lot if no receipt is issued for payment of parking fees• Conflicts: Prohibition against lot operating company or general manager having monetary or ownership interest in booting service, and from receiving kickbacks from booting service.• Booting operations: the amount that can be charged to remove a boot is limited to \$100 and unpaid parking fees for the past 24 hours, and any past due fees for contract parking; limited to \$25 if patron can produce receipt.• Violations shall be punished by a fine between \$300 and \$500. <p>IZD:LR:JLN:MLI:mli</p> <p>c: Marty Stein, Jacquelyn L. Nisby, Arturo Michel</p>			

City of Houston, Texas, Ordinance No. 2008-_____

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE IMMOBILIZATION OF VEHICLES IN PARKING LOTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFOR; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City has received a growing number of complaints from patrons of parking lots regarding the use of vehicle immobilization devices ("booting") in private parking lots; and

WHEREAS, the Private Parking Lot Subcommittee of the Public Parking Commission undertook a review of the increasing incidence of booting activities in privately-owned parking lots in the City and provided its findings to the Public Parking Commission; and

WHEREAS, owners and operators of parking lots assert that a small percentage of the public consistently fails to pay to park in the lots, and that booting vehicles is both an incentive for a vehicle owner to pay parking fees and a more convenient and less expensive alternative for the vehicle owner than having the vehicle towed from the parking lot; and

WHEREAS, booting activities by private entities are currently unregulated, resulting in fraudulent and predatory practices that negatively impact the health and safety of the public; and

WHEREAS, confusion about whether a parking lot is open for business and the ability of a vehicle operator to correctly identify the person or device to whom payment of a parking fee should be made often results in adverse actions by parking lot owners or operators against members of the public, such as the towing or booting of vehicles; and

WHEREAS, slotted parking fee pay boxes are obsolete, outdated equipment and are the source of numerous complaints because: (1) members of the public sometimes mistakenly insert payment into the incorrect slot; (2) number of parking spaces is sometimes illegible; (3) the pay boxes do not provide receipts for payment of parking fees; and (4) the pay boxes are susceptible to theft because money can be extracted from the pay slots, and;

WHEREAS, the Public Parking Commission has found that regulation of booting is necessary to safeguard health, safety, property and welfare of the public and to prevent fraudulent and predatory business practices associated with booting vehicles in parking lots; and

WHEREAS, the Public Parking Commission has recommended that City Council adopt amendments to Chapter 26 of the Code of Ordinances to prevent fraud and other unreasonable business practices and to protect the health, safety and welfare of the users of parking lots; **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 Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article X that reads as follows:

"ARTICLE X. IMMOBILIZATION ('BOOTING') OF VEHICLES

DIVISION 1. GENERALLY

Sec. 26-641. Definitions.

(a) ***Terms defined.*** As used in this article, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Barrier gate has the meaning ascribed in section 26-601 of this Code.

Boot (noun) means a vehicle immobilization device.

Boot (verb) means to install a vehicle immobilization device.

Booting means the act of installing a vehicle immobilization device.

Parking lot has the meaning ascribed in section 26-601 of this Code.

Parking lot general manager has the meaning ascribed in section 26-601 of this Code.

Parking lot operating company has the meaning ascribed in section 26-601 of this Code.

Permittee means a person who holds a vehicle immobilization service permit.

Police official has the meaning ascribed in section 26-601 of this Code.

Special event parking fee has the meaning ascribed in section 26-601 of this Code.

Unauthorized vehicle has the meaning ascribed in section 26-601 of this Code.

Vehicle immobilization means installing a boot.

Vehicle immobilization device means a lockable road wheel clamp or similar vehicle immobilization device that is designed to immobilize a parked vehicle and prevent its operation until the device is unlocked or removed.

Vehicle immobilization operator means any individual who installs, affixes or places or removes a vehicle immobilization device on or from a motor vehicle.

Vehicle immobilization service means a person who at the request of a parking lot operating company or parking lot general manager engages in the act of booting vehicles that are in a parking lot without permission, without paying a parking fee, or in violation of any parking restriction posted in accordance with the signage requirements of section 26-616 of this Code.

Vehicle immobilization service permit means a current and valid permit issued to a vehicle immobilization service pursuant to section 26-652 of this Code.

(b) ***Interchangeable terms.*** The terms 'boot' (verb) and 'immobilize,' in reference to a vehicle, are used interchangeably in this article. The terms 'booting' and 'vehicle immobilization' are used interchangeably in this article. The terms 'boot' (noun), 'boot device' and 'vehicle immobilization device' are used interchangeably in this article.

