

AGENDA - COUNCIL MEETING - TUESDAY - OCTOBER 7, 2008 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Johnson

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - OCTOBER 8, 2008 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

HEARING - 9:00 A.M.

1. **PUBLIC HEARING** on the proposal to establish a tax rate of \$.63875/\$100 of value for Tax Year 2008

MAYOR'S REPORT - Hurricane Ike recovery update

CONSENT AGENDA NUMBERS 2 through 32

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for payment of FY 2009 Annual Membership dues for the **AMERICAN WATER WORKS ASSOCIATION RESEARCH FOUNDATION** Subscription Program - \$270,135.19 - Enterprise Fund

ACCEPT WORK - NUMBERS 3 through 7

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,197,758.94 and acceptance of work on contract with **AIA GENERAL CONTRACTORS, INC** for Northwest Maintenance Facility Underground Storage Tank System Modification, WBS R-000520-0006-4 - 10.56% under the original contract amount - **DISTRICT A - LAWRENCE**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$755,524.40 and acceptance of work on contract with **R & B GROUP, INC** for Ridegreek Lift Station Replacement, WBS R-000267-0087-4 - 3.97% under the original contract amount - **DISTRICT D - ADAMS**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,557,171.87 and acceptance of work on contract with **BL TECHNOLOGY, INC** for Automation and SCADA Improvements at 69th Street, Sims North, and Beltway Wastewater Treatment Plants, WBS R-000512-0011-4 - 4.73% over the original contract amount - **DISTRICTS F - KHAN and I - RODRIGUEZ**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,552,742.05 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Turner Area, WBS S-000035-00E1-4 7.77% under the original contract amount - **DISTRICTS B - JOHNSON and H - GARCIA**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,746,087.30 and acceptance of work on contract with **COLLINS CONSTRUCTION, L.L.C.** for Water Line Replacement in Parker Road Area, WBS S-000035-00F5-4 - 9.04% under the original contract amount - **DISTRICT B - JOHNSON**

PROPERTY - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Nancy W. Hargrove, Thompson & Knight, L.L.P., on behalf of Mary Wilson and Ellen W. Schultz, et al, for the abandonment and sale of a 10-foot-wide sanitary sewer easement located within Lots 6 and 7, Block 2 of Normandy Place Subdivision, out of the Obedience Smith Survey, Parcels SY8-097 and SY8-098 **DISTRICT G - HOLM**

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 11

9. **HEWLETT-PACKARD COMPANY** for Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources - \$323,014.45 - Houston Emergency Center Fund
10. ORDINANCE appropriating \$437,875.00 out of Limited Use Roadway & Mobility Capital Fund for Purchase and Installation of Playground Equipment for the Playground Without Limits-Alief Park Super Neighborhood Action Plan (SNAP) Project, WBS F-000650-0002-4
 - a. **LONE STAR RECREATION, INC** through the Texas Local Government Purchasing Cooperative (Buy Board) - \$287,585.00 and **LANDSCAPE STRUCTURES, INC** through the U. S. Communities Government Purchasing Alliance - \$150,290.00 for the Playground Without Limits - Alief Park Super Neighborhood Action Plan (SNAP) Project, WBS F-000650-0002-4 **DISTRICT F - KHAN**
11. **CPR SERVICES AND SUPPLIES, INC dba MDN ENTERPRISES** for Sewer Casting Products for Department of Public Works & Engineering - \$1,019,007.00 - Stormwater Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 32

12. RESOLUTION in support of Economic Incentives for the development of hotels in the Central Business District - **DISTRICT I - RODRIGUEZ**
13. RESOLUTION designating certain properties within the City of Houston as historic landmarks:
Thomas H. Monroe House 1624 Kirby Drive **DISTRICT G - HOLM**
Lester L. Neuhaus House 2227 Brentwood Drive **DISTRICT G - HOLM**
14. RESOLUTION designating certain properties within the City of Houston as historic landmarks:
George M. Dow House 2211 Brentwood Drive **DISTRICT G - HOLM**
Craig-Amburn House 3214 Locke Lane **DISTRICT G - HOLM**
Dillon and Lena Carroll
Anderson House 3414 Del Monte Drive **DISTRICT G - HOLM**
15. RESOLUTION designating certain properties within the City of Houston as historic landmarks:
Norman D. Adams House 2116 Chilton Road **DISTRICT G - HOLM**
Houston National Bank Building 201 Travis Street (aka 202 Main) **DISTRICT I - RODRIGUEZ**
16. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:
Sterling-Hamman House 401 Emerson Street **DISTRICT D - ADAMS**
David Frame House 403 Westminster Drive **DISTRICT G - HOLM**
Sweeney and Coombs Building 310 Main Street **DISTRICT I - RODRIGUEZ**
Frederic L. Bouknight House 3023 Ella Lee Lane **DISTRICT G - HOLM**
- 16-1. ORDINANCE **AMENDING CHAPTERS 1 and 2 OF THE BUILDING CODE** and **CHAPTER 1 OF THE RESIDENTIAL CODE OF THE CITY OF HOUSTON, TEXAS**, relating to registration of roofing contractors; containing findings and other provisions relating to the foregoing subject; providing for severability
17. ORDINANCE establishing the north and south sides of the 1100 block of Jackson Boulevard within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**
18. ORDINANCE establishing the north and south sides of the 1100 block of Jackson Boulevard within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**
19. ORDINANCE establishing the north side of the 2400-2500 block of Wheeler Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - RODRIGUEZ**
20. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **SALVATORE AIR TRANSPORTATION CORP.** for certain premises at William P. Hobby Airport Revenue - **DISTRICT I - RODRIGUEZ**
21. ORDINANCE approving and authorizing contract between the City of Houston and **MICHAEL ROBERT BOYD d/b/a BOYD SMITH & ASSOCIATES** for Professional Polygraph Testing Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$378,220.00 - General Fund
22. ORDINANCE approving and authorizing agreement between the City of Houston and **A. JOE WINTER INVESTIGATIONS** for Professional Background Investigation Services for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options \$645,444.95 - General Fund

RESOLUTIONS AND ORDINANCES - continued

23. ORDINANCE amending Ordinance No. 2008-0274 to increase the maximum contract amount; appropriating \$60,000.00 out of Police Consolidated Construction Fund; approving and authorizing first amendment to contract between the City of Houston and **MILLER & VAN EATON, P.L.L.C.** for Legal Services regarding the Trunked Radio System; providing a maximum contract amount
24. ORDINANCE awarding construction contract to **AAA ASPHALT PAVING, INC** for the Police Academy Running Track, WBS G-HPD002-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and materials testing services, and contingencies relating to construction of facilities financed by the Police Special Services Fund - \$517,000.00 - **DISTRICT B - JOHNSON**
25. ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund; \$150,000.00 out of Public Library Consolidated Construction Fund; \$100,000.00 out of Public Health Consolidated Construction Fund; and \$200,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Roof Consulting Services Contract for Task Order Contract between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** for Various City Departments, WBS D-000130-0001-3; E-000038-0001-3; H-0000018-0001-3; G-000102-0001-3 and E-000181-0001-3; providing a maximum contract amount
26. ORDINANCE appropriating \$873,000.00 out of General Improvement Consolidated Construction Fund, \$2,560,000.00 out of Public Health Consolidated Construction Fund and \$750,000.00 out of Public Library Consolidated Construction Fund and awarding contract to **CHARTER ROOFING COMPANY, INC** in an amount not to exceed \$7,500,000.00 for Job Order Contract Services for Roof Repair/Replacement Services for the City of Houston; establishing a maximum contract amount - 3 Years with two one-year options - General, Enterprise, Fleet Management and Building Inspection Funds
27. ORDINANCE awarding contract to **THE FIERO GROUP LTD. CO. d/b/a FENCEMASTER OF HOUSTON** for Metal and Wood Fence Installation and Repair Services for Various Departments; providing a maximum contract amount - \$6,849,744.50 - 3 Years with two one-year options General, Enterprise, Fleet Management, Building Inspection and Storm Water Funds
28. ORDINANCE appropriating \$237,329.14 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CLAUNCH & MILLER, INC** for Neighborhood Street Reconstruction (NSR) 457 (approved by Ordinance No. 05-0392), WBS N-000392-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**
29. ORDINANCE appropriating \$2,640,872.50 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for Right-of-way and Fleet Maintenance Facilities Expansion, WBS N-00653C-0001-3 and N-00653C-0001-7; providing funding for the Civic Art Program, Environmental Site Assessment and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GARCIA and I - RODRIGUEZ**

RESOLUTIONS AND ORDINANCES - continued

30. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Hirsch Road Reconstruction Project (from Kelly Street to Crosstimbers Street); authorizing the acquisition of certain real property interests by gift, donation, purchase, and/or eminent domain proceedings required for the project and payment of the costs of such purchases and /or eminent domain proceedings of such real property and associated costs for Appraisal fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of 91 tracts of land being acquired in fee simple and/or permanent easements, and 29 tracts of land for temporary construction easements to property located in the J. T. Harrell Survey, A-329, or the Harris and Wilson Two League Grant, A-32, in Harris County, Texas, and being more specifically situated out of Blocks 4, 6, 8, 10 and 12 Wilshire Place Subdivision, Blocks 1 and 2 Lumber Lane Subdivision, Blocks 2 and 3 Lumber Lane Section 2 Subdivision, Blocks 4 and 5 of Westcott Gardens Subdivision Number 3, Blocks 1, thru 5 of Bennington Place Subdivision, Blocks 1 and 2 of Field and Tashnek Subdivision, Blocks 1, thru 3 of Bonita Gardens Subdivision, Block 1 of Florida Gardens Subdivision, and Lots 42, 47, 48, 60, 61 and 76 of Cranford Place Subdivision, said parcels of land being along the east and west lines of Hirsch Road from Kelly Street to Crosstimbers Street in Houston, Harris County, Texas - **DISTRICT B - JOHNSON**
31. ORDINANCE appropriating \$3,445,816.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0121-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
32. ORDINANCE No. 2008-868, passed first reading October 1, 2008
ORDINANCE granting to **SAFETY KLEEN, INC, a Wisconsin Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 33 and 34

MISCELLANEOUS

33. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance for (MSD) for Houston Pavillions, L.P. for property located at 1210 San Jacinto Street - **DISTRICT I - RODRIGUEZ**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 19, 2008
34. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance for (MSD) for InSite West Belt, L.P. for property located at 10651 Harwin Drive - **DISTRICTS F - KHAN and G - HOLM**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 19, 2008

MATTERS HELD - NUMBERS 35 through 40

35. MOTION by Council Member Green/Seconded by Council Member Garcia to adopt recommendation from Purchasing Agent to award to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement, Demolition, and Site Clean-up Services for Police Department - \$123,265.00 and contingencies for a total amount not to exceed \$135,591.50 - Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ** - TAGGED BY COUNCIL MEMBER SULLIVAN
This was Item 11 on Agenda of October 1, 2008
36. ORDINANCE **AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Convention and Entertainment Facilities Department; containing findings and other provisions relating to the foregoing subject; providing for severability
TAGGED BY COUNCIL MEMBER JONES
This was Item 12 on Agenda of October 1, 2008
37. ORDINANCE approving and authorizing contract between the City of Houston and **OLSON AND OLSON, L.L.P.** for Legal Services relating to preparation of new development ordinance changes necessary to implement the Urban Corridor Planning Process; establishing a maximum contract amount - \$60,000.00 - General Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBERS GREEN, JONES and LAWRENCE
This was Item 24 on Agenda of October 1, 2008
38. ORDINANCE awarding contract between the City of Houston and **CHARLOTTE J. WORD and ROBIN W. COTTON** for Forensic DNA Consulting Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,250,000.00 General Fund - **TAGGED BY COUNCIL MEMBERS HOLM and JONES**
This was Item 26 on Agenda of October 1, 2008
39. ORDINANCE increasing the maximum contract amount for the agreement between the City of Houston and **ITRON, INC** for implementation of the Automated Meter Reading System for the Department of Public Works & Engineering, WBS S-000956-0002-5 - \$3,500,000.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBERS LAWRENCE and HOLM**
This was Item 35 on Agenda of October 1, 2008

MATTERS HELD - continued

40. ORDINANCE amending Ordinance No. 2007-315 to increase the maximum contract amount for an Animal Shelter Feeding Services Agreement between the City of Houston and **HILL'S PET NUTRITION, INC** - \$60,000.00 - General Fund
POSTPONED BY MOTION #2008-733, 10/1/08
This was Item 39 on Agenda of October 1, 2008

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Noriega first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER 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

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

/
OCT 08 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:

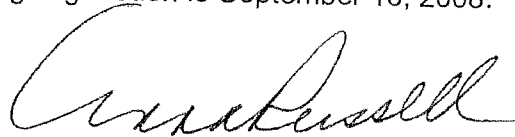
6:00 P.M. - Tuesday - September 23, 2008;
6:00 P.M. - Tuesday - September 30, 2008; and
9:00 A.M. - Wednesday - October 8, 2008.

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | | |
|--|--|---|-----------------------------------|-------------------------------|
| SUBJECT: Approval of payment of FY 2009 Annual Membership dues for the American Water Works Association Research Foundation. | | Apr | Page 1 of 2 | Agenda Item # 2 |
| FROM (Department or other point of origin) Department of Public Works and Engineering: | | Origination Date 10-1-08 | Agenda Date OCT 08 2008 | |
| DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE <i>Michael S. Marcotte</i> 9/29/08 | | Council District affected: All | | |
| For additional information contact: Dannelle H. Belhateche, P.E. Senior Assistant Director Phone: (713) 837-0847 | | Date and identification of prior authorizing Council action: Motion No. 2007-0970 Dated October 3, 2007 | | |
| RECOMMENDATION: (Summary) That City Council approve payment of FY 2009 Annual Membership dues in the American Water Works Association Research Foundation Subscription Program. | | | | |
| Amount of Funding: \$ 270,135.19 FY 2009 | | <i>Hyatt</i> 9/14/08 F&A Budget: | | |
| SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input checked="" type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) Water & Sewer System Operating Fund No. 8300 | | | | |
| SPECIFIC EXPLANATION: BACKGROUND: The American Water Works Association Research Foundation (AWWARF) is an organization founded in 1986 comprised of over 1000 members, both public and private. The foundation is supported by its members' annual subscriptions. The foundation is recognized as the most effective organization for safe drinking water research in North America. The foundation is governed by a board of trustees comprised predominantly of utility managers who help ensure that proposed research is practical and timely. PURPOSES: The City of Houston, along with other member utilities, asks AWWARF to solicit research proposals on identifying the best available technology, such as granular activated carbon, membrane technology, ion exchange and alternate disinfectants for the removal of contaminants which have been identified as candidates for regulation or which are being proposed for regulation. The foundation also adopts research projects that deal with the study of new technologies which could help treatment plants operate more efficiently and economically or which could evaluate the risks and/or cost benefits associated with regulating certain contaminants. AWWARF's research program is international in scope and the results will benefit all water utilities, including the City of Houston and its customers. The primary benefit that AWWARF offers to the City of Houston, and to all utility subscribers, is participation in a centralized research program that is directed by and conducted on behalf of the drinking water community. As a result of AWWARF's research program, the drinking water community has realized savings of millions of dollars annually. The Foundation has demonstrated the value of an industry-sponsored research program that benefits the drinking water community and the customer. | | | | |
| REQUIRED AUTHORIZATION 20DHB67 | | | | |
| Other Authorization: <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division | | Other Authorization: <i>Dannelle H. Belhateche</i> Dannelle H. Belhateche, P.E. Senior Assistant Director | | |

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|-------|--|------------------------|-------------|
| Date: | Subject: Approval of payment of FY 2008 Annual Membership dues for the AWWARF: | Originator's Initials: | Page 2 of 2 |
|-------|--|------------------------|-------------|

BENEFITS: As a member of AWWARF, the City of Houston receives the benefits from all research conducted, approximately \$ 280 million to date. With the long list of proposed regulations now facing the water industry in the short term, this membership will continue to play a vital role in ensuring that the City of Houston is ready to meet these regulations in an efficient and timely manner.

DUES: Annual subscription cost is determined by the volume of water treated by the City of Houston multiplied by our subscription rate of \$2.20 per million gallons minus water sold to other utilities and minus any unmetered water. This calculation has yielded a subscription amount of \$270,135.19. This total represents an increased rate from last years \$2.15 and we had higher pumpages.

Houston has been a charter member since 1986 with membership dues over the last five years as follows:

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| FY 04 | \$ 228,493 |
| FY 05 | \$ 215,559 |
| FY 06 | \$ 228,493 |
| FY 07 | \$ 236,155 |
| FY 08 | \$ 224,543 |

How does Houston's amount compare to other cities?

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|--|------------|
| American Water - Voorhees, NJ | \$ 466,375 |
| Metro Water District of So. CA – Los Angeles, CA | \$ 466,375 |
| NYC Dept. Environ Protection - Flushing, NY | \$ 466,375 |
| Chicago Department of Water Management - Chicago, IL | \$ 400,905 |
| Detroit Water & Sewerage Dept. - Detroit, MI | \$ 399,556 |
| Los Angeles Dept. of Water & Power - Los Angeles, CA | \$ 282,805 |
| City of Phoenix Water Services Dept. - Phoenix, AZ | \$ 236,950 |
| Dallas Water Utilities – Dallas, TX | \$ 214,445 |
| Las Vegas Valley Water District - Las Vegas, NV | \$ 214,312 |


It is recommended that City Council approve and authorize the payment of \$ 270,135.19 for FY 2009 annual membership dues in the American Water Works Association Research Foundation.

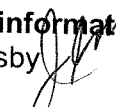
Attachment

xc: Michael S. Marcotte, P.E., DEE
Jeff Taylor
Marty Stein
Dannelle H. Belhateche, P.E.
Waynette Chan
Gary Norman

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|---|-----------------------|--|
| SUBJECT: Accept Work AIA General Contractors, Inc. Northwest Maintenance Facility Underground Storage Tank System Modification WBS No. R-000520-0006-4 | Page 1 of 2 | Agenda Item <div style="font-size: 2em; text-align: center;">3</div> |
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|---|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 10-1-08 | Agenda Date OCT 08 2008 |
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| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  9/22/08 | Council District affected: <div style="text-align: center;">A</div> |
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| For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023 | Date and identification of prior authorizing Council action: Ordinance: 08-0333 Dated: 04-16-2008 |
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RECOMMENDATION: Pass a motion approving the final contract amount of \$1,197,758.94, accept the work and authorize final payment.

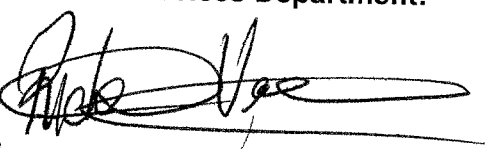
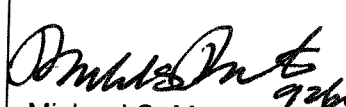

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| Amount and Source of Funding: No Additional Funding Required Previous Funding: \$1,581,810.00 PWE – W & S System Operating Fund (8300) | Finance Budget: |
|--|------------------------|

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$1,197,758.94, or 10.56% under the original contract amount, accept the work and authorize final payment to AIA General Contractors, Inc. for underground storage tank system modification at the Northwest Maintenance Facility for the Public Works and Engineering Department.

PROJECT LOCATION: 5900 Teague Road
Houston, Texas (Key Map 410-W)

PROJECT DESCRIPTION: This project installed two diesel underground storage tanks (USTs), one 25,000-gallon, one 12,000-gallon, and one 25,000-gallon gasoline USTs, six new double-handled dispensers, overspill protection spill buckets, transfer pumps, a new Fuel Force fuel management system at new pump island to provide a new rapid truck fueling area and extended existing canopy. The work also included saw-cutting, demolition and removal of concrete paving, off-site disposal of concrete, product lines and debris generated as a result of all activities, backfilling and compaction, waste classification, loading, hauling and proper disposal.