Sec. 26-642. Scope.

(a) This article applies only to parking lots access to which is not regulated by barrier gates.

(b) This article does not apply to the booting of vehicles in relation to delinquent municipal parking citations pursuant to article V of this chapter.

Sec. 26-643. Compliance with other laws.

Compliance with the requirements of this article does not excuse compliance with any other provisions of state law or this Code relating to parking regulations or parking facilities.

Sec. 26-644. Prohibited activities.

(a) It is unlawful for any person to immobilize a vehicle without a vehicle immobilization service permit issued by the city.

(b) It shall be unlawful for any vehicle immobilization operator to boot a vehicle:

- (1) In a parking lot that is not in compliance with the signage requirements of section 26-616 of this Code.
- (2) Without complying with the operating requirements of section 26-662 of this Code.
- (3) In a parking lot used wholly or partly for paid motor vehicle parking that is accessible to the public and does not provide a receipt for payment of parking fees as required by section 26-617 of this Code.

(c) It is unlawful for a permittee to operate or cause to be operated a vehicle immobilization service in violation of any term of a permit.

Sec. 26-645. Beneficial interests and rebates prohibited.

(a) A parking lot operating company or general manager may not have a direct or indirect monetary or ownership interest in a vehicle immobilization service that for compensation immobilizes unauthorized vehicles in a parking lot in which the parking lot operating company or general manager has an interest.

(b) A parking lot operating company or general manager of a parking lot in which vehicles are immobilized may not accept any rebate, compensation or other valuable consideration, directly or indirectly, from a vehicle immobilization operator in connection with the immobilization of vehicles.

Secs. 26-646–26-650. Reserved.

DIVISION 2. VEHICLE IMMOBILIZATION SERVICE PERMITS

Sec. 26-651. Vehicle immobilization service permit application.

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

- (1) The applicant's name, telephone number, mailing address, street address, federal employee identification number, corporate charter number, and Texas driver's license number (if applicable);
- (2) The name and mailing address of each principal of the applicant, copies of the assumed-name registration if the vehicle immobilization service will be operated under an assumed name, the partnership registration, if any, and the names and addresses of all general partners if the applicant is a partnership, and a certificate of good standing from the Texas Secretary of State for a Texas domestic corporation or certificate of authority to do business in Texas if a foreign corporation, along with the names and addresses of all officers and the corporation's registered agent;
- (3) The location of all parking lots at which applicant intends to immobilize vehicles and a copy of the agreement with the parking lot operating company or general manager for vehicle immobilization at each location;
- (4) The indemnity and release form provisions that are specified in subsection (b) of this section;
- (5) Proof of insurance required by section 26-661 of this Code;
- (6) Criminal history information for every principal for whom information is provided in item (2) of this subsection as required by the police official to determine compliance with section 1-10 of this Code; and

- (7) Any other information reasonably required by the police official for the purpose of processing the application under the requirements of this article.

(b) An application shall contain the following indemnity and release, which shall be a condition of each vehicle immobilization service permit:

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

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

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

THE PERMITTEE AGREES TO AND SHALL RELEASE THE CITY FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION

WITH OR INCIDENTAL TO PERFORMANCE UNDER THE PERMIT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY'S SOLE OR CONCURRENT NEGLIGENCE.'

(c) The application shall be signed by an owner if the applicant is a sole proprietorship, an authorized officer if the applicant is a corporation, or a general partner if the applicant is a partnership, acknowledging that the person signing has read the application, agrees to all of its terms and provisions, affirms the correctness and accuracy of the information given on the application, and affirms that he has the authority to bind the applicant to all of the terms, provisions, and requirements of the application.

Sec. 26-652. Permit issuance; denial; fee.

(a) An application that contains all of the information required by section 26-651 of this Code and is duly and properly signed shall be a complete application. A complete application shall be approved and the vehicle immobilization service permit issued upon payment of the fee specified by subsection (c) of this section unless:

- (1) The information provided in the application is materially false or incorrect or the applicant has failed in any material way to comply with this article;
- (2) The applicant or an entity owned or controlled by the applicant or any of the principals of the applicant has had a vehicle immobilization service permit revoked during the preceding one year period;
- (3) The police official determines that proof of insurance provided by the applicant does not meet the requirements of section 26-661 of this Code;
- (4) The parking official determines that there exist one or more unresolved parking citations, as defined in section 26-261 of this Code, for any vehicle owned by the applicant or any of its principals; or
- (5) The applicant or any of its principals is not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) In the event that an application is denied, the police official shall promptly inform the applicant in writing of the reasons for the denial. The applicant, upon written request, shall be afforded an opportunity for a hearing

regarding the denial before a hearing officer appointed by the chief of police. The appeal process shall be conducted in accordance with rules promulgated by the police official and approved by the police chief for that purpose. If the denial is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final.