CONTRACT COMPLETION AND COST: The contractor completed the work within the contract time, plus an additional 20 days approved by Change Orders. The final cost of the project, including Change Orders is \$1,197,758.94, a decrease of \$141,495.06 from the original contract amount.

| REQUIRED AUTHORIZATION | | | CUIC ID # 25GM171 |
|---|-----------------------------|--|--|
| General Services Department:  Humberto Bautista Chief of Design and Construction Division | Other Authorization: | Public Works and Engineering Department:  9/26/08 Michael S. Marcotte, P.E., DEE Director  | <div style="font-size: 1.5em; text-align: center;">MOT</div> |

| | | | |
|-------------|---|--|---------------------------|
| Date | SUBJECT: Accept Work AIA General Contractors, Inc. Northwest Maintenance Facility Underground Storage Tank System Modification WBS No. R-000520-0006-4 | Originator's Initials GM | Page 2 of 2 |
|-------------|---|--|---------------------------|

PREVIOUS CHANGE ORDERS: Change Orders 1-4 installed structural steel to strengthen the existing rusted canopy column, installed thorn wire protection to inhibit birds from entering the electrical room, pulled new power wires from the new maintenance building. The contractor also replaced rusted existing 36-inch multi-port manholes and penetration fittings for fill and stage I vapor recovery on the existing tanks.

M/WBE INFORMATION: The contract contained a 7% MBE goal, 7% WBE goal and 7% SBE goal. According to the Affirmative Action and Contract Compliance Division, the contractor achieved 9.88% MBE participation, 0.14% WBE participation, and 4.33% SBE participation and was assigned an unsatisfactory rating. The Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance reviewed this matter on September 25, 2008 and voted to recommend it to City Council.


IZD:HB:JLN:GM:FK:fk

c: Marty Stein
Jacquelyn L. Nisby
Velma Laws
Webb Mitchell
Gabriel Mussio
File

| | |
|--|---|
| Project Description/#: Northwest Maintenance Facility Underground Storage Tank System Modification. R-000520-0006-4. #4600008773 | |
| Prime Contractor: AIA General Contractors, Inc. | |
| Amount of Contract: | \$1,339,254.50 |
| Amount of MWDBE goal with change order: | Change Orders: \$(141,495.56) |
| | \$251,529.38 |
| | MWDBE Goal at award of contract: 21% |
| | Final Contract Amount : \$1,197,758.94 |
| | MWDBE actual participation: 14.35% |

| | |
|--|---|
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| Amount of Contract: | \$1,339,254.50 |
| Amount of MWDBE goal with change order: | Change Orders: \$(141,495.56) |
| | \$251,529.38 |
| | MWDBE Goal at award of contract: 21% |
| | Final Contract Amount : \$1,197,758.94 |
| | MWDBE actual participation: 14.35% |

| | | |
|---|--------------------------------------|---|
| Amount of Contract: \$1,339,254.50 | Change Orders: \$(141,495.56) | MWDBE Goal at award of contract: 21% |
| Amount of MWDBE goal with change order: | \$251,529.38 | Final Contract Amount : \$1,197,758.94 |
| | | MWDBE actual participation: 14.35% |



| Original MWDBEs listed on RCA & Letter of Intent | MWDBEs Used: | List of original MWDBE, that were not used: |
|---|---|--|
| A4 Scientific, Inc. | A4 Scientific, Inc. | Separation Systems Consultants, Inc. |
| Execute Projects, Inc. | Execute Projects, Inc. | |
| TMG (The Moore Group, Inc.) | TMG (The Moore Group, Inc.) | |
| Separation Systems Consultants, Inc. | The Spearhead Group/All-N-One Services, LLC | |

| & Letter of Intent | MWDBEs Used: | List of original MWDBE, that were not used: |
|--------------------------------------|---|--|
| A4 Scientific, Inc. | A4 Scientific, Inc. | |
| Execute Projects, Inc. | Execute Projects, Inc. | Separation Systems Consultants, Inc. |
| TMG (The Moore Group, Inc.) | TMG (The Moore Group, Inc.) | |
| Separation Systems Consultants, Inc. | The Spearhead Group/All-N-One Services, LLC | |

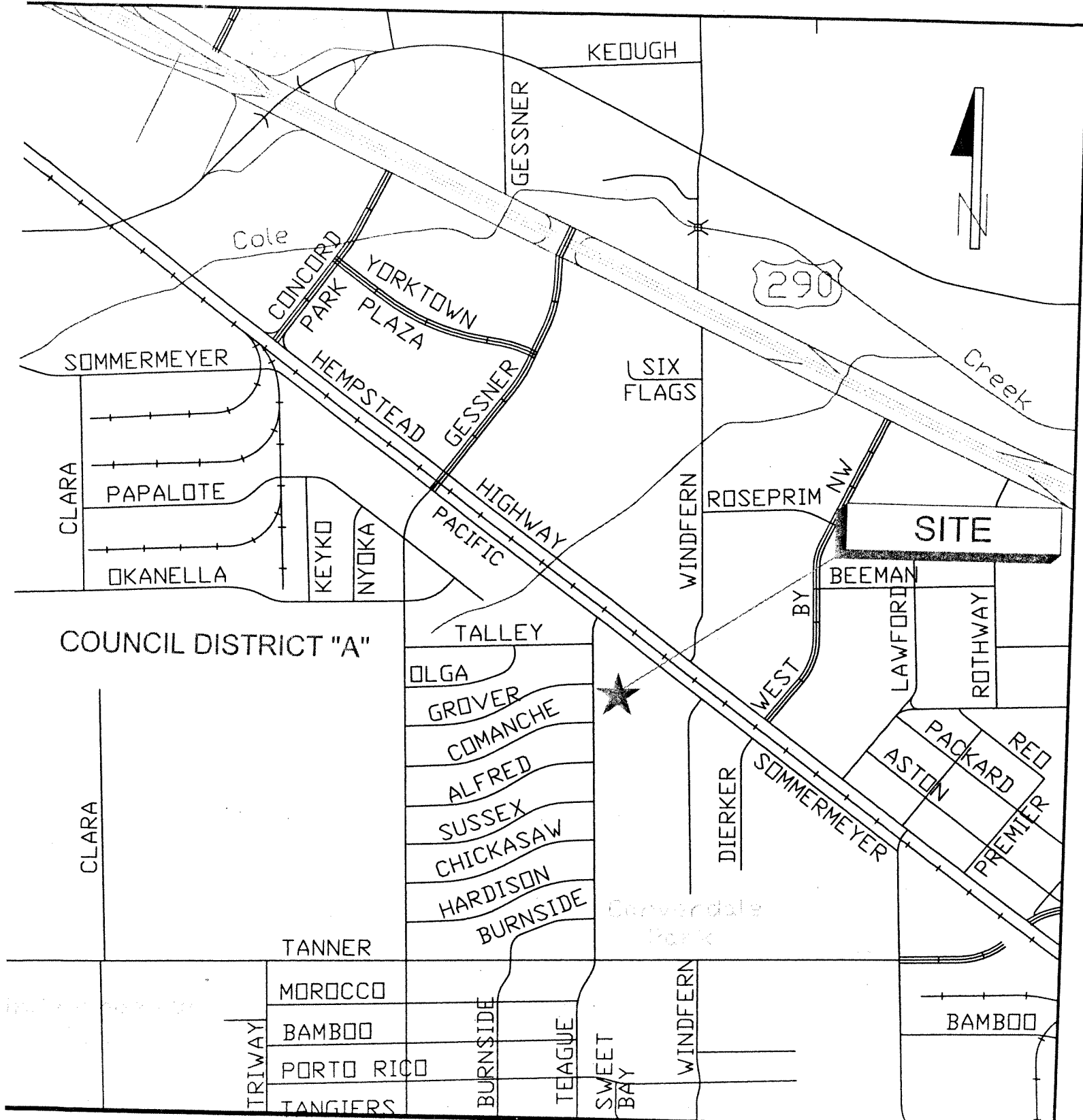
If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:

AIA General Contractors missed meeting the MWDBE goals by \$79,650.97 (6.65%). They did not use their WBE subcontractor, Separation Systems Consultants, Inc. as SSCI is not COH certified for supplying fuel equipment to the City. AIA spoke with Robert Gallegos in May when they discovered this, but did not move to replace the participation. All-N-One Services, LLC was added via deviation on 08-13-08.

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

| | | |
|--|--|-------------------------|
|  Jean Abercrombie Contract Compliance Officer |  Joseph Kurian, Division Manager Contract Compliance Section | August 15, 2008 Date |
|--|--|-------------------------|

8/19/2008



UNDERGROUND STORAGE TANK SYSTEM MODIFICATION
NORTHWEST MAINTENANCE FACILITY
5900 TEAGUE ROAD
HOUSTON, TX

U: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Ridgecreek Lift Station Replacement.

WBS. No. R-000267-0087-4

Page
1 of 1

Agenda Item #

4

FROM (Department or other point of origin):

Department of Public Works and Engineering

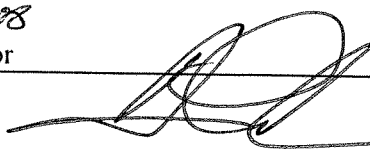
Origination
Date
10-1-08

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE:

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

For additional information contact:J. Timothy Lincoln, P.E.
Senior Assistant Director
Phone: (713) 837-7074Council Districts affected:
DDate and Identification of prior
authorizing Council Action:

Ord. #2006-178 dated 02/22/2006

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$755,524.40 which is 3.97% under the original Contract Amount, accept the Work, and authorize final payment.**Amount and Source of Funding:** No additional funding required.

Original appropriation of \$864,800.00 from Water and Sewer System Consolidated Construction Fund No. 755.

Finance Department:

SPECIFIC EXPLANATION:**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's lift station rehabilitation/replacement program.**DESCRIPTION/SCOPE:** This project consisted of demolition and replacement of existing Ridgecreek wastewater lift station. Chiang, Patel & Yerby, Inc. designed the project with 335 calendar days allowed for construction. The project was awarded to R & B Group, Inc. with an original Contract Amount of \$786,723.90.**LOCATION:** The project area is located at 5082 1/2 Ridgecreek Rd. The project is located in Key Map Grid 611-D.**CONTRACT COMPLETION AND COST:** The Contractor, R & B Group, 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 is \$755,524.40, a decrease of \$31,199.50 or 3.97% under the original Contract Amount.

The decreased cost is primarily due to the Work not requiring use of Extra Unit Price Items.

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

MSM:JTL:CWS:RC:mq

S:\E&C Construction\Facilities\Projects\R-0267-87-3 Ridgecreek LS\Closeout\RCA\RCA_CL-2.DOC

e: Velma Laws

Michael Ho, P.E.

File No. R-000267-0087-4 - Closeout

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ065

Other Authorization:

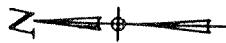

Jeff Taylor, Deputy Director
Public Utilities Division

Other Authorization:



**RIDGECREEK
LIFT STATION
PROJECT
KEY MAP 611-D**

SCALE: 1"=1000'



CITY OF HOUSTON
RIDGECREEK LIFT STATION
RENEWAL AND REPLACEMENT PROJECT

PROJECT VICINITY MAP



Chiang, Patel & Yerby, Inc.
2925 River Park Suite 650, Houston, TX 77049

| | |
|---------------------|--------------------|
| GFS NO. R-0267-87-3 | FILE NO. WW4861-04 |
|---------------------|--------------------|

CITY

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Automation and SCADA Improvements at 69th Street, Sims North, and Beltway Wastewater Treatment Plants. WBS. No. R-000512-0011-4.Page
1 of 1

Agenda Item #

5

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination
Date

10-1-08

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE:

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

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

Council Districts affected:

F, I

SKF

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. #2004-668 Dated 06/23/2004

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,557,171.87 which is 4.73% over the original Contract Amount, accept the Work, and authorize final payment.**Amount and Source of Funding:** No additional funding required.

Original appropriation of \$5,019,770.00 from Water and Sewer System Consolidated Construction Fund No. 755.

Finance Department:

SPECIFIC EXPLANATION:**PROJECT NOTICE/JUSTIFICATION:** This project was part of an improvement program for wastewater supervisory control and data acquisition (SCADA) system at 69th Street, Sims North, and Beltway Wastewater Treatment Plants. This is required to control operation and maintenance to ensure regulatory compliance.**DESCRIPTION/SCOPE:** The project consisted of SCADA automation improvements at various wastewater treatment plants. CH2MHILL, Inc. designed the project with 450 calendar days allowed for construction. The project was awarded to BL Technology, Inc. with an original Contract Amount of \$4,351,176.00.**LOCATION:**WWTP
69th Street
Sims North
BeltwayAddress
2525 Staff Sgt. M. Garcia Drive
9500 Lawndale
10518 Bellaire BoulevardKey Map Grids
494-R
535-H
529-G**CONTRACT COMPLETION AND COST:** The Contractor, BL Technology, Inc., has completed the Work under the subject contract. The project was completed within the Contract Time with 756 additional days allowed by Change Order Nos. 1, 2, 3, 5, 6 and 7. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Order Nos. 1 through 7 is \$4,557,171.87, an increase of \$205,995.87 or 4.73% over the original Contract Amount.

The cost overrun is primarily due to Change Order Nos. 1 and 5 which increased the quantities of programmable logic controller (PLC) components, fiber optic cable, and new control consoles. The additional time is for factory demonstration tests, restriction of site access to perform testing of the control system, and delay in delivery of server cabinets.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 17.93%. The Contractor achieved a "Satisfactory" rating for M/WBE Compliance.

MSM:JTL:CWS:SKF:mj

S:\E&C Construction\Facilities\Projects\R-0512-11-3 SCADA @ 69th\Closeout\RCA\RCA_CL-3.DOC

c: Velma Laws

Michael Ho, P.E.

File No. R-000512-0011-4 - Closeout

REQUIRED AUTHORIZATION

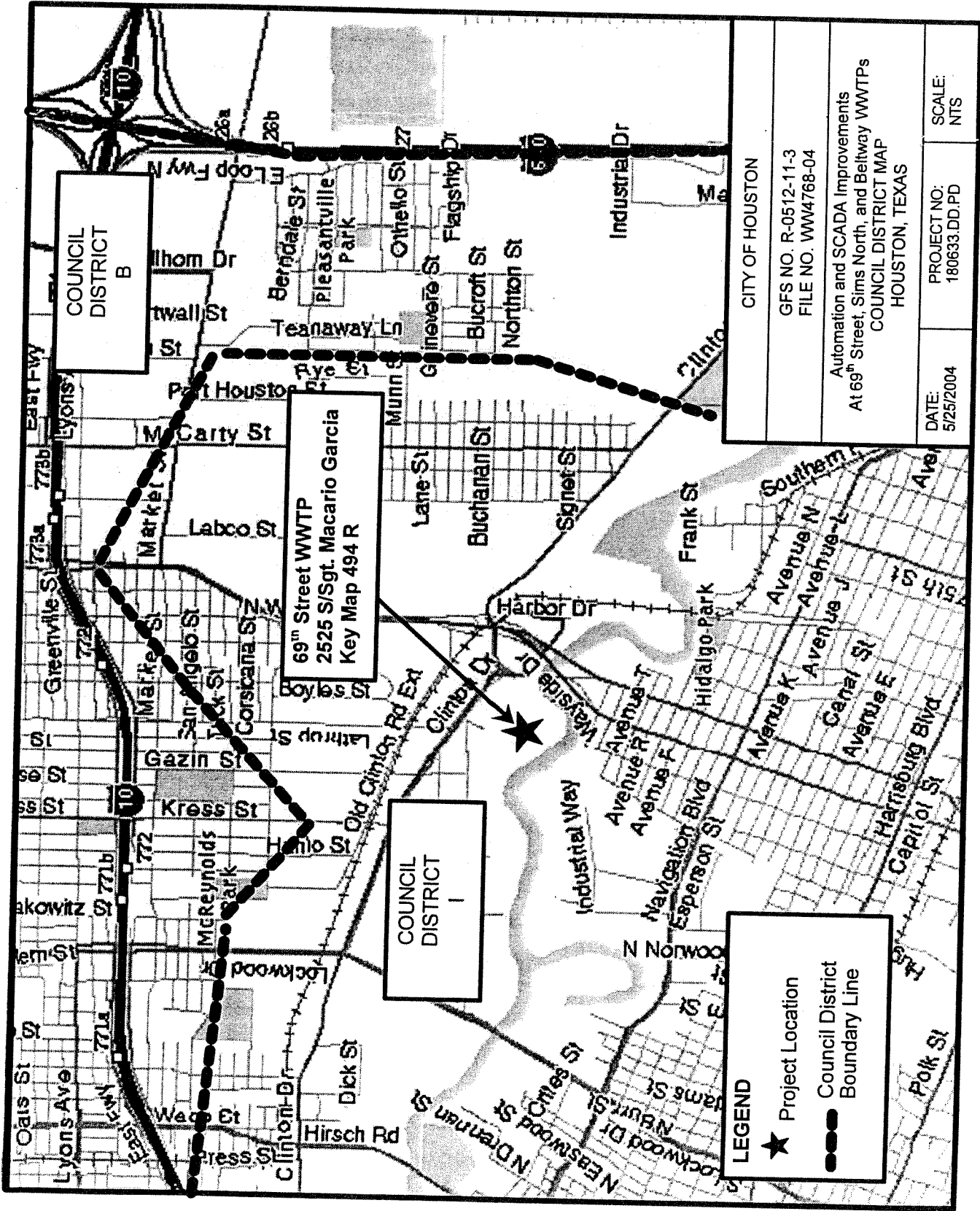
CUIC ID# 20MZQ060

Other Authorization:

Jeff Taylor, Deputy Director
Public Utilities Division

Other Authorization:

MT



COUNCIL
DISTRICT
B

69th Street WWTWP
2525 S/Sgt. Macario Garcia
Key Map 494 R

COUNCIL
DISTRICT

LEGEND

- ★ Project Location
- Council District Boundary Line

CITY OF HOUSTON

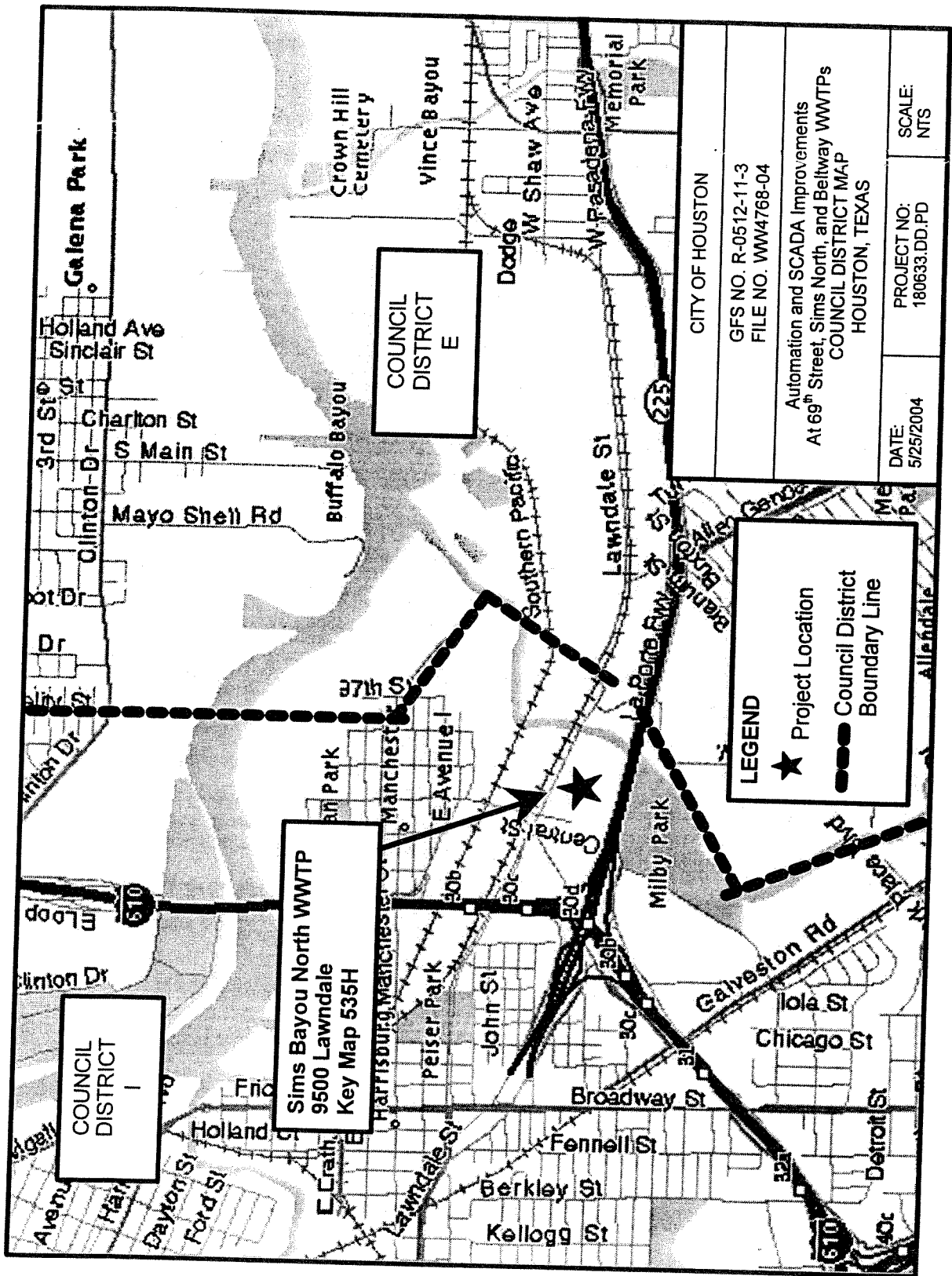
GFS NO. R-0512-11-3
FILE NO. WW4768-04

Automation and SCADA Improvements
At 69th Street, Sims North, and Beltway WWTPs
COUNCIL DISTRICT MAP
HOUSTON, TEXAS

DATE:
5/25/2004

PROJECT NO:
180633.DD.PD

SCALE:
NTS



CITY OF HOUSTON

GFS NO. R-0512-11-3
FILE NO. WW4768-04

Automation and SCADA Improvements
At 69th Street, Sims North, and Beltway WWTPs
COUNCIL DISTRICT MAP
HOUSTON, TEXAS

DATE: 5/25/2004
PROJECT NO: 180633.DD.PD
SCALE: NTS

C. Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: Accept Work for Water Line Replacement in Turner Area.
WBS. No. S-000035-00E1-4.

Page
1 of 1

Agenda Item #

6

FROM (Department or other point of origin):

Department of Public Works and Engineering

**Origination
Date**
10-1-08

Agenda Date

OCT 0 8 2008

DIRECTOR'S SIGNATURE:

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

Council Districts affected:
B & H

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. #07-112 dated 01/24/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,552,742.05 which is 7.77% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required.

Original appropriation of \$3,198,900.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

Finance Department:

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Line Replacement Program and is required to replace and upgrade water lines within the City to increase circulation and availability of water.

DESCRIPTION/SCOPE: This project consisted of construction of 58 linear feet of 6-inch, 18,380 linear feet of 8-inch, and 12,571 linear feet of 12-inch waterlines. SCL Engineering, L.L.C. designed the project with 300 calendar days allowed for construction. The project was awarded to D. L. Elliott Enterprises, Inc. with an original Contract Amount of \$2,767,793.02.

LOCATION: The project area is generally bound by Turner Road on the north, East Tidwell Road on the south, Bauman Road on the east and Airline Drive on the west. This project is located in the Key Map grids 453-B & C.

CONTRACT COMPLETION AND COST: The Contractor, D. L. Elliott Enterprises, 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 is \$2,552,742.05, a decrease of \$215,050.97 or 7.77% under the original Contract Amount.

The decrease in cost is primarily due to an underrun in Base Unit Price Item No. 17 - 4-inch diameter water line by augering, Base Unit Price Item No. 25 - 12-inch ductile iron water line w/ restrained joints by open cut in PPCA, Base Unit Price Item No. 63 - Concrete paving for restoration of pavement to meet street cut details, complete and in place all thickness, and the Work not requiring use of most Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 20%. According to Affirmative Action and Contract Compliance Division, the actual participation was 26.38%. The Contractor achieved an "Outstanding" rating for M/WBE Compliance.

* "Potential Petroleum Contaminated Area" *

MSM:JTL:AR:DO:mq

S:\E&C Construction\North Sector\CM's\S-00035-E1-4-Turner\Closeout\RCA\RCA_CL-2-rev2.DOC

Velma Laws

Michael Ho, P.E.

Craig Foster

File No. S-000035-00E1 - Closeout

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ063

Other Authorization:

Jeff Taylor, Deputy Director
Public Utilities Division

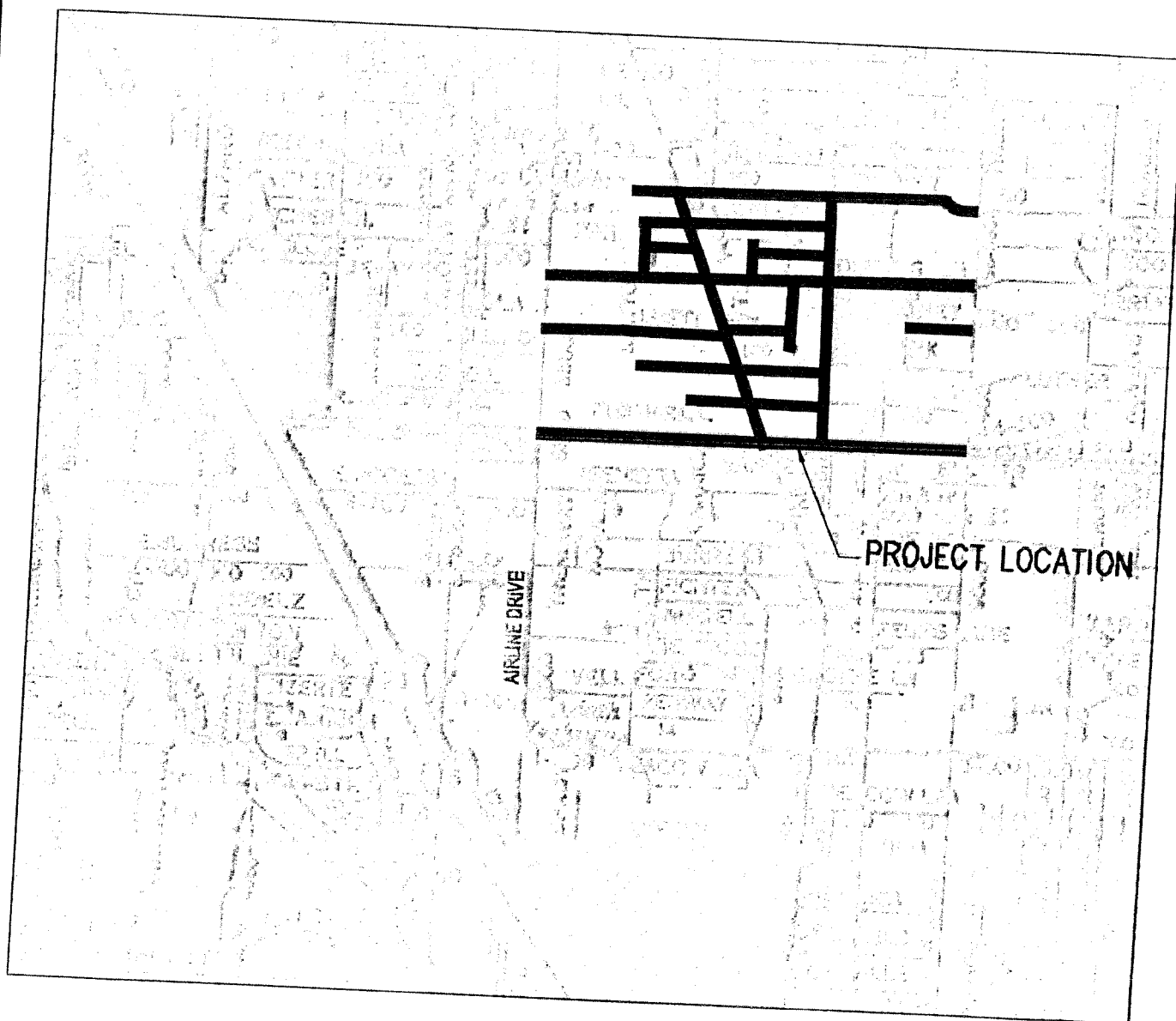
Other Authorization:

MT

CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING AND CONSTRUCTION DIVISION

WATER LINE REPLACEMENT IN TURNER AREA

WBS NO. S-000035-00E1-4



VICINITY MAP

KEY MAP NO. 453-B, C
GMS MAP NO. 5361 D



| | | |
|---|------------------|----------------|
| HISCL ENGINEERING HOUSTON, TEXAS | | |
| SCALE: N.T.S. | JOB No. 014-0000 | EXHIBIT No. 01 |
| Turner - vmag-1 (1:1) | | |

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Water Line Replacement in Parker Road Area.
WBS. No. S-000035-00F5-4.Page
1 of 1

Agenda Item #

7

FROM (Department or other point of origin):

Department of Public Works and Engineering

**Origination
Date****Agenda Date**

OCT 08 2008

DIRECTOR'S SIGNATURE:

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

Council Districts affected:
B**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. #07-441 dated 04/04/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,746,087.30 which is 9.04% under the original Contract Amount, accept the Work, and authorize final payment.**Amount and Source of Funding:** No additional funding required.

Original appropriation of \$2,185,800.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

SPECIFIC EXPLANATION:**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Water Line Replacement program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.**DESCRIPTION/SCOPE:** This project consisted of construction of 71 linear feet of 6-inch, 23,479 linear feet of 8-inch, and 2,822 linear feet of 12-inch water lines, valves and appurtenances. Cobb, Fendley & Associates, Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to Collins Construction, L.L.C. with an original Contract Amount of \$1,919,600.15.**LOCATION:** The project area is generally bound by Little York on the north, Parker Road on the south, Shady Lane on the east, and Paxton on the west. The project is located in Key Map Grids 413-V & Z and 414-S & W.**CONTRACT COMPLETION AND COST:** The Contractor, Collins Construction, L.L.C. has completed the Work under the subject contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$1,746,087.30, a decrease of \$173,512.85 or 9.04% under the original Contract Amount.

The decreased cost is primarily due to Change Order No. 1 and the work not requiring use of most Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 20%. According to Affirmative Action and Contract Compliance Division, the actual participation was 20.24%. The Contractor achieved a "Satisfactory" rating for M/WBE Compliance.

MSM:JTL:AR:NG:mq

S:\E&C Construction\North Sector\PROJECT FOLDER\S-000035-00F5-4 WLR PARKER RD\23.0 Closeouts\RCA\RCA_CL-2-rev2.DOC

Velma Laws

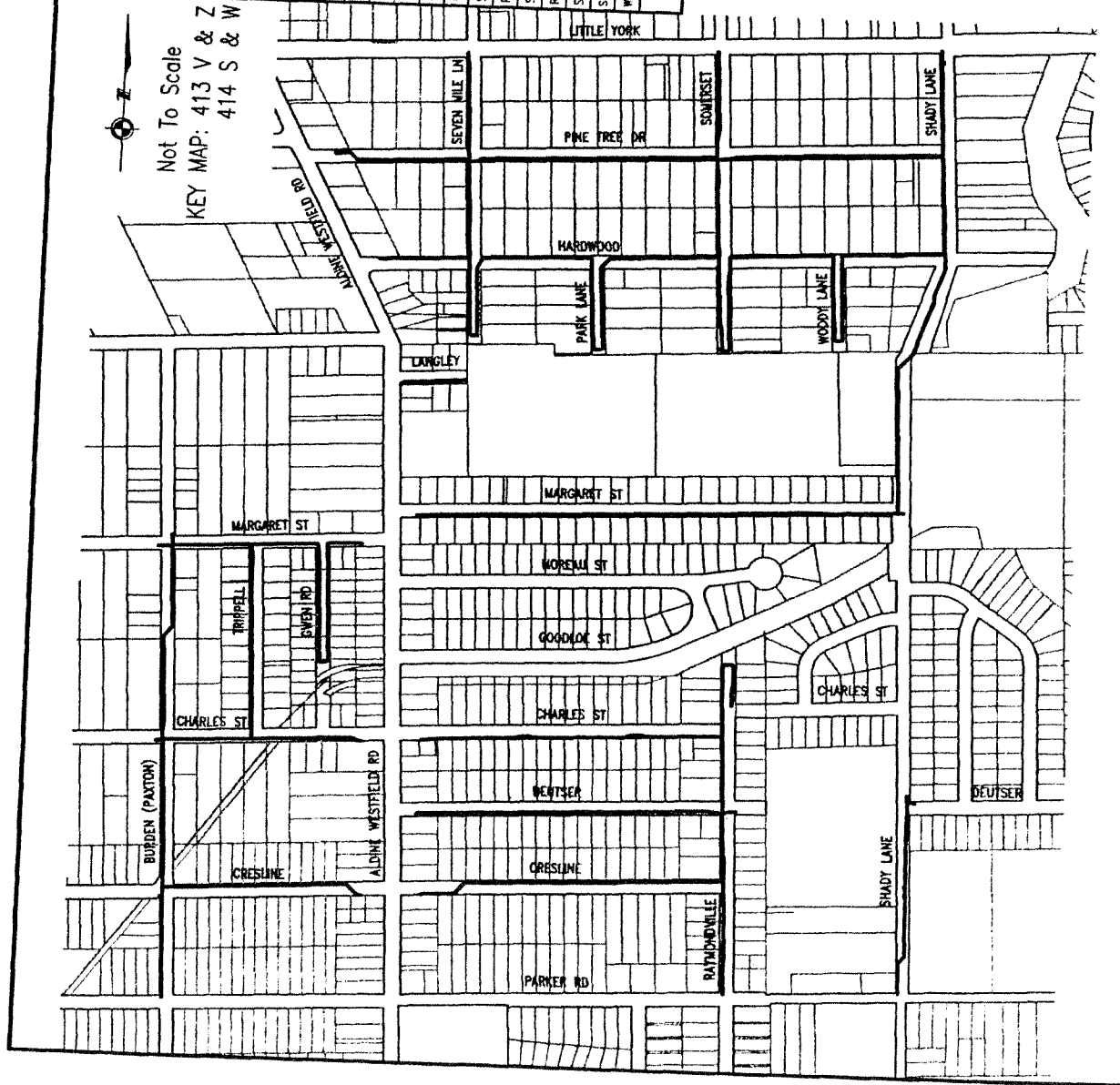
Michael Ho, P.E.

Craig Foster

File No. S-000035-00F5-4 - Closeout

REQUIRED AUTHORIZATION**CUIC ID# 20MZQ046****Finance Department:****Other Authorization:**Jeff Taylor, Deputy Director
Public Utilities Division**Other Authorization:**

| PROPOSED WATER LINE SCHEDULE | | | | |
|------------------------------|------------------|------------------|-----------------|-------------|
| STREET NAME | START STREET | END STREET | PIPE SIZE (IN.) | LENGTH (LF) |
| CRESLINE | BURDEN | ALDINE WESTFIELD | 8 | 860 |
| CRESLINE | ALDINE WESTFIELD | RAYMONDVILLE | 8 | 1,312 |
| DEUTSER | ALDINE WESTFIELD | RAYMONDVILLE | 8 | 1,375 |
| CHARLES | BURDEN | ALDINE WESTFIELD | 8 | 868 |
| CHARLES | ALDINE WESTFIELD | RAYMONDVILLE | 8 | 1,284 |
| MARGARET | BURDEN | ALDINE WESTFIELD | 8 | 839 |
| MARGARET | ALDINE WESTFIELD | RAYMONDVILLE | 8 | 2,076 |
| HARDWOOD | ALDINE WESTFIELD | SHADY LANE | 8 | 2,291 |
| PINE TREE | ALDINE WESTFIELD | SHADY LANE | 8 | 2,585 |
| BURDEN | PARKER ROAD | MARGARET | 8 | 2,056 |
| TRIPPELL | CHARLES | MARGARET | 8 | 874 |
| OWEN | SOUTH DEAD END | MARGARET | 8 | 1,083 |
| LANGLEY | ALDINE WESTFIELD | EAST DEAD END | 6 | 288 |
| SEVEN MILE | SOUTH DEAD END | LITTLE YORK | 8 | 1,611 |
| PARK LANE | SOUTH DEAD END | HARDWOOD | 8 | 812 |
| SOMERSET | SOUTH DEAD END | LITTLE YORK | 8 | 1,804 |
| RAYMONDVILLE | PARKER ROAD | NORTH DEAD END | 8 | 1,675 |
| SHADY LANE | PARKER ROAD | DEUTSER | 12 | 891 |
| SHADY LANE | MARGARET | LITTLE YORK | 12 | 2,126 |
| WOODY LANE | SOUTH DEAD END | HARDWOOD | 8 | 796 |
| TOTAL (LF): | | | | 27,526 |



CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

KIT Professionals, Inc.
Engineers • Planners • Construction Managers
2805 Wilshire Drive, Suite 800
Houston, Texas 77046
Phone: (713)788-8700, Fax: (713)788-8747

Cobb Ferrelly
PLANNERS
12410 NW Fwy, Suite 1100
Houston, Texas 77060
(713) 463-3243
(713) 463-3282 Fax

WATER LINE REPLACEMENTS
IN PARKER ROAD AREA
WBS NO.: S-000035-00F5-4

VICINITY MAP

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT Request for the abandonment and sale of a 10-foot-wide sanitary sewer easement, located within Lots 6 and 7, Block 2 of Normandy Place Subdivision, out of the Obedience Smith Survey. **SY8-097 and SY8-098**

Page
1 of 1

Agenda Item #

8

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

10-1-08

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE:

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

Council District affected: G

GG

Key Map 492Q

For additional information contact:Nancy P. Collins
Senior Assistant Director-Real Estate

Phone: (713) 837-0881

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

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of a 10-foot-wide sanitary sewer easement, located within Lots 6 and 7, Block 2 of Normandy Place Subdivision, out of the Obedience Smith Survey. **Parcels SY8-097 and SY8-098**

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

Nancy W. Hargrove, Thompson & Knight, LLP, 333 Clay Street, Suite 3300, Houston, Texas, 77002, on behalf of Mary Wilson and Ellen W. Schultz, et al, requested the abandonment and sale of a 10-foot-wide sanitary sewer easement within Lots 6 and 7 Block 2, located in the Normandy Place Subdivision, out of the Obedience Smith Survey. Mary Wilson and Ellen W. Schultz, et al, plan to resell this residential lot.