(c) The initial fee for a vehicle immobilization service permit shall be \$300. The fee for annual renewal of a vehicle immobilization service permit shall be \$200. The police official shall review the fees annually and may increase the fees to fully recover the city's costs, taking into account permit issuance and renewal costs, inspection and oversight services that may be required, and equipment and resource utilization, provided that no fee increase in excess of 5 percent per year shall be implemented without prior approval of the city council. No portion of the fee shall be refundable. Current fee information shall be maintained in the office of the police department's auto dealers detail.

Sec. 26-653. Vehicle immobilization service permit conditions.

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

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

Sec. 26-654. Term.

A vehicle immobilization service permit shall be valid for one year from its date of issuance and shall not be transferrable. A permit may be renewed by filing an application pursuant to section 26-651 of this Code at least 30 days prior to the expiration of the permit. A renewal permit application shall be reviewed and approved pursuant to section 26-652 of this Code.

Secs. 26-655–26-660. Reserved.

DIVISION 3. REQUIREMENTS FOR OPERATING A VEHICLE IMMOBILIZATION SERVICE

Sec. 26-661. Insurance.

(a) The vehicle immobilization service shall obtain and maintain in effect during the term of a permit issued pursuant to section 26-652 of this Code insurance coverage as set out below and shall furnish certificates of insurance prior to the beginning of the term of such permit. All such policies shall be primary to any other insurance. Claims made policies shall have an extended reporting period (tail coverage) in place for two years after such policies expire. All liability policies shall be issued by a carrier that is authorized or deemed eligible by the Texas Department of Insurance to do business in the State of Texas. The vehicle immobilization service shall maintain at least the following insurance coverage in the following amounts:

- (1) Commercial General Liability, including Broad Form Coverage: Bodily Injury and Property Damage, Combined Single Limits of \$500,000 each Occurrence and \$500,000 Annual Aggregate; and
- (2) Automobile Liability Insurance, including owned, hired, or non-owned vehicles or any automobile: \$500,000 Combined Single Limit per Accident.

(b) The insurance policy must state that it may not be canceled, materially modified, or non-renewed unless the insurance company gives the police official 30 days' advance written notice. Defense costs are outside the limit of liability. Aggregate coverage limits are per 12-month policy period unless otherwise indicated. Proof of insurance required by this section shall be on the authorized form approved for this purpose by the police official. A permit shall be automatically suspended without any requirement for action by the city or notice to the permittee for any period of time that any of the insurance required by this section is not in effect. In addition, the police official may cause the permit to be revoked for cause pursuant to section 26-666 of this Code for failure to maintain insurance.

Sec. 26-662. Vehicle immobilization service operations.

A vehicle immobilization service shall operate in accordance with the following requirements:

- (1) Vehicles shall be booted only in off-street parking lots and only pursuant to a written agreement with the parking lot operating company or general manager;
- (2) Upon affixing a boot device to a vehicle, a vehicle immobilization operator shall place an adhesive notice on the driver's side window and a non-adhesive notice under the driver's side windshield wiper advising the owner or operator that the vehicle is immobilized and that damage may occur to the vehicle if moved; the date and time the vehicle was booted; the name, address and telephone number of the vehicle immobilization service; information about how to obtain release of the boot device from the vehicle; the amount of the fee for release; the possibility that the vehicle may be towed after 24 hours, the telephone number for the police department's auto dealers detail and any additional text reasonably required by the police official;
- (3) No person shall charge more than \$100.00 for the removal or release of a boot device, provided, however, the failure of a vehicle operator to properly display a parking fee receipt on the vehicle dashboard resulting in the booting of such vehicle, shall entitle the vehicle immobilization service to collect only an administrative fee of \$25 for the removal of such boot upon display of such receipt by the vehicle operator to the vehicle immobilization service;
- (4) Except as provided in the previous item, no person shall be obligated to pay any fees, other than the booting fee, the unpaid parking fee for the immediately preceding 24-hour period and any past due fees for contract parking, in connection with the installation or removal of a boot device;
- (5) Payment for removal of boot devices shall be accepted in any of the following forms: cash, credit card, debit card, cashier's check, certified check, money order, or Western Union check, provided, however, that the vehicle immobilization service may elect to accept personal and business checks as well;
- (6) The vehicle immobilization operator shall remove the boot device within one hour after the owner or operator of the vehicle has paid the removal fee or the administrative fee provided in item (3) of this section; provided, however, that in the case of a boot device that may be removed by a vehicle

owner or operator who has paid the boot removal fee or the administrative fee, the information necessary to unlock the device shall be provided immediately after payment is made;