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:

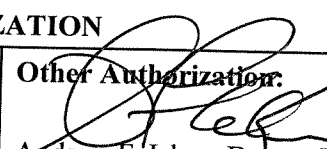
1. The City abandon and sell a 10-foot-wide sanitary sewer easement, within Lots 6 and 7 located in the Normandy Place Subdivision, out of the Obedience Smith Survey;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The Legal Department be authorized to prepare the necessary transaction documents; and,
4. Inasmuch as the value of the property interests is not expected to exceed \$50,000.00, that the value be established by a City staff appraiser or an appraiser appointed by the Director of Public Works and Engineering.

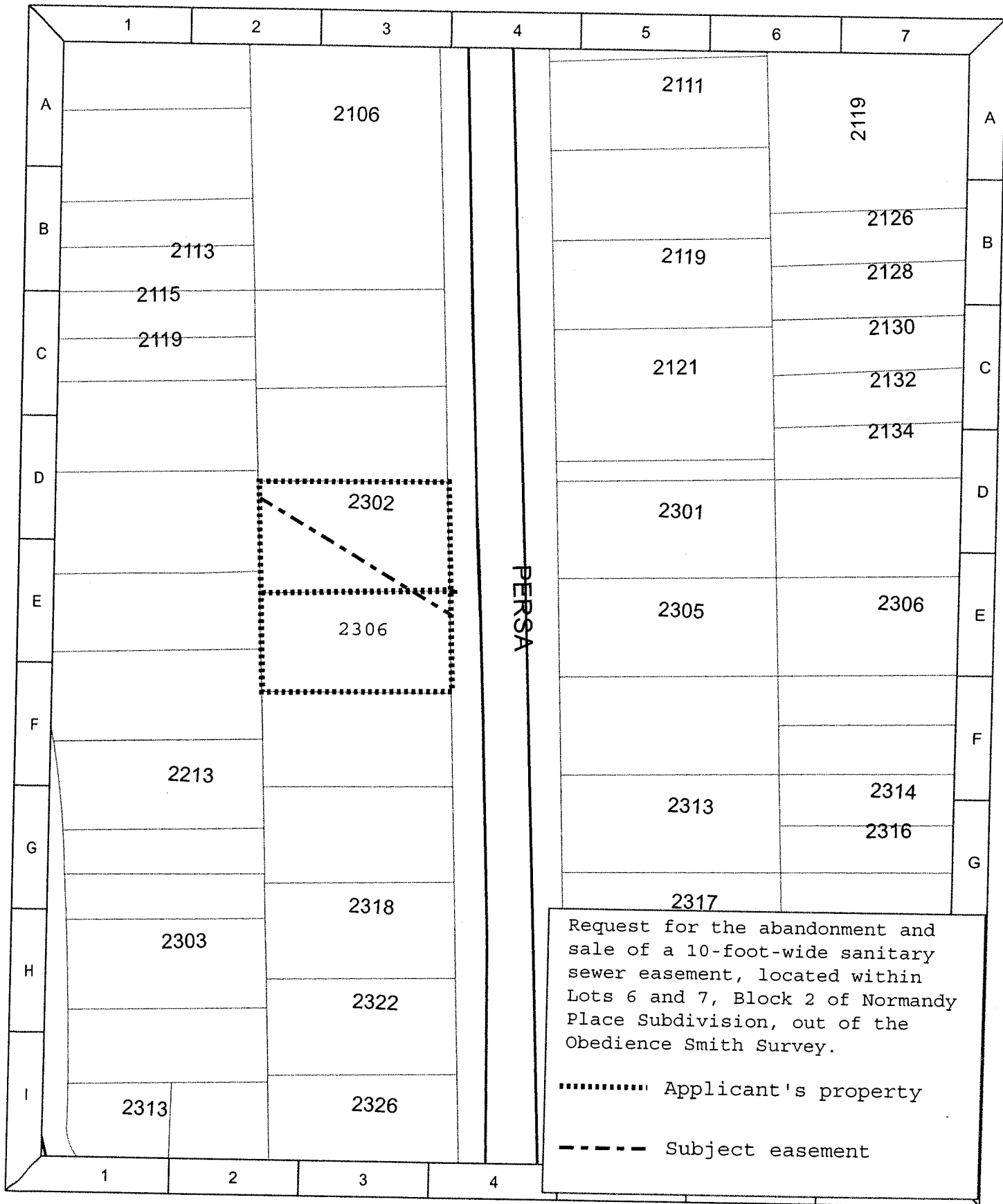
MSM:NPC:gg

c: Phil Boriskie
Marlene Gafrick
Arturo G. Michel
Marty Stein
Jeff Taylor

s:\gg\sy8-097.rc1.doc

CUIC #20GG8972

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

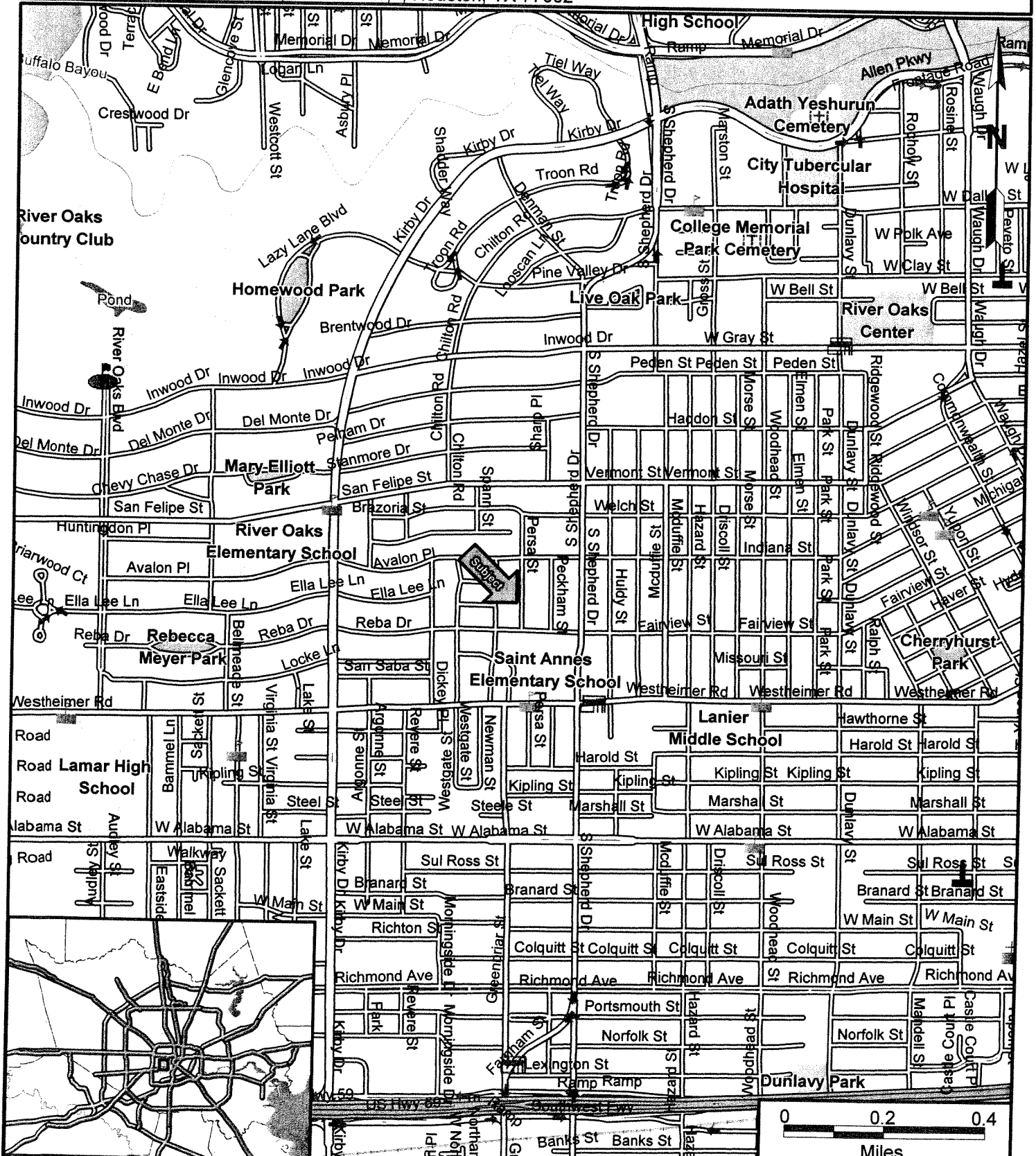


LOCATION MAP

Description: Request for the abandonment and sale of a 10-foot-wide sanitary sewer easement, located within Lots 6 and 7, Block 2 of Normandy Place Subdivision, out of the Obedience Smith Survey. **Parcel SY8-097 and SY8-098**

Subject Address: 2302 Persa St, Houston, TX 77019

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

**CAUTION:**

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

Prepared by City of Houston using MapPro Service. MapPro Inc., 5353 West Alabama St, Suite 303, Houston, TX 77056 (713)789-1406

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8064

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

Category #
4

Page 1 of 2

Agenda Item
9

FROM (Department or other point of origin):

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

Origination Date

October 01, 2008

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE

For Kevin M. Coleman

Council District(s) affected
All

For additional information contact:

Matt Hyde Phone: (713) 884-4587
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of a maintenance and support agreement for Hewlett Packard hardware and software in the total amount of \$323,014.45 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Awarded Amount: \$323,014.45

Finance Budget

KWC

\$323,014.45 - Houston Emergency Center (Fund 2205)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of a 12-month maintenance and support agreement for Hewlett Packard hardware and software in the total amount of \$323,014.45 through the City's Master Agreement with DIR for the Houston Emergency Center (HEC), and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, Hewlett-Packard Company.

This agreement will allow HEC's Information Technology personnel to maintain the hardware, obtain software support, and receive software updates and upgrades. It will also include 24-hour, 365-day monitoring of hardware and operating system software. These services are required to provide continuous operation of the Department's Computer Aided Dispatch and Records Management systems. Additionally, by purchasing a 12-month maintenance and support agreement on an annual basis the City will greatly reduce its overall maintenance costs.

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

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

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

Buyer: Murdock Smith

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

SUBJECT: Appropriate Funds and Authorize Issuance of Purchase Orders for Playground Equipment for Alief Park to Lone Star Recreation, Inc. through the Texas Local Government Purchasing Cooperative (Buy Board) and Landscape Structures, Inc. through the U.S. Communities Government Purchasing Alliance (WBS No. F-000650-0002-4) Playground Without Limits – Alief Park Super Neighborhood Action Plan (SNAP) Project

Page
1 of 1

Agenda Item

10*10A

FROM (Department or other point of origin):
General Services Department

Origination Date

10-01-08

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE

Issa Z. Dadoush, P.E.

Issa Z. Dadoush 9/3/08

Council District(s) affected:

F

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023

Date and identification of prior authorizing Council action:

RECOMMENDATION: Appropriate funds and authorize issuance of purchase orders for the purchase and installation of playground equipment, picnic tables, rubber surfacing and shade structures for Alief Park.

Amount and Source Of Funding:

\$437,875.00 Limited Use Roadway & Mobility Capital Fund (4034)

Preetha Thampi 9/8/08

Finance Budget:

Michelle Mitchell

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$437,875.00 for the purchase and installation of playground equipment, picnic tables, rubber surfacing and shade structures for Alief Park and authorize issuance of purchase orders to the vendors below:

VENDOR

Lone Star Recreation, Inc. (Buy Board)

DESCRIPTION

Playground equipment

PRICE

\$287,585.00

Landscape Structures, Inc.

(U.S. Communities Govt. Purchasing Alliance)

Installation

\$150,290.00

TOTAL

\$437,875.00

PROJECT LOCATION: 11903 Bellaire Blvd. (529E)

PROJECT DESCRIPTION: The scope of work consists of the purchase and installation of playground equipment, picnic tables, shade structures and rubberized playground safety surface material. This playground is designed for children of all ages and abilities and is in response to a Super Neighborhood Action Plan request.

IZD:HB:JLN:LU:CF:cf

c: Marty Stein, Jacquelyn L. Nisby, Susan Bandy, Preetha Thampi, Mark Ross, Webb Mitchell, File 813

REQUIRED AUTHORIZATION

(2) NDT CUI# 25PARK41

General Services Department:

**Department of Public Works
and Engineering:**

Parks and Recreation Department:

Humberto Bautista

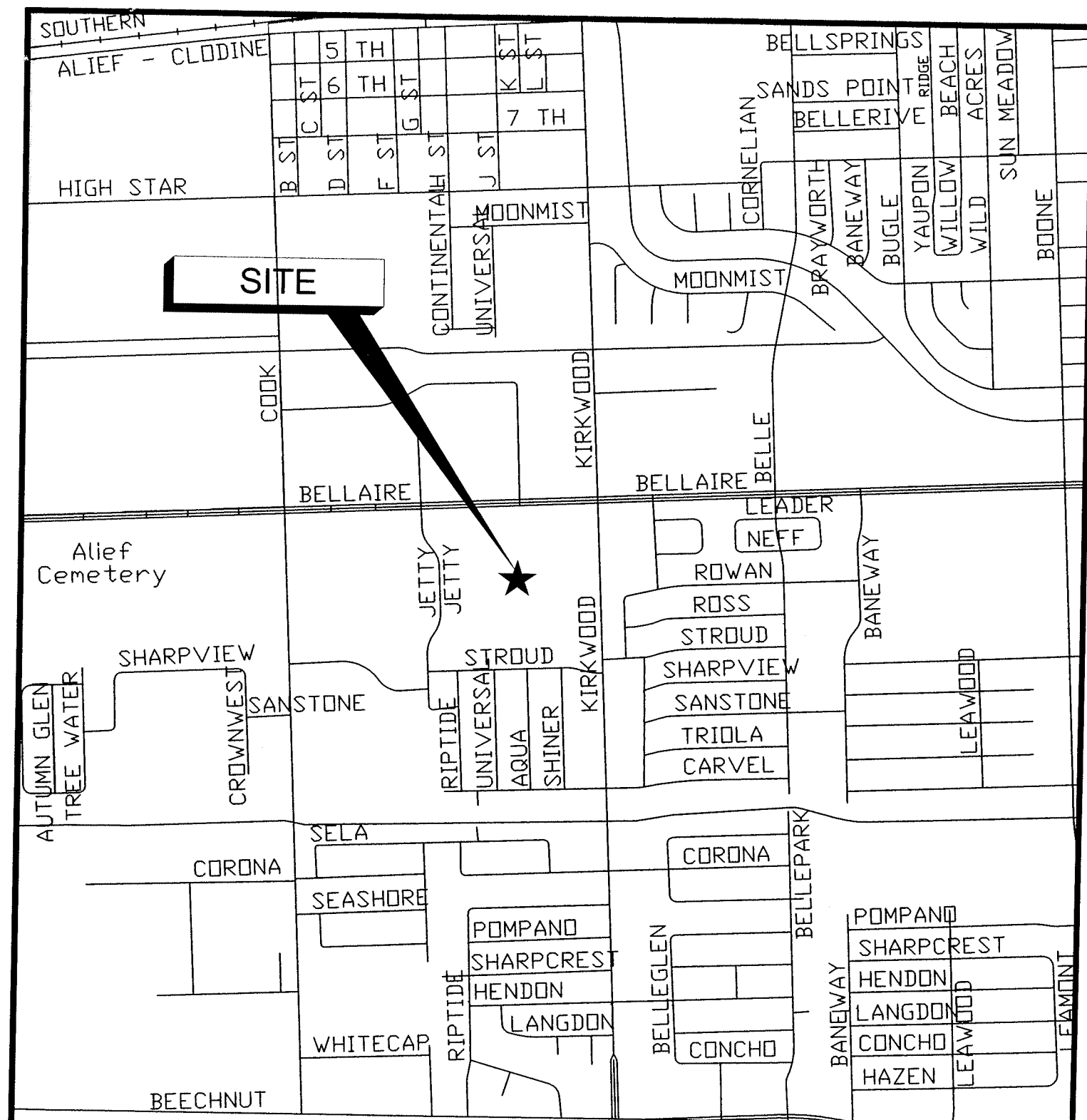
Humberto Bautista
Chief of Design & Construction
Division

Michael S. Marcotte

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

Joe Turner

Joe Turner
Director



ALIEF PARK PLAYGROUND WITHOUT LIMITS
(SUPER NEIGHBORHOOD ACTION PLAN)

11903 BELLAIRE BLVD. , HOUSTON, TX

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7939

Subject: Formal Bids Received for Sewer Casting Products for the Public Works & Engineering Department
S40-S22846

Category #
4

Page 1 of 2

Agenda Item

11

FROM (Department or other point of origin):

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

Origination Date

August 11, 2008

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (713) 238-5241
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to CPR Services and Supplies, Inc. dba MDN Enterprises on its low bid meeting specifications in an amount not to exceed \$1,019,007.00 for sewer casting products for the Public Works & Engineering Department.

Estimated Spending Authority: \$1,019,007.00

Finance Budget

\$1,019,007.00 Stormwater Fund (2302)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to CPR Services and Supplies, Inc. dba MDN Enterprises on its low bid meeting specifications in an amount not to exceed \$1,019,007.00 for sewer casting products for the Public Works & Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of manhole riser rings, covers and frames, storm sewer drainage frames and grates, to be used by the Public Works & Engineering Department for the control of storm water drainage.

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

| <u>COMPANY</u> | <u>TOTAL AMOUNT</u> | |
|---|---------------------|---|
| 1. Port City Pipe, Inc. | \$ 346,632.00 | (Partial Bid/Did Not Meet Specifications) |
| 2. American Highway Products | \$ 403,260.00 | (Partial Bid/Did Not Meet Specifications) |
| 3. Deeter Foundry | \$ 503,904.50 | (Partial Bid/Higher Unit Price/Did Not Meet Specifications) |
| 4. CPR Services and Supplies, Inc. dba MDN Enterprises | \$1,019,007.00 | |
| 5. East Jordan Iron Works | \$1,070,094.00 | |

M/WBE Subcontractor:

The bid was issued with an 11% M/WBE participation goal. CPR Services and Supplies, Inc. dba MDN Enterprises has designated the below-named company as its certified M/WBE subcontractor.

| <u>NAME</u> | <u>TYPE OF SERVICE</u> | <u>AMOUNT</u> |
|----------------------------------|-------------------------------|---------------|
| Texas Fluid Power Products, Inc. | Supply Sewer Casting Products | \$112,090.77 |

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

65CDW7939A

Michael Smith
10/08

MD

121

| | | | |
|--------------------|---|--------------------------------|-------------|
| Date: 8/11/2008 | Subject: Formal Bids Received for Sewer Casting Products for the Public Works & Engineering Department S40-S22846 | Originator's Initials JM | Page 2 of 2 |
|--------------------|---|--------------------------------|-------------|

The Affirmative Action Division will monitor this award.

Buyer: Jeff D. Meekins

ESTIMATED SPENDING AUTHORITY

| DEPARTMENT | FY09 | OUT YEARS | TOTAL |
|----------------------------|--------------|--------------|----------------|
| Public Works & Engineering | \$203,801.00 | \$815,206.00 | \$1,019,007.00 |

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**SUBJECT:** Resolution authorizing economic incentives for the development of hotels in the Central Business District.**Category #****Page**
1 of 1**Agenda**
Item # 12**FROM: (Department or other point of origin):**

Dawn Ullrich, Director

Convention and Entertainment Facilities Department

Origination Date

September 23, 2008

Agenda
Date
OCT 08 2**DIRECTOR'S SIGNATURE:****Council Districts affected:**
District I**For additional information contact:**

Stephen W. Lewis

Phone: 713-853-8888**Date and identification of prior**
authorizing Council Action:**RECOMMENDATION: (Summary)**

Resolution authorizing economic incentives for the development of hotels in the Central Business District.

Amount of Funding: N/A**FIN. Budget:****SPECIFIC EXPLANATION:**

The Convention and Entertainment Facilities Department proposes this Resolution to encourage development of qualifying hotel projects located near the George R. Brown Convention Center ("GRB") and in the Central Business District ("CBD"). New hotels are needed in Houston's CBD to allow the City to be more competitive in the large meeting and convention market.

Due to market conditions in the downtown area, driven by increasing costs for land and construction, incentives are needed to encourage developers to consider new hotel development. Two levels of incentives are being proposed. Hotels proposed within "walking distance" of the GRB will qualify for a grant in an amount equal to 100% of the City's hotel occupancy tax ("HOT") collected by the proposed hotel. Hotels proposed outside of the "walking distance," but inside the elevated freeways surrounding the CBD, will qualify for an amount equal to 50% of the City's HOT collected by the proposed hotel. Qualifying hotels must have a minimum of 350 rooms, maintain a minimum rating as a three-diamond facility, as defined by the rating standards of the American Automobile Association, provide three-meal on-site food facilities, and include meeting space commensurate with the number of hotel rooms. Owners/developers of qualifying hotels shall enter into agreements for the incentives, which agreements must be approved by City Council. Each agreement shall terminate at the end of seven years from the date of the opening of the hotel.

The proposed policy applies to new hotel construction and to conversions of existing structures and additions to existing hotels. Projects under development as of the adoption of this Resolution are not required to meet the 350 room requirement, but must have achieved site control, developed schematic architectural drawings and received a conditional loan or other financial commitment for the project.

In consideration for the incentives granted above, hotels participating in the incentive program must provide a 70% room block commitment for convention and meeting clients booking the GRB more than 24 months in advance, adhere to a prescribed formula to determine room rates for room blocks, and provide other complimentary facilities and services for certain clients sponsored by the GRB or the Greater Houston Convention and Visitors Bureau.

The Hotel and Lodging Association of Greater Houston and the Greater Houston Convention and Visitors Bureau have both expressed their support for and strongly recommend that the City adopt this Resolution.

The Convention & Entertainment Facilities Department believes these incentives are needed to encourage the addition of hotel rooms to the downtown inventory and recommends approval of this Resolution as described above.

REQUIRED AUTHORIZATION**Finance Department****Other Authorization****Other Authorization**

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

A RESOLUTION IN SUPPORT OF ECONOMIC INCENTIVES FOR THE DEVELOPMENT OF HOTELS IN THE CENTRAL BUSINESS DISTRICT; AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT.

* * * * *

WHEREAS, the City of Houston (City) is engaged in the highly competitive business of attracting large meetings and conventions to the City;

WHEREAS, many of the City's competitors have large and growing hotel room blocks available within walking distance of or in reasonable proximity to their convention centers, allowing them to compete more effectively for meetings and conventions requiring such large hotel room blocks;

WHEREAS, the construction of additional hotel rooms in Houston's Central Business District (CBD), as that term is defined in Section 42-1 of the Houston Code of Ordinances, would make the George R. Brown Convention Center (GRB) more competitive in the large meeting and convention market; however increases in land and construction prices have made hotel development more challenging in the CBD than elsewhere in the City;

WHEREAS, the City has previously offered economic incentives to hotel developers to encourage new CBD hotel development, and additional hotel development within the CBD which is not likely to occur in the near term without economic incentives;

WHEREAS, a strong meeting and convention schedule generates additional sales taxes, hotel occupancy taxes and jobs for the City, and enhances the visibility and marketability of the City; and

WHEREAS, Section 351.101 of the Texas Tax Code allows municipal hotel occupancy taxes to be used to promote tourism and the convention and hotel industry;
NOW, THEREFORE,

* * * * *

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

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

Section 2. That the City Council hereby expresses its intent to follow the recommendations of the Hotel and Lodging Association of Greater Houston and the Greater Houston Convention and Visitors Bureau that the City adopt the Hotel Incentive Policy (the "Policy") set forth in Section 3 below that permits the utilization of economic incentives to encourage hotel development in the CBD, thereby enhancing the ability of the GRB to host more and larger conventions and corporate meetings.

Section 3. The City Council finds and determines that incentives should come in the form of payments of hotel occupancy taxes out of sums actually collected by qualifying hotels, with the amounts of such payments to be determined by this policy and convention services agreements "(Agreements)" for each qualifying hotel project, as approved by City Council. The incentive program shall be carried out as follows:

- (A) Agreements are to be uniform as to general provisions and for a term of seven years following the opening of a qualifying hotel. As consideration for the incentives to be provided by the City, hotel developers/operators shall be required to:
- (1) Provide a 70% room block commitment for convention and meeting clients booking the GRB more than 24 months in advance;
 - (2) Adhere to a prescribed formula to determine room rates for room blocks;
 - (3) Provide other convention services, such as including the GRB in hotel advertising and convention concierge services.

- (B) Developers/operators of new qualifying hotel projects in the CBD shall be eligible to enter into Agreements on the following terms and conditions:
- (1) The owners of qualifying hotel projects shall enter into Agreements in accordance with the terms and provisions of this Policy, which Agreements shall be approved by City Council. The Agreements shall include the considerations in favor of the City listed in Section 3(A) above.
 - (2) Agreements must be approved by City Council on or before three (3) years from the date this Resolution creating the Policy is adopted by City Council and the owners/developers must “break ground” on the qualifying project within the same three (3) year period. “Breaking ground” shall mean that piers or footings have been poured for new projects or, for projects involving the redevelopment of existing structures or additions to existing hotels, substantial construction has begun (if an addition to an existing hotel involves building a new structure, then the pouring of new piers or footings test will apply).
 - (3) This Policy applies to new hotel construction and, to the extent otherwise in conformance with this Policy, to conversions of existing structures and additions to existing hotels.
 - a. Only “qualifying hotel projects” are eligible to enter into Agreements and receive incentives. A qualifying hotel project must be designed and developed as a “full service hotel” with a minimum of 350 rooms. Eligible hotel expansion projects must add a minimum of 350 rooms. A “full service” hotel shall refer to a hotel designed and operated:
 - i. As a “three (3)-diamond” facility, as defined by the rating standards of the American Automobile Association;

- ii. With on-site food service during all three daily meal periods; and
 - iii. With a complement of meeting space commensurate with the number of rooms or with national brand standards for a full service hotel.
- b. Notwithstanding the foregoing, hotel projects “under development” as of the date this Policy is adopted may be deemed as qualifying under the Policy, but are not required to meet the 350 room minimum. For purposes of this subparagraph (a), “under development” is defined as a hotel project for which its developer has:
 - i. Achieved site control (owns or leases land for the development or has a firm option to own or lease such land);
 - ii. Developed schematic architectural drawings of the proposed hotel; and
 - iii. Received, at a minimum, a conditional loan or other financial commitment for the project.
- c. Qualifying hotel projects with Agreements approved by City Council shall be eligible to receive incentive payments for seven (7) years from the date the hotel opens for business.
- d. To be a qualifying hotel project, the hotel must be located within the CBD as defined in this Resolution. The levels of incentive payments will be determined based upon the proximity of the hotel project to the GRB in accordance with the following:
 - i. Qualifying hotel projects located within “walking distance” of the GRB, as defined by the shaded area in Exhibit “A,” will be eligible to receive payments equivalent to one hundred percent (100%) of such hotel’s hotel occupancy tax collections during each

- year for the seven years after the hotel opens for business; and
- ii. Qualifying hotel projects within the CBD, but not within walking distance of the GRB will be eligible to receive fifty percent (50%) of such hotel's hotel occupancy tax collections during each year of the seven years after the hotel opens for business.

Section 4. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof have been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. That, if any provision, section, subsection, sentence, clause, or phrase of this Resolution, 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 Resolution 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 Resolution 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 Resolution are declared to be severable for that purpose.

Section 6. That this Resolution shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Resolution within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.


PASSED AND ADOPTED this ____ day of _____, 2008.

APPROVED this ____ day of _____, 2008.

Mayor of the City of Houston

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

City Secretary

 Prepared by Legal Dept.

SKM 9/10/2008

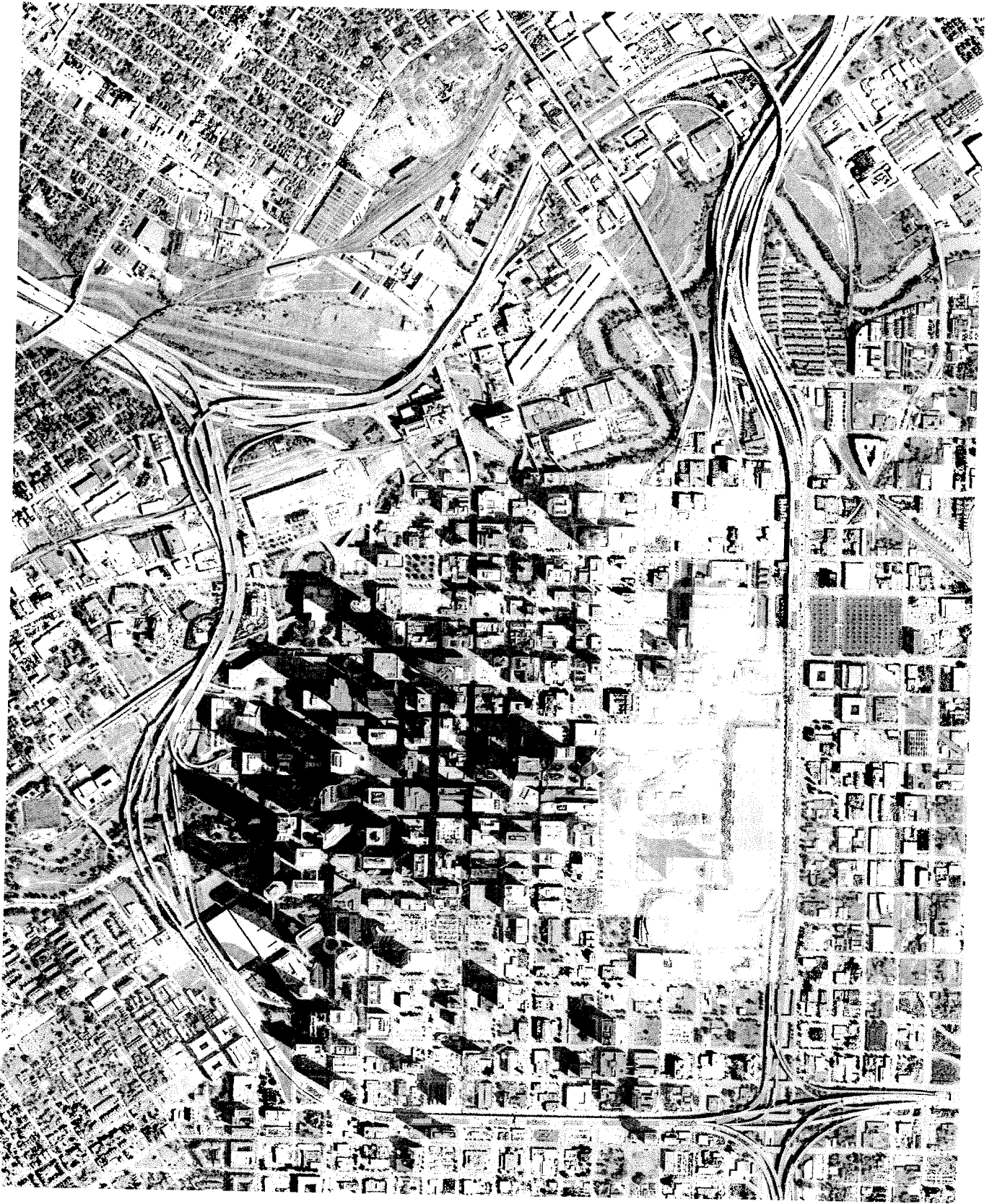
Requested by Mayor Bill White

L.D. File No.0250800024001

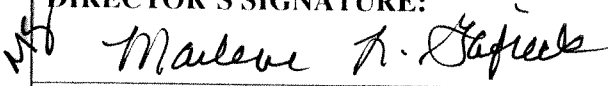

Assistant City Attorney

H:\Tax\HOT Tax\2008 Downtown Hotel Resolution\Draft Resolution - Downtown hotel policy.doc

Exhibit A



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | | |
|---|--|---|--------------------------|-----------------------------------|
| SUBJECT: Approval of a resolution designating 2 historic landmarks (see Attachment - page 2 of 2) | | Category # | Page 1 of 2 | Agenda Item # 13 |
| FROM (Department or other point of origin): Planning and Development | | Origination Date 8/26/08 | | Agenda Date OCT 08 2008 |
| DIRECTOR'S SIGNATURE:  | | Council District affected: See Attachment - page 2 of 2 | | |
| For additional information contact: Diana DuCroz Phone: 713-837-7924 | | Date and identification of prior authorizing Council action: N/A | | |
| RECOMMENDATION: (Summary) Approval of a resolution designating 2 historic landmarks (see Attachment - page 2 of 2) | | | | |
| Amount and Source of Funding: | | | F & A Budget: | |
| SPECIFIC EXPLANATION: In accordance with Chapter 33 of the Code of Ordinances relating to historic preservation, the property owner or the Houston Archaeological and Historical Commission (HAHC) may initiate an historic landmark application. All applications were initiated by the respective property owners. Public Hearings were held by the HAHC and the Houston Planning Commission as indicated on page two. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the two historic landmark designations. There were no objections to the applications. MLG: rp Attachments: Applications and Staff Reports xc Marty Stein, Agenda Director Minnette Boesel, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department | | | | |
| REQUIRED AUTHORIZATION | | | | |
| F & A Director: | | Other Authorization: | | Other Authorization: |

| | | | |
|---------------------|---|------------------------------------|--|
| Date 8/26/08 | Subject: Approval of a resolution designating 2 historic landmarks | Originator's Initials RP | Page <u>2</u> of <u>2</u> |
|---------------------|---|------------------------------------|--|

| LANDMARKS NAME /ADDRESS: | INITIATED BY: | COUNCIL DISTRICT: | HAHC HEARING: | PLANNING COMMISSION HEARING: |
|--|------------------|----------------------|------------------|------------------------------------|
| 1. Thomas H. Monroe House 1624 Kirby Drive | Owner | G | 6-12-2008 | 6-19-2008 |
| 2. Lester L. Neuhaus House 2227 Brentwood Drive | Owner | G | 6-12-2008 | 6-19-2008 |

Photos of the proposed landmarks can be found by going to the following link on the Planning Department's web site:
http://www.houstontx.gov/planning/historic_pres/pending.htm.

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Thomas H. Monroe House
OWNERS: Carson T. and Arthur A. Seeligson, III
APPLICANTS: Carson T. and Arthur A. Seeligson, III
LOCATION: 1624 Kirby Drive - River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: IV.a
HPO FILE NO: 08L202
DATE ACCEPTED: Apr-29-08
HAHC HEARING: Jun-12-08
PC HEARING: Jun-19-08

SITE INFORMATION:

Lot 2, Block 33, River Oaks Section 1, City of Houston, Harris County, Texas. The building on the site includes a two-story, brick residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Thomas H. Monroe House at 1624 Kirby Drive, built in 1931, was designed by Joseph Finger, a distinguished Houston architect. The two-story brick house is Mediterranean Revival in style, and features a green tile roof and formal gardens. Thomas H. Monroe spent most of his career working for the Jim M. West family and is best known for his work in developing Hermann Hospital while serving as a trustee of the Hermann Estate. Monroe owned the Kirby Drive house for almost fifty years. Joseph Finger was a significant Houston architect who designed such iconic buildings as Houston City Hall, the Lancaster Hotel, and the 1940 Houston Municipal Airport Terminal and Hangar. The Thomas H. Monroe House qualifies for Landmark Designation under Criteria 1, 3, 4, and 6.

HISTORY AND SIGNIFICANCE:

The house at 1624 Kirby Drive was designed by Joseph Finger for Thomas H. Monroe. Monroe worked for Jim M. West, and Finger designed homes for a number of West family members and business associates.

The first mention of the house occurred in November 4, 1928, in the Houston Post:

"Monroe Builds \$50,000 Home – T.H. Monroe, president of West Securities Company and an official of various other West interests, has commissioned Joseph Finger, local architect, to prepare plans for a \$50,000 home to be built in River Oaks. The residence will be of brick veneer construction, very elaborately appointed, with tile roof."

Construction of the house started in January 1931 with Benson-Hall serving as contractors. Upon completion of the home in May 1931, the following article, found in the River Oaks Scrapbooks, was published. It is not labeled but probably came from the Post or Chronicle in May 1931, and the writer incorrectly states the owners' and architect's names:

"Munroe Residence in River Oaks is Complete – The new home of Mr. and Mrs. T.H. Munroe at 1624 Kirby Drive in River Oaks was completed Wednesday by the Benson Hall Construction Company... the home was designed by A.C. Finn, architect. Mr. Munroe is vice president of West Securities Co."

Architectural historian Stephen Fox has identified Joseph Finger as the correct architect, and mentions the West family/Finger connection as important.

Thomas Hedges Monroe was born on December 4, 1889, in Iola, Grimes County, Texas. He started his career at the turn of the century in Houston with Southern Pacific Railroad. In 1909, he moved to Central Bank & Trust Co. (later MBank) and then to Thompson-Truckee Lumber Company. Later, he joined J.M. West Interests as Secretary Treasurer. In the 1932-33 City Directory, Monroe is listed as President of West Securities Co. and West Mortgage Co.; and Vice President of South Texas Lumber Co., West Lumber Co., West Production Co. and Reynolds-West Lumber Co. with offices in the Sterling Building. He served the West family for many years, including as a Trustee for the West Foundation.

James Marion West (1871-1941) was a prominent rag-to-riches Houston businessman, who made his fortune in lumber, oil, banking and ranching. A portion of West's 35,000-acre ranch, located midway between Houston and Galveston, became the site of NASA in the 1960s.

Born in Mississippi in May 1871, West moved to Trinity County, Texas, in 1880, where his family established a family farm. At age 14, he began working at a local sawmill. West gradually accumulated his own timber lands and established the West Lumber Company in the mid 1890s. By the early 1920s, West controlled a substantial part of the lumber industry in East Texas and Louisiana. West moved to Houston in 1905, and as the lumber industry began to slow down, West diversified his business interests to banking, ranching, real estate, and the emerging oil industry.

In the early 1920s, West began to accumulate land on the north bend of Clear Lake in southeast Harris County for his ranch. He hired Houston architect Joseph Finger to design a large house on the ranch that faced Clear Lake. The 17,000-square foot Italian renaissance revival house, which became known as the West Mansion (National Register, RTHL), was built in 1928-29, and is located on what is now known as NASA Road 1 in Webster. In 1939 West sold most of his property, including the West Mansion, to the Humble Oil Company, which donated it to Rice University in 1941. In 1961, Rice turned over 1,600 acres to NASA for the site of the Manned Spacecraft Center. In 1968, the West Mansion was restored with a \$580,000 grant from NASA to the National Academy of Science. The West Mansion today is considered an 'endangered' historic property.

West also served in many social, civic, and business positions. In 1938 he established the West Foundation, the funds of which were to be devoted to religious, charitable, educational, literary, and scientific purposes. He purchased the Dallas Journal and Austin Tribune after the Texas Senate failed to confirm him as chairman of the Texas Highway Commission in 1939.