- (7) The vehicle immobilization operator shall ensure that the act of booting a vehicle does not unreasonably interfere with safe traffic operations in parking lots and entrances to and exits from such lots;
- (8) A vehicle immobilization service shall maintain an office readily accessible to the public by telephone or in person, open and manned 24 hours a day, 7 days a week, 365 days a year for the purpose of accepting payment and releasing vehicles from immobilization;
- (9) A permittee shall display, upon request, a true and correct copy of the vehicle immobilization service permit required by this article and a vehicle immobilization sales tax permit at each location where vehicle immobilization is provided;
- (10) In addition to the notice required in item (2) of this section, the vehicle immobilization operator shall prepare a multiple-copy form that states:
 - a. The name, business address, and phone number of the vehicle immobilization operator and the vehicle immobilization service;
 - b. The name of the owner, operating company or general manager of the parking lot on which the boot device was installed;
 - c. The name of the individual(s) authorizing and performing the immobilization;
 - d. The date, time and location the boot device was installed;
 - e. A description of the booted vehicle, including the make, model, and license plate number;
 - f. The amount of the fee for removal of a boot device; and

- g. The name of the person who removed the boot device, the date and time the device was removed, the name of the person to whom the vehicle was released, and the amount of fees paid for removal of the device and parking fees.

A copy of the form must be given to the individual who reclaims the vehicle, and in the event that the boot device is removed by the vehicle owner or operator after payment of applicable fees, a copy of the form must be provided to the individual who returns the boot device to the vehicle immobilization service. The vehicle immobilization service shall maintain the original form at its place of business for a period of three years. Any peace officer shall have the right, upon request, to inspect and copy such records to determine compliance with the requirements of this section;

- (11) The vehicle immobilization operator shall comply with all applicable traffic control laws, devices, signs, and markings.

Sec. 26-663. Duty of vehicle immobilization service.

(a) It shall be the duty of every vehicle immobilization service permittee to cause each of its employees to comply with the requirements of this article and any permit issued hereunder.

(b) It shall be the duty of every vehicle immobilization service permittee to provide information and applicable fees to the police official to obtain criminal history information for each of its employees before the employee is allowed to perform any vehicle immobilization and to keep a record of the background check.

(c) It shall be the duty of every vehicle immobilization service permittee to notify the police official before he commences immobilization service on any parking lot not previously listed on its application.

(d) It shall be the duty of every vehicle immobilization service permittee to respond in writing to any complaints received by the police official concerning misconduct on the part of the permittee or permittee's employees or agents such as excessive charges, poor business practices, discourteous service, damage to vehicles, or failure to give notice as required by this article. Permittee shall provide such response to the complainant, copy to the police official, within five days from receipt of the complaint.

Sec. 26-664. Operator requirements.

It is the duty of the vehicle immobilization service permittee to ensure that no individual at any time performs as a vehicle immobilization operator unless the individual meets each of the criteria of this section. Each vehicle immobilization operator shall:

- (1) Be 18 years of age or older;
- (2) Wear a picture ID, name tag with the employee's first name and employee identification number, and shirt, jacket or vest with the name and logo of the vehicle immobilization service; and
- (3) Perform his duties in a courteous and professional manner.

If the vehicle immobilization service permittee, or any principal of a permittee, performs as a vehicle immobilization operator, the permittee or principal must satisfy each of these requirements.

Sec. 26-665. Vehicle immobilization service operations subject to police regulation.

All vehicle immobilization service operations are subject to temporary suspension when the police official determines that the continued operation of the service constitutes a hazard to the public safety and welfare, including but not limited to, conducting vehicle immobilization services:

- (1) That are in violation of section 26-616 of this Code pertaining to required signage;
- (2) That are in violation of section 26-662 of this Code pertaining to vehicle immobilization service operations requirements; or
- (3) In a parking lot used wholly or partly for paid motor vehicle parking that is accessible by motor vehicles but in which patrons are unable to make payment due to the absence of a parking lot attendant, operable pay station, or other method of paying to park in the lot.