James and his wife Jessie had three children, James Marion West, Jr. ("Silver Dollar Jim"), Wesley Wendell West, and Mildred. "Silver Dollar Jim" was an eccentric attorney, oilman, and cattle rancher, and real-life version of the stereotypical flamboyant Texas millionaire found in jokes, cartoons, and movies.

In addition to his business interests with Jim West, T. H. Monroe served as a Trustee to the Hermann Estate from August 1935 until November 1963, when he retired as Chairman of the Board. Monroe probably had the greatest impact on Houston through his role as a Hermann Estate Trustee. At his death in 1986 at the age of 97, the Houston Chronicle noted his passing with an article "Services Set for Longtime Hermann Estate Trustee Thomas Monroe." The article stated "much of the growth of the hospital (Hermann) to its present status occurred under his leadership." Monroe's obituary lists his other activities, including serving as director of the Old First City Bank, and later First City National Bank, and as a founding member of St. Paul's Methodist Church.

Monroe owned the house at 1624 Kirby Drive for almost 50 years. Around 1980, the house was purchased by James Kempner, who split the original double lot of the home into two properties. A new house, 2910 Inwood, was built on Lot 1 at the corner of Kirby and Inwood. Around 1984, 1624 Kirby was purchased by John M. Sullivan, who sold the house to the current owners, the Seeligsons, in 2003.

Joseph Finger (1887-1953) was the architect of the house at 1624 Kirby Drive. According to the Handbook of Texas online:

“Joseph Finger, architect, was born on March 7, 1887, in Bielitz, Austria, the son of Hani (Steifter) and Henri Finger. Finger received his primary, secondary, and technical education in Bielitz. Immigrating to the United States in 1905, Finger settled initially in New Orleans. He moved to Houston in 1908, where he worked in the branch office of the Dallas architect C. D. Hill and Company. In 1912 Finger became the junior partner of Houston architect Lewis Sterling Green. Between 1914 and 1919 he was in partnership with James Ruskin Bailey and from 1920 to 1923 with Lamar Q. Cato. From 1923 to 1944 Finger practiced under his own name. From 1944 until his death he was in partnership with George W. Rustay. From the beginning of his first partnership, Finger was identified with the design of office, hotel, retail, and industrial buildings. He was responsible for the American National Insurance Company Building in Galveston (1913, demolished); the Ricou-Brewster Building in Shreveport, Louisiana (1924, with Seymour Van Os); the De George (1913), Plaza (1925), Ben Milam (1925), Auditorium (1926), and Texas State hotels in Houston (1929); the Vaughn Hotel, Port Arthur (1929); the Charlton Hotel, Lake Charles, Louisiana (1929); and the McCartney Hotel, Texarkana (1930). Finger designed retail stores for Everitt-Buelow (1926, altered), Levy's (1930, altered), and Battelstein's (1923, 1936, 1950) in Houston, and numerous auto showrooms in Houston during the 1920s. He was architect of the Model Laundry, Galveston (ca. 1913); and the Cheek-Neal Coffee Company (1917), Texas Packing Company (1924), H. M. Tennison Manufacturing Company (1925), and Truscon Steel Company (1941) buildings in Houston.

As the city's foremost Jewish architect from the 1910s through the 1940s, Finger designed many Jewish institutional buildings, as well as buildings for individual Jewish clients. Among these were Congregation Beth Israel Temple (1925), Congregation Beth Israel Mausoleum (1935), and Congregation Beth Yeshurun Synagogue (1949), as well as the Concordia Club (1915, demolished) and the Wolff Memorial Home (1930, demolished). During the 1930s Finger was responsible for such major public buildings as the Montgomery County Courthouse, Conroe (1935, altered); Jefferson Davis Hospital (1937, with Alfred C. Finn); Houston City Hall (1939); and the Houston Municipal Airport Terminal and Hangar (1940). At the time of his death, Finger and Rustay's Harris County Courthouse (1953) was under construction in Houston. Finger was best known for his exuberant modernistic designs. These included the Art Deco-style Houston Turn-Verein (1929, demolished), the A. C. Burton Company auto showroom (1929, demolished), and the Barker Brothers Studio (1930). Finger's office produced the Clarke and Courts printing plant (1936) and the Carnation Company creamery (1946-47, demolished) in the streamlined modernistic style. Finger's public buildings of the 1930s and 1940s were also designed in the modernistic style. Among the prominent clients for whom Finger designed multiple buildings, for both personal and business use, were the industrialist Henry M. Tennison, the confectioner W. H. Irvin, the merchant Philip Battelstein and his sons, the grocer Joseph Weingarten and his brothers, and the oil operator James M. West and his sons and business associates.

Finger married Gertrude Levy of Houston on June 18, 1913. They were the parents of one son, Joseph Seifter Finger, a landscape architect and golf course designer. Finger was a member of the American Institute of Architects. He was also a member of Congregation Beth Israel, the Independent Order of B'nai Brith, the Houston Turn-Verein, the Westwood Country Club, Chamber of Commerce, and the Benevolent and Protective Order of Elks. Joseph Finger died on February 6, 1953, in Houston. He is buried in Beth Israel Mausoleum in Beth Israel Cemetery, Houston."

According to Stephen Fox, additional Joseph Finger works include:

- J. A. Platt House at 3311 Del Monte and River Oaks Boulevard.
- J. M. West, Jr., House at 1909 River Oaks Boulevard between Chevy Chase and San Felipe (demolished).
- Cohen Building, 2935-2925 Main Street, 1925.
- Citizens State Bank Building (now Rockefellers), 3620 Washington Avenue, 1925.
- Lancaster Hotel (then Auditorium Hotel), 701 Texas Avenue, 1926.
- Joseph Finger duplex, 120 Portland, 1926.
- W.H. Irvin Home, 431 Bay Ridge Road, 1928.
- Texas State Hotel, 720 Fannin Street, 1929.
- Jim West country home, 3303 NASA Road 1, 1929.
- Residence at 2221 Rosedale Avenue, 1929.
- Stephen F. Austin High School 1700 Dumble Street, 1937 (w/Briscoe, Sullivan and Sam Dixon, Jr.).
- Residence at 3612 Parkwood Drive, 1938.
- Weingarten Home, 4000 South McGregor Way, 1939.
- Parker Bros. & Co. Building, 5303 Navigation Boulevard, 1939.
- Kelley Manufacturing Co. Building, Japhet Street, 1939.
- Residence at 3615 Parkwood Drive, 1940.
- Republic Steel Corporation Building, 501 North Greenwood Street, 1941.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Thomas H. Monroe House was designed in the Mediterranean Revival style. It is a two-story home with painted brick veneer and a green tile hipped roof. The symmetrical main body of the house is five bays wide, with two arched windows on each side of a centered main entrance and five windows on the second floor. On the ends of the house are two wings that are perfectly balanced. On the south wing, an elegant double doorway with its original glass detail leads to a small patio. On the north side, a similar archway tops a carport. The recessed front door and entry porch is framed by an archway accented by two stone columns. Above the archway is intricate fan-shaped ironwork that is repeated on the balcony above the entrance.

The current owners were drawn to the home because of its unique architecture, old world sensibilities, and formal gardens, which are similar in feel to the homes built in the 1920s in San Antonio, where

Arthur Seeligson, one of the current owners, was born and raised. The current owners completed a major renovation, which including reversing numerous unsympathetic changes made by a previous owner. The renovation included the expansion of the kitchen; renovation of closets, bathrooms, butler's pantry; restoration of the flooring; installation of new a/c and plumbing; remodeling of an accessory building; and upgrades to the landscaping and exterior lighting. No changes were made to the original facade of the house.

BIBLIOGRAPHY:

Handbook of Texas Online, s.v. ", " <http://www.tshaonline.org/handbook/online/articles/FF/ffi37.html> (accessed May 5, 2008).

Fox, Stephen, ed., "Houston Architectural Guide", 2nd edition, American Institute of Architects/Houston Chapter, 1999.

Houston Chronicle, Obituary of T.H. Monroe, December 18, 1986.

Houston Chronicle, "Services set for longtime Hermann Estate Trustee", December 18, 1986.

Houston Post, "Monroe builds \$50,000 Home," November 4, 1928.

River Oaks Scrapbook, Volume 10, page 216.

West Mansion, National Register Designation Application.

www.houstonhistory.com/ghoustonians/history8bb.htm+silver+dollar+jim+west&hl=en&ct=clnk&cd=1&gl=us.

Handbook of Texas Online, <http://www.tshaonline.org/handbook/online/articles/WW/fwe33.html>.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

| S | NA | | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|--|---------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4); | | |

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- ☐ ☒ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
- ☒ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).
- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

STAFF RECOMMENDATION

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Thomas H. Monroe House at 1624 Kirby Drive.

SITE LOCATION MAP
THOMAS H. MONROE HOUSE
1624 KIRBY DRIVE
NOT TO SCALE



LANDMARK DESIGNATION REPORT

LANDMARK NAME: Lester L. Neuhaus House
OWNERS: John C. and Margaret Ale
APPLICANTS: Same as Owners
LOCATION: 2227 Brentwood Drive - River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: IV.b
HPO FILE NO: 08L203
DATE ACCEPTED: May-21-08
HAHC HEARING: Jun-12-08
PC HEARING: Jun-19-08

SITE INFORMATION:

Lot 2, Block 46, River Oaks Section 1, City of Houston, Harris County, Texas. The site includes a two-story, brick veneer residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Lester L. Neuhaus House was constructed in 1931. The home was designed by the prolific Houston architects, Hiram A. Salisbury and T. George McHale, for Lester Neuhaus and his family. Lester L. Neuhaus was a lifelong Houstonian who spent most of his career in the oil industry. The two-story red brick home has an asymmetrical facade, steeply pitched side-gabled roof, and unusual brick detailing framing the front entry.

Among Salisbury & McHale's more notable projects are St. Stephen's Episcopal Church at 1805 W. Alabama, St. John's School at 2401 Claremont, and many of the homes located in River Oaks, Southampton, and other affluent Houston neighborhoods. Brentwood Drive is one of the most architecturally intact streets in River Oaks and has seven other homes already designated as City of Houston Landmarks, including two located in the 2200 block. The Lester L. Neuhaus House qualifies for Landmark Designation under Criteria 1, 3, 4, and 6.

HISTORY AND SIGNIFICANCE:

The Lester L. Neuhaus House at 2227 Brentwood Drive was built in 1931. The first mention of the house comes in August 1931 in "Home for All Times," the River Oaks Corporation publication:

"Mr. and Mrs. Lester Neuhaus have begun construction of their new home in River Oaks at 2227 Brentwood Drive. H. A. Salisbury is the architect and Benson-Hall are the contractors. The home will be completed in October."

The same publication ran the following in December 1931:

"Mr. and Mrs. Lester L. Neuhaus have moved into their recently completed home at 2227 Brentwood. The attractive colonial design is the work of H. A. Salisbury..."

Lester and Carolyn Neuhaus lived in the home until the mid-1960s. Lester L. Neuhaus was born on February 19, 1893, and was a lifelong resident of Houston. At the time of the building of the home, the City Directory lists him as serving as Treasurer for South Texas Grain Company with an office at 1604

Sawyer. He would later spend most of his career in the oil industry, with later City Directory entries showing his career as “oil leases.” At his death in March 1977, his obituary lists him as a member of St. John’s Church, survived by his wife and two daughters, Mrs. Ted Belmont and Mrs. E. Glenn McMillan.

Around 1965, Mr. and Mrs. Neuhaus sold the house to Lyon L. Brinsmade. Brinsmade, an attorney with Butler Binion Cook & Knapp, lived in the home for about ten years. Brinsmade then sold the house to Robert T. Sakowitz, who at the time was president and chief executive officer of Sakowitz Inc., a Houston institution. Robert Sakowitz was the son of Bernard Sakowitz (1907-1981), best known as a civic leader and president of Sakowitz Brothers stores. Robert Sakowitz graduated from Harvard *cum laude* and entered the family business in 1963, becoming president in 1975. Robert Sakowitz owned the home for about ten years before selling it to Thomas and Sandra Wilson in 1987. In 1989, the Wilsons sold the home to the current owners, John and Dede Ale.

Hiram A. Salisbury (1892-1973), one of the architects of the Neuhaus House, was born in Omaha, Nebraska. Salisbury studied architecture under a fellowship from the American Institute of Architects and later graduated from the School of Architecture at New York’s Columbia University (1913-1914). He worked as a draftsman for Thomas R. Kimball from 1910-1923 and George B. Prinz from 1923-1926. Salisbury established his own architectural firm in Houston in 1926, and he is first listed in the 1927 Houston City Directory with an office in the Post-Dispatch (subsequently Shell) Building until 1937. Salisbury served as president of the American Institute of Architects, Houston Chapter, in 1954.

Beginning in 1928, Salisbury collaborated on many projects with fellow architect, T. George McHale. Salisbury and McHale’s projects included residential, commercial, and church buildings. Among their more notable projects are St. Stephen’s Episcopal Church at 1805 W. Alabama (1941); St. John’s School at 2401 Claremont (1945-49); and many of the homes located in River Oaks, Southampton, and other affluent Houston neighborhoods. Salisbury and McHale relocated their offices to the River Oaks Community Center at 2017 W. Gray in 1938-39, and moved to 3501 Allen Parkway in 1945.

Thomas George McHale (1903-1975) was also born in Omaha, Nebraska, and attended school at the University of Notre Dame. After receiving his architecture degree, McHale became a draftsman for John Latenzer & Sons, where he worked from 1919 until 1923. In 1924, he worked for James A. Allen and Leo A. Daly. Starting in 1925, he worked for George B. Prinz for several years before joining Salisbury.

Beginning in 1930, Hiram A. Salisbury and his wife lived at 3412 Yupon between Hawthorne and Harold. By 1953, the Salisburys were living at 610 Saddlewood Lane. Salisbury continued his practice in Houston until approximately 1962, when he retired to Medford, Oregon. McHale was married to Inez P. McHale, a celebrated Houston interior decorator. The McHales lived at 1106 Palm Avenue before moving to 2 Courtlandt Place.

Brentwood Drive is one of the most architecturally intact streets in River Oaks and has seven other homes already designated as City of Houston Landmarks:

- Dr H.J. and Emerence Ehlers House, 2112 Brentwood (1934, Cameron Fairchild)
- Dr Culver M Griswold House, 2121 Brentwood (1929, Stayton Nunn)
- Colonel W.B. Bates House, 2128 Brentwood (1936-37, Stayton Nunn)
- Dr. Mavis P. Kelsey Sr. House, 2136 Brentwood (1940, C. C. Rouse, builder)
- John B. Hines House 2219 Brentwood (LM pending), (1927-28, Joseph Northrop Jr.)
- Joseph H. Russell House, 2232 Brentwood (1929, Russell Brown Co.)

- Maurice and Virginia Brown Angly House, 2514 Brentwood (1934, Russell Brown Co.)

Brentwood Drive also has two other Salisbury & McHale houses, the Dow House at 2211 Brentwood and the Turner House at 2521 Brentwood.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The house at 2227 Brentwood is a two-story, brick veneered home built in 1931. The home is asymmetrical with a steeply pitched roof. On the east side of the home is a prominent chimney. The elegant paneled door, believed to be original to the home, is surrounded by intricate brickwork topped by an iron lantern with curling arms. Above the iron light fixture is an oblong octagonal window. The home maintains its original sash windows upstairs and the original 10x10 paned windows downstairs. Part of the beauty of this home is its scale on its lot. The home is approximately 3,500 square feet and sits upon a 15,000 square foot lot with mature plantings.

The home has been owned for almost the last 20 years by the Ale family, who were drawn to the home by its charm and gracious presence. Although some changes have been made to the house over the years, such as updating the kitchen and adding a family room, the original facade has been maintained.

BIBLIOGRAPHY:

Fox, Stephen, personal notes and research about Hiram A. Salisbury and T. George McHale, August, 2006.

Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1999.

Houston Chronicle, Obituary of Lester L. Neuhaus, Senior, March 27, 1977.

Home for All Times, August and December, 1931.

City Directories.

Handbook of Texas Online, s.v. "," <http://www.tshaonline.org/handbook/online/articles/SS/fsatg.html> (accessed May 13, 2008).

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

| S | NA | | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|--|---------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |

- ☒ ☐ (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3);
- ☒ ☐ (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);
- ☐ ☒ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
- ☒ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
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- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).
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STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Lester L. Neuhaus House at 2227 Brentwood Drive.

Planning and Development Department[illegible]

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

| | | | |
|--|---|--------------------|-----------------------------------|
| SUBJECT: Approval of a resolution designating 3 historic landmarks (see Attachment - page 2 of 2) | Category # | Page 1 of 2 | Agenda Item # 14 |
| FROM (Department or other point of origin): Planning and Development | Origination Date 8/26/08 | | Agenda Date OCT 08 2008 |
| DIRECTOR'S SIGNATURE: MS <i>Maureen K. Gaffney</i> RP | Council District affected: See Attachment - page 2 of 2 | | |
| For additional information contact: Diana DuCroz Phone: 713-837-7924 | Date and identification of prior authorizing Council action: N/A | | |

RECOMMENDATION: (Summary)

Approval of a resolution designating 3 historic landmarks (see Attachment - page 2 of 2)

Amount and Source of Funding:

F & A Budget:

SPECIFIC EXPLANATION:

In accordance with Chapter 33 of the Code of Ordinances relating to historic preservation, the property owner or the Houston Archaeological and Historical Commission (HAHC) may initiate an historic landmark application. All applications were initiated by the respective property owners.

Public Hearings were held by the HAHC and the Houston Planning Commission as indicated on page two. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the three historic landmark designations.

There were no objections to the applications.

MLG: rp

Attachments: Applications and Staff Reports

xc Marty Stein, Agenda Director
Minnette Boesel, Mayor's Liaison for Cultural Affairs
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department
Harold L. Hurtt, Chief, Police Department
Phil Boriskie, Chief, Fire Department

REQUIRED AUTHORIZATION

F & A Director:

Other Authorization:

Other Authorization:

| | | | | | |
|--|----------------------|---|----------------------|-------------------------------------|--|
| Date 8/26/08 | | Subject: Approval of a resolution designating 3 historic landmarks | | Originator's Initials RP | Page <u>2</u> of <u>2</u> |
| LANDMARKS NAME /ADDRESS: | INITIATED BY: | COUNCIL DISTRICT: | HAHC HEARING: | PLANNING COMMISSION HEARING: | |
| 1. George M. Dow House 2211 Brentwood Drive | Owner | G | 7-10-2008 | 7-17-2008 | |
| 2. Craig-Amburn House 3214 Locke Lane | Owner | G | 7-10-2008 | 7-17-2008 | |
| 3. Dillon and Lena Carroll Anderson House 3414 Del Monte Drive | Owner | G | 7-10-2008 | 7-17-2008 | |
| Photos of the proposed landmarks can be found by going to the following link on the Planning Department's web site: http://www.houstontx.gov/planning/historic_pres/pending.htm . | | | | | |

LANDMARK DESIGNATION REPORT

LANDMARK NAME: George M. Dow House
OWNER: George G. Hansen
APPLICANT: Same as Owner
LOCATION: 2211 Brentwood Drive - River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: V.a
HPO FILE NO: 08L204
DATE ACCEPTED: June-26-08
HAHC HEARING: July-10-08
PC HEARING: July-17-08

SITE INFORMATION:

Lot 4, Block 46, River Oaks Section 1, City of Houston, Harris County, Texas. The site includes a two-story, brick veneer residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The George M. Dow House at 2211 Brentwood Drive, built in 1931, was designed by the prolific Houston architects, Hiram A. Salisbury and T. George McHale. The two-story brick house features an asymmetrical design, with a prominent front chimney, a main entrance framed by pilasters topped with a broken pediment, and several small front gables, including two gabled wall dormers. The Dow family lived in the house for its first forty years. George M. Dow worked most of his career in the insurance industry, and was active in the local community.