Sec. 26-666. Revocation.

(a) A vehicle immobilization service permit may be revoked without refund of any portion of the permit application or renewal fee if:

- (1) Any information supplied in the permit application was materially false or incorrect;
- (2) The permit was issued through error;
- (3) The permittee has failed to operate in compliance with the requirements for operating a vehicle immobilization service as set forth in section 26-662 of this Code;
- (4) The permittee has failed to comply with any applicable provision of the permit or this article;
- (5) The permittee has failed to renew the permit in accordance with section 26-654 of this Code;
- (6) The permittee has failed to perform under the release and indemnity requirements of section 26-651 of this Code; or
- (7) The permittee or any of its principals are not in compliance with the criminal history provisions of section 1-10 of this Code.

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

(c) If the permittee wishes to request a hearing, such request must be made in writing and provided to the police official within twenty days of the date of the police official's notice of revocation. Pending the hearing, the police official may suspend the vehicle immobilization service permit when the police official determines that continued operation of the vehicle immobilization service constitutes a hazard to public safety and welfare. At the hearing, the burden of demonstrating that a permit should be revoked shall be upon the city. The permittee may also present evidence and cross examine witnesses. The hearing shall be conducted by a hearing officer appointed by the police official, who shall revoke the permit if he determines by a preponderance of the evidence that grounds exist for revocation. The decision of the hearing officer to revoke a permit shall be made in writing and

shall set forth the grounds therefor. The hearing officer's determination shall be final."

Section 3. That Subsection (a) of Section 26-10 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) It is a criminal offense for any person to violate any of the provisions of this chapter other than the provisions of articles II, IV or VI of this chapter or division 1 of article III of this chapter. Every person convicted of violating any of those provisions of this chapter for which another penalty is not specifically provided shall be punished by a fine of not less than \$1.00 nor more than \$200.00; provided that the penalty for violation of any provision of article X of this chapter shall be a fine of not less than \$300.00 nor more than \$500.00; further provided, however, that no penalty shall be greater or less than the penalty for the same offense under the laws of this state."

Section 4. That Subsection (b) of Section 1-10 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Item (5) that reads as follows:

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

- h. Any offense involving driving a motor vehicle while intoxicated, whether under the influence of alcohol or drugs, or both.

The above listed offenses shall be grounds for the denial, revocation or nonrenewal of permits issued under division 2, article X of chapter 26 of this Code, as enumerated, because the authorizations thereunder allow persons to engage in businesses and occupations in which there is a high degree of danger to the public through the immobilization of automobiles. Such activities involve substantial contact with the public, including contact with persons whose vehicles may be rendered inoperable by an immobilization device at all hours of the day and night. These businesses also afford special opportunities for theft and fraud. Therefore, there is a serious need to protect the public from the types of criminal conduct represented by such offenses."

Section 5. That, pursuant to § 53.025 of the Texas Occupations Code, the City Secretary is directed to cause a copy of Section 1-10 of the Code of Ordinances, Houston, Texas, as amended in **Section 4** of this Ordinance, to be posted at the courthouses of Harris, Fort Bend and Montgomery Counties.

Section 6. (a) That, for purposes of this **Section 6**, the term *central business district* has the meaning ascribed in Section 26-2 of the Code of Ordinances, Houston, Texas (the "City Code").

(b) That, only for purposes of implementation of Items (1) and (3) of Section 26-644(b) of the City Code adopted in this Ordinance, the signage and receipt requirements of Sections 26-616 and 26-617 of the City Code, as adopted in Ordinance No. 2008-____¹, shall be treated as if in effect concurrently with the effective dates of this Ordinance.

¹Editor shall insert the appropriate Ordinance Number for the ordinance pertaining to minimum standards for parking lots.

(c) The provisions of this Ordinance shall be applicable and take effect within the central business district on the ninetieth day following passage and approval of this Ordinance and shall be applicable and take effect elsewhere within the City on the three hundred sixtieth day following passage and approval of this Ordinance.

Section 7. 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 8. 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 as provided in **Section 6**, above.

PASSED AND APPROVED this ____ day of _____, 2008.

Mayor of the City of Houston

Prepared by Legal Dept. _____

TBC:asw 09/04/2008

Requested by Issa Dadoush, Director, General Services Department

L.D. File No. 0470700005002

MB Calabrese
Senior Assistant City Attorney

gt