Architects Salisbury & McHale practiced from the 1920s through the 1950s and designed many of the homes in River Oaks, Southampton, and other affluent Houston neighborhoods, as well as such notable buildings as St. Stephen's Episcopal Church and St. John's School. Brentwood Drive is one of the most architecturally intact streets in River Oaks and boasts eight other homes already designated, or pending designation, as City of Houston Landmarks, including three other houses located in the 2200 block. The George M. Dow House qualifies for Landmark Designation under Criteria 1, 3, 4, and 6.

HISTORY AND SIGNIFICANCE:

The first mention of the home at 2211 Brentwood Drive comes in May 1931 with the following in "Home for All Times," the River Oaks Corporation publication:

"The new home of Mr. and Mrs. George Dow is now under construction by Benson-Hall Company, at 2211 Brentwood Drive. The home was designed by H.A. Salisbury."

The same publication ran the following in December 1931:

"Mr. and Mrs. George Dow purchased the site at 2211 Brentwood Drive and now have completed and moved into their new home... The place is just next door to the J.H. Reynolds family."

George and Eleanor Dow lived in the house for forty years. George M. Dow, who was apparently nicknamed "Tiny", was born in Houston on August 12, 1894. In 1931, when the Brentwood house was built, Dow is listed by the City Directory as working for Houston Natural Gas. He would later spend most of his career in the insurance industry. Through the 1930s, Dow worked for a variety of firms including Jarrell & Cage, George M. Dow Insurance Agency, and finally, Anderson & Montgomery.

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He would remain with Anderson & Montgomery from the early 1940s until his retirement in 1968. At his death in February 1974, his obituary lists him as a member of St. John's Church, Gray Lodge No. 329, AF&AM, Scottish Rite and York Rite Bodies and Arabia Temple Shrine. Eleanor Barber Dow was born in Brookline, Massachusetts, to Captain Henry Barber and Mary Gardner Barber in 1897. She lived for 96 years, and her obituary lists her as a member of St. John's Church.

The Dow family owned the home until around 1970, when they sold it to George M. Thompson, a geologist, who owned the home until 1984. Many River Oaks families know the house as the Thompson house. In 1991, the Thompsons sold the home, and a series of owners followed, including: Thomas Cook (1991), James Garrison (2002), and Alvin Thomas (2003). The current owners, George and Amanda Hansen, purchased the home in 2006.

Hiram A. Salisbury (1892-1973), one of the architects of the Dow House, was born in Omaha, Nebraska. Salisbury studied architecture under a fellowship from the American Institute of Architects and later graduated from the School of Architecture at New York's Columbia University (1913-1914). He worked as a draftsman for Thomas R. Kimball from 1910-1923 and George B. Prinz from 1923-1926. Salisbury established his own architectural firm in Houston in 1926, and he is first listed in the 1927 Houston City Directory with an office in the Post-Dispatch (subsequently Shell) Building until 1937. Salisbury served as president of the American Institute of Architects, Houston Chapter, in 1954.

Beginning in 1928, Salisbury collaborated on many projects with fellow architect, T. George McHale. Salisbury and McHale's projects included residential, commercial, and church buildings. Among their more notable projects are St. Stephen's Episcopal Church at 1805 W. Alabama (1941); St. John's School at 2401 Claremont (1945-49); and many of the homes located in River Oaks, Southampton, and other affluent Houston neighborhoods. Salisbury and McHale relocated their offices to the River Oaks Community Center at 2017 W. Gray in 1938-39, and moved to 3501 Allen Parkway in 1945.

Thomas George McHale (1903-1975) was also born in Omaha, Nebraska, and attended school at the University of Notre Dame. After receiving his architecture degree, McHale became a draftsman for John Latenzer & Sons, where he worked from 1919 until 1923. In 1924, he worked for James A. Allen and Leo A. Daly. Starting in 1925, he worked for George B. Prinz for several years before joining Salisbury.

Beginning in 1930, Hiram A. Salisbury and his wife lived at 3412 Yupon between Hawthorne and Harold. By 1953, the Salisburys were living at 610 Saddlewood Lane. Salisbury continued his practice in Houston until approximately 1962, when he retired to Medford, Oregon. McHale was married to Inez P. McHale, a celebrated Houston interior decorator. The McHales lived at 1106 Palm Avenue before moving to 2 Courtlandt Place.

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- Dr. H.J. and Emerence Ehlers House, 2112 Brentwood (1934, Cameron Fairchild)
- Dr. Culver M. Griswold House, 2121 Brentwood (1929, Stayton Nunn)
- Colonel W.B. Bates House, 2128 Brentwood (1936-37, Stayton Nunn)
- Dr. Mavis P. Kelsey Sr. House, 2136 Brentwood (1940, C. C. Rouse, builder)
- John B. Hines House, 2219 Brentwood (pending), (1927-28, Joseph Northrop Jr.)
- Lester L. Neuhaus House, 2227 Brentwood (pending), (1931, Salisbury & McHale)
- Joseph H. Russell House, 2232 Brentwood (1929, Russell Brown Co.)

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Planning and Development Department

- Maurice and Virginia Brown Angly House, 2514 Brentwood (1934, Russell Brown Co.)

Brentwood Drive also has two other Salisbury & McHale houses, the Neuhaus House next door at 2227 Brentwood, and the Turner House at 2521 Brentwood.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The home at 2211 Brentwood Drive is a two-story, brick veneered home built in 1931. The most striking features of the home's asymmetrical front façade are the main entryway, a prominent front chimney, and a large twelve-over-twelve window that allows light into the main stairway of the home. The façade also features several front gables, including two gabled wall dormers. The entryway is surrounded by square pilasters and an elegant broken pediment. The home maintains its historic wood sash windows on both the upstairs and downstairs. The Hansen family purchased the house in 2006. Renovation plans are to expand and update the kitchen and garage areas and to update upstairs bedroom areas, which will not affect the historic appearance of the house.

BIBLIOGRAPHY:

Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1999.

Fox, Stephen, personal notes and research about Hiram A. Salisbury and T. George McHale, August, 2006.

Houston Chronicle, Obituary of George Dow, Senior.

Home for All Times, May and September, 1931.

City Directories.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

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| S | NA | | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|--|---------------|---------------------|
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); | | |
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Planning and Development Department

- ☐ ☒ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
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STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the George M. Dow House at 2211 Brentwood Drive.

Planning and Development Department

2211 Brentwood Dr

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Craig-Amburn House
OWNERS: Matthew V. Milukas and Patricia E. Butorac
APPLICANTS: Same as Owners
LOCATION: 3214 Locke Lane - River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: V.b
HPO FILE NO: 08L205
DATE ACCEPTED: Jun-13-08
HAHC HEARING: Jul-10-08
PC HEARING: Jul-17-08

SITE INFORMATION:

Lot 22, Block 23, River Oaks Section 4, City of Houston, Harris County, Texas. The site includes a two-story residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Craig-Amburn House was designed by architect Sol R. Slaughter and constructed in 1937 by builder C. C. Bell. The Colonial Revival-style house was built as a speculative home with the original plans dated June 4, 1937. C. C. Bell, who was active in the Houston home-building business for almost 50 years, built many speculative homes that were simple in style and affordable to mid-level buyers.

Charles Craig, the original owner of the house, was a manager of a Houston shipping company. Subsequent owner, Elton Amburn, worked in the insurance business for many years. The Craig-Amburn House qualifies for Landmark Designation under Criteria 1, 3, 4, and 6.

HISTORY AND SIGNIFICANCE:

The first mention of the home at 3214 Locke Lane comes in December 1937 with an advertisement in the Houston Chronicle touting: "New 8 room Early American: automatic heating, air conditioned and large recreation room third floor."

Then, on February 5, 1938, the Houston Press carried the following with a photograph:

"Mr. and Mrs. C.W. Craig have bought this new \$14,500, seven room home on a 65 by 125 foot site at 3214 Locke Lane, River Oaks, built by C.C. Bell."

River Oaks Magazine followed up with more information in March 1938:

"Mr. and Mrs. Charles Craig are in their new residence at 3214 Locke Lane. The house is an attractive Early American type, painted white and has green shutters. Mr. and Mrs. Craig have three children, Ann, who is in Lamar Senior High School, Charles, who is in River Oaks Elementary School and Agnes Lee who is only four and not yet in school. Mr. Craig is manager for the Houston office of Strachan Shipping Company."

The Craig family lived in the house for only six or seven years. By 1945, the home was occupied by a renter and, by 1946, the home was purchased by Elton and Betty Amburn. Elton Amburn was born in Oklahoma on January 2, 1910, one of five children of Ellen Amber Stidham and Elmer Ethlyn Amburn. Amburn graduated from the University of Texas in 1932, and by 1946, he was a salesman with Great South Life Insurance. According to the City Directories, Amburn worked as a salesman, underwriter

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and, by 1960, assistant secretary for Great South Life Insurance. Also, by 1960, it appears that he and Betty had separated, as only Betty was living at 3214 Locke Lane. Elton Amburn later moved to Kerr, Texas, and died on January 2, 2006, at the age of 96.

The Amburns owned the home for approximately 22 years or until around 1968. Betty Amburn sold the house to Larry W. Martin, Jr., of the Burroughs Corporation, who later sold it to James A. McAlister by 1972. McAlister worked as a Director of Planning and Economics for George Mitchell Oil Company. McAlister owned the home for approximately 14 years and a series of owners followed, including: Edgar and Stephanie Larsen (1986), Sonia M. Tersigne (2003), and the current owners, Patricia Butorac and Matthew Milukas (2006).

Charles Christian Bell, Jr., (1896-1975) was a builder active in Houston for almost 50 years. He was born in Boonville, Missouri, and moved to Houston in 1919. He first appears in the 1922 City Directory as president of Bell Lumber Company and Bell Construction Company, with a residence at the Rice Hotel (City of Houston Landmark). His last entry in the City Directory before retirement comes in 1972 which shows him as president of Bell Construction. According to his obituary, C. C. Bell served as a captain of heavy artillery in World War I. For many years, he was active in the Harris County Heritage Society. Additionally, he served as a President of the Houston Homebuilders Association and was a member of River Oaks Country Club. The speculative C. C. Bell homes were simple in style and affordable to a mid-level buyer. Through the River Oaks Property Owner's card file, the following C. C. Bell homes were identified in River Oaks: 3202 Locke Lane (1940), 3418 Locke Lane (1939), 3608 Locke Lane (1940), and 2232 Pelham (demolished). Bell Construction also built the Smith-Anderson House at 3605 Del Monte in 1947 (pending Protected Landmark).

Soloman Robert ("Sol") Slaughter, the architect for the Craig-Amburn House, was born on August 31, 1902, perhaps in Erath, Texas, and graduated from Rice University in 1926. In 1927, the City Directory shows Sol Slaughter as an architect practicing with Bell Construction Company. By 1929-1930, he was practicing on his own with an office in the Home Building and Loan Association Building. In 1941, his practice was located in the First Federal Savings and Loan Association Building. It appears that Slaughter, and his wife Fay, relocated to Galveston, Texas, in 1946, where he died on July 17, 1970.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The home at 3214 Locke Lane is a two-story, brick and clapboard-sided home designed in 1937. The home features a symmetrical main façade featuring two windows down and three windows up. Originally, the home had a screened-in porch with detailed iron or woodwork on the east side of the first floor that has since been enclosed to form a sunroom. The home's appearance looks much as it did in 1937, with a slight extension on the east side of the home.

The current owners purchased the house in 2006. They have completed renovations to the house, including revamping the third floor with newly finished rooms, installing new utility equipment and wiring, updating the kitchen and bathrooms, and replacement of the clapboard siding which matched the original.

BIBLIOGRAPHY:

Fox, Stephen, personal notes on Sol R. Slaughter, June 2008.

Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1999.

River Oaks Magazine, March 1938.

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Houston Chronicle, Advertisement, December 19, 1937.

Houston Press, Photo and Caption, February 5, 1938.

Houston Chronicle, Obituary of C.C. Bell, Jr., October 31, 1975.

River Oaks Property Owners Card File.

Houston City Directories.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

| S | NA | | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|---|---------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8). | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b). | | |

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Planning and Development Department

STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Craig-Amburn House at 3214 Locke Lane.

SITE LOCATION MAP CRAIG-AMBURN HOUSE 3214 LOCKE LANE NOT TO SCALE



LANDMARK DESIGNATION REPORT**LANDMARK NAME:** Dillon and Lena Carroll Anderson House**OWNER:** Linda K. Finger**APPLICANT:** Same as Owner**LOCATION:** 3414 Del Monte Drive - River Oaks**30-DAY HEARING NOTICE:** N/A**AGENDA ITEM:** V.c**HPO FILE NO:** 08L206**DATE ACCEPTED:** Jun-24-08**HAHC HEARING:** Jul-10-08**PC HEARING:** Jul-17-08**SITE INFORMATION:**

Lot 8, Block 5, River Oaks Country Club Estates, City of Houston, Harris County, Texas. The building on the site includes a two-story, stucco home.

TYPE OF APPROVAL REQUESTED: Landmark Designation**HISTORY AND SIGNIFICANCE SUMMARY:**

The house at 3414 Del Monte Drive was designed by Birdsall P. Briscoe in the Regency style of architecture. Briscoe was a noted Houston architect, who designed the home for Dillon and Lena Carroll Anderson in 1938. Lena Carroll Anderson was the granddaughter of lumberman W. T. Carter, and one of three sisters to live in Briscoe-designed houses. Her husband, Dillon Anderson, was a writer, lawyer, and U. S. statesman. In the 1950s, Anderson served as special assistant for national security to President Dwight D. Eisenhower. Anderson's first published short story won the O. Henry Prize for short fiction in 1949, and Anderson went on to write numerous short stories and three books with a Texas theme.

Birdsall Briscoe is best known as an architect of single-family houses and is closely identified with the River Oaks neighborhood. The house at 3414 Del Monte Drive has been featured in numerous publications, including the 1980 Houston Architectural Survey, the Houston Architectural Guide, River Oaks Magazine (1941), and Houston Home/Garden (May 1981). The Dillon and Lena Carroll Anderson House qualifies for Landmark Designation under Criteria 1, 3, 4, 5, and 6.

HISTORY AND SIGNIFICANCE:

The home at 3414 Del Monte Drive was designed by Birdsall P. Briscoe for Dillon and Lena Anderson. The home received attention at the outset of its building as on February 20, 1938, the Houston Post carried a photograph with the caption:

"\$30,000 Regency Type Home – The attractive and dignified new regency type home at 3414 Del Monte Drive in River Oaks built at a cost of approximately \$30,000 has been occupied by Mr. and Mrs. Dillon Anderson. The residence has eight rooms and three baths, and is on a 120 x 180 foot lot. It was designed by Birdsall Briscoe, architect."

Another notice with exactly the same information above ran in the Houston Chronicle.

In February 1941, the home was featured by River Oaks Magazine which carried a four-page article:

"Regency in the South... Planted among tall trees, dappled by their shadows, mellowed by the Texas sunshine, we present to you a fine example of the Regency of the South as conceived by its architect. As is typical of Regency in England, this home is built of stucco. Its conventional and elaborate iron grille work is designed after the manner of old New Orleans... Ionic columns

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grace the semicircular entrance porch and make a base for the balcony above them. The interior trim was adapted from an ante-bellum home in Jefferson, Texas, which Mr. Briscoe once saw when he was on a tour to survey historical American building...”

Lena Carroll Anderson was the granddaughter of W. T. Carter, a wealthy lumberman in Houston. Lena Carter Carroll, Mrs. Anderson’s mother, purchased two sites in River Oaks for two of her three daughters in 1936. The site at 3414 Del Monte Drive was purchased for \$6500. Birdsall Briscoe had a long and productive relationship with the Carter family. Eventually, all three of the daughters (Mrs. Anderson, Mrs. Bullington and Mrs. I. H. Kempner) lived in Birdsall Briscoe homes.

Lena Carroll Anderson’s husband, Dillon Anderson, was a prominent Houstonian whose full biography is provided by the Handbook of Texas Online:

“Dillon Anderson (1906-1974), statesman and writer, son of Joseph Addison and Besnie (Dillon) Anderson, was born in McKinney, Texas, on July 14, 1906. He enrolled at Texas Christian University before transferring to the University of Oklahoma, where he received a B.S. degree in 1927. He graduated from the Yale law school in 1929; that same year he was admitted to the Texas bar and began practicing with the Houston firm of Baker, Botts, Andrews, and Shepherd. He was made a partner of the firm in 1940.

Anderson served as a colonel in the United States Army from 1942 to 1945. He won the Army Commendation Ribbon and the Legion of Merit. He was appointed consultant to the National Security Council in 1953, and President Dwight D. Eisenhower chose Anderson to be his special assistant for national security in 1955. In that capacity, Anderson presided over the National Security Council and accompanied Eisenhower to the summit conference in Geneva in 1955. He resigned in 1956.

In 1948 Anderson met Edward Weeks, editor of Atlantic, who complained that J. Frank Dobie, Tom Lea, and John Lomax were the only Texans who ever sent contributions to his magazine. When Weeks asked Anderson if he knew of other Texas writers, Anderson volunteered to contribute, even though none of his fiction had been published. Anderson's first submission was ‘The Revival,’ a story that Weeks returned several times for revision. It was finally published in 1949 and won the Doubleday Company's O. Henry prize for short fiction. Anderson then began publishing other stories in Atlantic, Saturday Evening Post, and Collier's.

In 1951 Little, Brown, and Company brought out I and Claudie, which won the Texas Institute of Letters award that year. Little, Brown also published Anderson's second book, Claudie's Kinfolks, in 1954. Both books are accounts of the picaresque adventures of two fun-loving rogues who philosophize in homespun, practical fashion about life and the world. Though published as novels, both I and Claudie and Claudie's Kinfolks had been written as series of short stories. The same was true of The Billingsley Papers (1961), published by Simon and Schuster, although Anderson did develop a logical sequence for the stories. The ‘papers’ make up a report in which attorney Gaylord Boswell Peterkin reveals the true character of fellow attorney Richard K. Billingsley to the university faculty committee conferring an honorary doctorate of laws degree on Billingsley. Despite their loose structure, all three books won praise for their picture of life among the folk and the exuberant, if not always tasteful, pursuits of the Texan.

Anderson was a director of Westinghouse Electric Corporation, a trustee of the Carnegie Endowment for International Peace, and a member of the Texas Institute of Letters. He married

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Lena Carter Carroll on May 30, 1931. The Andersons and their three daughters made their permanent home in Houston. Dillon Anderson died in Houston in 1974 and is buried there.”

Birdsall Parmenas Briscoe (1876-1971) designed the classic Regency-style home for the Andersons. The Handbook of Texas Online provides excellent background on Birdsall Briscoe:

“Birdsall P. Briscoe, architect, was born on June 10, 1876, in Harrisburg, Texas, the son of Andrew Birdsall and Annie Frances (Paine) Briscoe. He was the grandson of Andrew Briscoe and the great-grandson of John R. Harris, founder of Harrisburg. He grew up on his parents' ranch near Goliad and attended San Antonio Academy, Texas Agricultural and Mechanical College (now Texas A&M University), and the University of Texas. During the Spanish-American War Briscoe served in the United States Army Infantry as a sergeant; he subsequently served as a major in the army during World War I.

He learned architecture through apprenticeships with the Houston architects C. Lewis Wilson and Lewis Sterling Green. After a brief partnership with Green (1909-11), Briscoe began independent practice in 1912. From 1922 until 1926 he was in partnership with Sam H. Dixon, Jr. From 1919 until his retirement in 1955, Briscoe shared an office with Maurice J. Sullivan. Although from time to time he collaborated with both Dixon and Sullivan on nonresidential commissions, Briscoe was best known for his elegantly composed and detailed houses.

He established his reputation as an exceptional designer at the outset of his career. His aptitude for disciplined formal composition and correct, scholarly rendition of historic detail placed him at the forefront of the eclectic trend in Houston architecture during the second decade of the twentieth century. Briscoe's finest houses, designed between 1926 and 1940, exhibit the array of historical architectural styles characteristic of American eclectic architecture and are distinguished by the architect's gift for harmonious proportion and full-bodied ornamental detail.

He worked extensively in the Houston neighborhoods of Courtlandt Place, Shadyside, Broadacres, and River Oaks. Among his clients for houses were William Lockhart Clayton (1917), W. T. Carter (1920), R. Lee Blaffer (1920), Walter H. Walne (1925), Burdine Clayton Anderson (1928), Robert W. Wier (1928), Milton R. Underwood (1934), Wirt A. Paddock (1936), I. H. Kempner, Jr. (1936), and Dillon Anderson (1938). Outside Houston, Briscoe's best-known project was the remodeling of the Patton-Varner House near West Columbia (see Varner-Hogg Plantation State Historic Park) for Ima and William Clifford Hogg in 1920.

Briscoe married Ruth Dillman in 1927. He joined the American Institute of Architects in 1921 and was elected a fellow of the institute in 1949. From 1934 until 1941 he served as district officer for South Texas of the Historic American Buildings Survey. He was the author of two western adventure novels, *In the Face of the Sun* (1934) and *Spurs from San Isidro* (1951). He was a parishioner of Christ Church. He died in Houston on September 18, 1971, and is buried at Oak Hill Cemetery in Goliad.”

According to Stephen Fox, the Birdsall Briscoe homes in River Oaks include:

- 1829 Sharp Place, Briscoe House #1 (1936)
- 2227 Chilton Road, Kempner House (1937)
- 2950 Lazy Lane, Dogwoods (1928-demolished)
- 3237 Inwood Dr., House for Country Club Estates (Red Bird House, 1925)
- 3196 Del Monte Dr., Harry L. Mott speculative house (1931)
- 3023 Del Monte Dr., Bullington House (1937)

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- 2923 Del Monte Dr., Underwood House (1934)
- 2920 San Felipe Rd., speculative house for River Oaks Corp. (1931)
- 2938 San Felipe Rd., speculative house for River Oaks Corp. (1931)
- 2308 River Oaks Blvd., Fountain House (1938)
- 3127 Avalon Place, speculative house for River Oaks Corp. (1931)
- 2113 Bellmeade Rd., speculative house for River Oaks Corp. (1931)
- 3015 Chevy Chase Dr., speculative house for River Oaks Corp. (1930)
- 2929 Chevy Chase Dr., speculative house for River Oaks Corp. (1931)
- 3229 Chevy Chase Dr. *now 3229 Groveland, Paddock House (1936, COH Landmark)
- 3249 Chevy Chase Dr., Frost House (1937)
- 3376 Inwood Dr., Clayton Summer House (1924, COH Landmark)
- 3439 Del Monte Dr., Pinckney House (1937)
- 3434 Del Monte Dr., Schneider House (1941)
- 3414 Del Monte Dr., Anderson House (1938)
- 3334 Chevy Chase Dr., Wilson House (1938)
- 3425 Sleepyhollow Court, McKallip House (1938)
- 3401 Sleepyhollow Court, Johnson House (1936)
- 3606 Chevy Chase Dr., Austin House (1951)
- 3707 Inwood Dr., Vaughan House (1949)
- 3601 Inverness Dr., Hutcheson House (1948)
- 3606 Knollwood Dr., Britton House (1942, demolished)
- 3707 Knollwood Dr., White House (1940, in association with George W. Rustay)
- 3820 Willowick Rd., Davis House (1940, moved to one side of its original site)
- 3880 Willowick Rd., Schuhmacher House (1941, moved here from its original site and extensively altered)
- 4019 Inverness Dr., Dupree House "Legend" (1959)
- 2317 Claremont Ln., Briscoe House #2 (1939, extensively altered)

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The house at 3414 Del Monte Drive may be described as Regency in style. The two-story house is clad with stucco and features a rectangular plan. The entry is particularly elegant with a semi-circular portico featuring Ionic columns on the first floor and ornamental wrought iron on the second floor. The principal façade has six-over-nine sash windows with narrow sidelights and wrought iron balconies under second floor windows. The sills are at floor level on the first and second floor. Stephen Fox describes the main section of the façade as being “framed by recessed polygonal wings.” The home has a hipped roof and two prominent chimneys on the east and west sides. The interior has trim adapted from an ante-bellum mansion in Jefferson, Texas.

The home underwent a major rehabilitation and expansion in 1992 by Rudolf Colby. The changes to the home had minimal impact to the façade visible to the street.

BIBLIOGRAPHY:

Handbook of Texas Online, s.v. "," <http://www.tsha.utexas.edu/handbook/online/articles/PP/fpa3.html> (accessed June 7, 2007) for Dillon Anderson.

Handbook of Texas Online, s.v. "," <http://www.tshaonline.org/handbook/online/articles/AA/fan31.html> (accessed June 12, 2008) for Birdsall Briscoe.

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Planning and Development Department

Fox, Stephen, ed., "Houston Architectural Guide", 2nd edition, American Institute of Architects/Houston Chapter, 1999.

River Oaks Magazine, "Regency in the South", pages 18-21, February 1941.

Houston Press, February 20, 1938.

Houston Architectural Survey 1980, Southwest Center for Urban Research and the School of Architecture, Rice University.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

| S | NA | | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|---|---------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8). | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b). | | |

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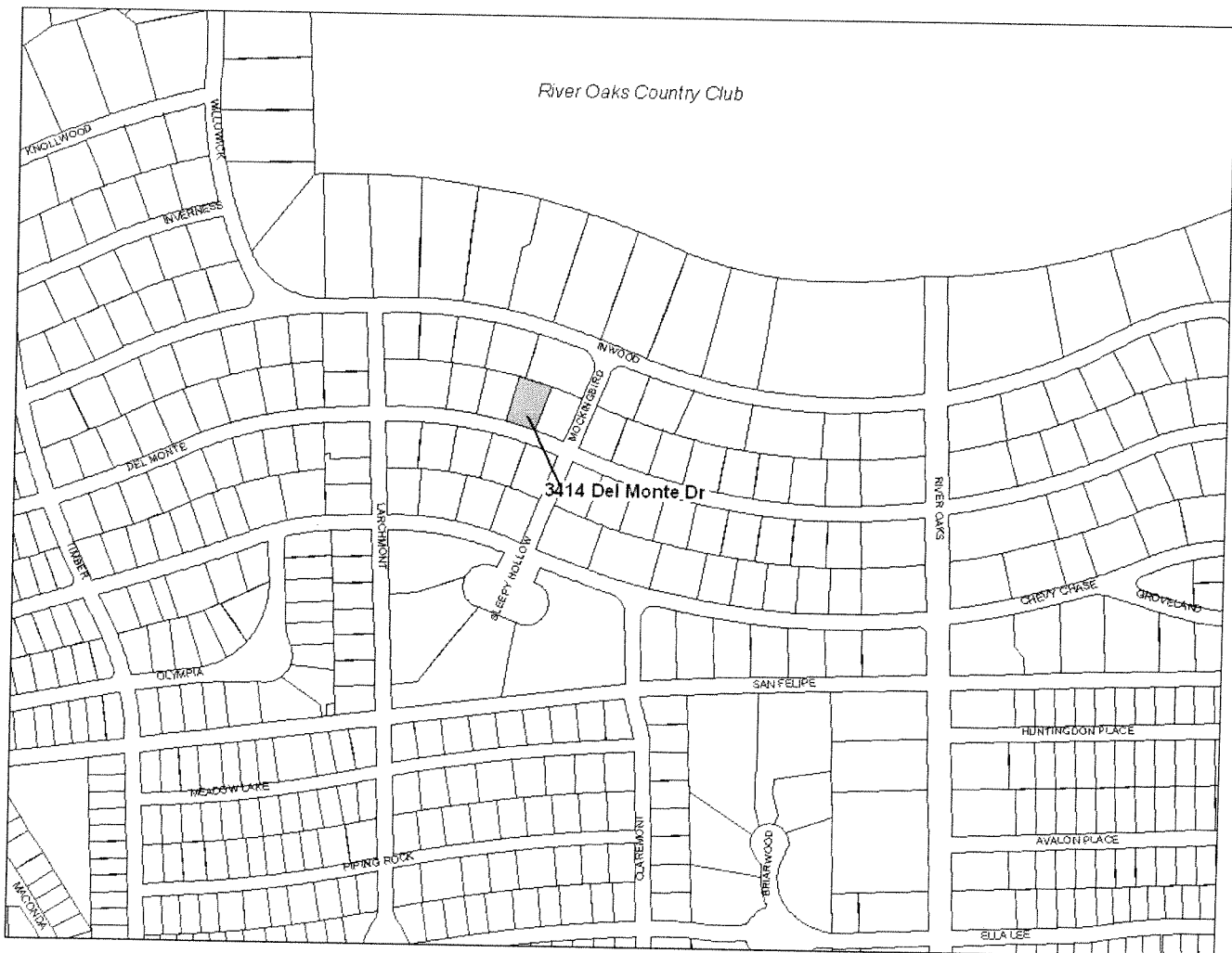
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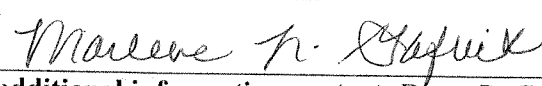
STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Dillon and Lena Carroll Anderson House at 3414 Del Monte Drive.

SITE LOCATION MAP
DILLON AND LENA CARROLL ANDERSON HOUSE
3414 DEL MONTE DRIVE
NOT TO SCALE



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | | |
|--|-----------------------------|---|-----------------------------|------------------------------------|
| SUBJECT: Approval of a resolution designating 2 historic landmarks (see Attachment - page 2 of 2) | | Category # | Page 1 of 2 | Agenda Item # 15 |
| FROM (Department or other point of origin): Planning and Development | | Origination Date 9/30/08 | | Agenda Date OCT 0 8 2008 |
| DIRECTOR'S SIGNATURE:  | | Council District affected: See Attachment - page 2 of 2 | | |
| For additional information contact: Diana DuCroz Phone: 713-837-7924 | | Date and identification of prior authorizing Council action: N/A | | |
| RECOMMENDATION: (Summary) Approval of a resolution designating 2 historic landmarks (see Attachment - page 2 of 2) | | | | |
| Amount and Source of Funding: | | | F & A Budget: | |
| SPECIFIC EXPLANATION: In accordance with Chapter 33 of the Code of Ordinances relating to historic preservation, the property owner or the Houston Archaeological and Historical Commission (HAHC) may initiate an historic landmark application. All applications were initiated by the respective property owners. Public Hearings were held by the HAHC and the Houston Planning Commission as indicated on page two. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the two historic landmark designations. There were no objections to the applications. MLG: rp Attachments: Applications and Staff Reports xc Marty Stein, Agenda Director Emily Todd, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department | | | | |
| REQUIRED AUTHORIZATION | | | | |
| F & A Director: | Other Authorization: | | Other Authorization: | |

| | | | | |
|--|---|------------------------------|------------------------------|---|
| Date: 9/30/08 | Subject: Approval of a resolution designating 2 historic landmarks | | Originator's Initials | Page <u>2</u> of <u>2</u> |
| LANDMARKS NAME /ADDRESS: | INITIATED BY: | COUNCIL DISTRICT: | HAHC HEARING: | PLANNING COMMISSION HEARING: |
| 1. Norman D. Adams House 2116 Chilton Road | Owner | G | 5-15-2008 | 5-22-2008 |
| 2. Houston National Bank Building 201 Travis (aka 202 Main) | Owner | I | 5-15-2008 | 5-22-2008 |
| <p>Photos of the proposed landmarks can be found by going to the following link on the Planning Department's web site: http://www.houstontx.gov/planning/historic_pres/pending.htm.</p> | | | | |

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Archaeological & Historical Commission

Planning and Development Department

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Norman D. Adams House

OWNER: James D. Counce

APPLICANT: Same as Owner

LOCATION: 2116 Chilton Road - River Oaks

30-DAY HEARING NOTICE: N/A

AGENDA ITEM: III.a

DATE ACCEPTED: Mar-28-2008

HPO FILE NO.: 08L200

HAHC HEARING: May-15-2008

PC HEARING: May-22-2008

SITE INFORMATION

Lot 24, Block 52, River Oaks Section 3, City of Houston, Harris County, Texas. The site includes a two-story, brick residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Norman D. Adams House at 2116 Chilton Road was built as a speculative home in 1935. The two-story, painted brick Colonial Revival-style home was designed by well-known Houston architects, Hiram Salisbury and T. George McHale. The substantial body of work created by these architects includes many homes in River Oaks and Southampton, as well as St. John's School and St. John's Chapel (designed in association with MacKie and Kamrath Architects), and St. Stephen's Episcopal Church on West Alabama. For the first fifty years, the house was occupied by the family of Norman D. Adams, a prominent Houston businessman and insurance executive with Adams & Porter Associates. The Norman D. Adams House qualifies for Landmark Designation under Criteria 1, 3, 4 and 6.

HISTORY AND SIGNIFICANCE:

Houston architects, Hiram A. Salisbury and T. G. McHale, designed the house built at 2116 Chilton Road. The house was completed in September 1935, when the first advertisement appeared in the Houston Chronicle and Post. The ad included a floor plan of the home and described, "An eminently livable home which must be seen to be appreciated." An ad appearing in November 1935 listed the price as \$14,500. Finally, a large ad that appeared in the Houston Chronicle on December 15, 1935 described:

"Available in River Oaks: First Class Opportunities for Home Seekers -- The site, 80 by 150 feet, faces south. Downstairs: living room, paneled morning room, dining room, screened porch, lavette. Upstairs: three bedrooms, sleeping porch, two baths. Two car garage with servant room and bath. Gas burning floor furnaces. Rock wool insulation in attic. Rigid asbestos shingle roof."

The house remained on the market for seven months. On July 19, 1936, the Houston Post announced the purchase of the home by Norman D. Adams.

"Insurance Men Buy in River Oaks -- Two officials at the marine insurance firm Adams and Porter last week paid a total of \$46,500 cash for homes in River Oaks, but neither knew the other was making a purchase of a house... Norman D. Adams, member of the same firm, paid \$14,000 cash for a painted brick veneer colonial at 2116 Chilton Road."

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Norman DeGraaf Adams was born in New Orleans in 1908 and came to Houston as a teenager. He had a long and active career in the Houston business community. He worked in marine insurance for about 40 years, starting with Adams & Porter Associates in the 1930s. According to his grandson, Norman DeGraaf Adams, III ("DeGraaf"), Adams & Porter was founded by Norman D. Adams' father, Henry, in the early 1900s. At the height of his career, Norman Adams served as chairman of the board for Adams & Porter. At the time he purchased the house, his offices with Adams & Porter Associates were located at the Cotton Exchange Building. Adams & Porter survived until 1987 when it was acquired by AON, a large insurance conglomerate. During his career, Adams helped found, and was president and director of Citadel Insurance Company. He also was an owner of a dredging concern, barge transportation business, and the Bloomfield Steamship Company that operated out of Houston in the 1950s.

During World War II, Norman D. Adams served as a captain in the Transportation Corps. He was active in the Houston community, serving as a director of the Bank of Texas, and as a member of First Presbyterian Church, Houston Rotary Club, and River Oaks Country Club. When Adams died in 1971 at the age of 63, the Houston Chronicle featured an article with his photo entitled "Final Rites for Adams on Thursday" in addition to his obituary. After Norman D. Adams' death, his wife Mary continued to live in the Chilton house for the next fifteen years. The home was subsequently owned by the Kerensky family, the Hoelscher family, and is now owned by James Counce.

Hiram A. Salisbury (1892-1973), architect of 2116 Chilton Road, was born in Omaha, Nebraska. Salisbury studied architecture under a fellowship from the American Institute of Architects and later graduated from the School of Architecture at New York's Columbia University (1913-1914). He worked as a draftsman for Thomas R. Kimball from 1910-1923 and George B. Prinz from 1923-1926. Salisbury established his own architectural firm in Houston in 1926, and he is first listed in the 1927 Houston City Directory with an office in the Post-Dispatch (subsequently Shell) Building until 1937. Salisbury served as president of the American Institute of Architects, Houston Chapter, in 1954.

Beginning in 1928, Salisbury collaborated on many projects with fellow architect, T. George McHale. Salisbury and McHale's projects included residential, commercial, and church buildings. Among their more notable projects are St. Stephen's Episcopal Church at 1805 W. Alabama (1941); St. John's School at 2401 Claremont (1945-49); and many of the homes located in River Oaks, Southampton, and other affluent Houston neighborhoods. Salisbury and McHale relocated their offices to the River Oaks Community Center at 2017 W. Gray in 1938-39, and moved to 3501 Allen Parkway in 1945.

Thomas George McHale (1903-1975) was also born in Omaha, Nebraska, and attended school at the University of Notre Dame. After receiving his architecture degree, McHale became a draftsman for John Latenzer & Sons, where he worked from 1919 until 1923. In 1924, he worked for James A. Allen and Leo A. Daly. Starting in 1925, he worked for George B. Prinz for several years.

Beginning in 1930, Hiram A. Salisbury and his wife lived at 3412 Yupon between Hawthorne and Harold. By 1953, the Salisburys were living at 610 Saddlewood Lane. Salisbury continued his practice in Houston until approximately 1962, when he retired to Medford, Oregon. McHale was married to Inez P. McHale, a celebrated Houston interior decorator. The McHales lived at 1106 Palm Avenue before moving to 2 Courtlandt Place.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The Norman D. Adams House, built in 1935, is a two-story painted brick home in the Colonial Revival style. The first floor of the house features bay windows on each side of the centered front entryway. The main body of the home is perfectly symmetrical, with three six-over-six windows on the second floor over each bay window and a window over the main entry. The front entrance is framed by a gable-

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fronted portico with a curved underside supported by two columns. Above the front door and sidelights is woodworking in a fan pattern. It is unclear whether the columned entryway is original or adapted from a previous doorway, as it appears that the original doorway was replaced with a newer one in the 1980s.

The house is located on Chilton Road, which has a number of homes designed by noted Houston architects, including Staub, Briscoe, and at least two others by Salisbury. Two other houses on Chilton are designated as City of Houston Landmarks: the Miller-Tunks House across the street at 2117 Chilton Road, and the George V. Rotan House at 2300 Pine Valley at the corner of Chilton and Pine Valley.

The home has been renovated three times: in the 1950s, the 1980s and in 2006. The original screened in porch on the east side of the home has been bricked in. French doors and a pergola have been added where there was once the solid brick wall. The house has been connected to the garage/servants quarters by a two-story addition, making the home into an "L" shape. The addition was covered with shingles in keeping with the architecture of the home.

The current owner made the following changes after purchasing the house in 2005: updated the kitchen, extended the backyard deck, added a porch off the master bedroom, updated electrical and plumbing systems, and added a circular drive to provide off-street parking.

BIBLIOGRAPHY:

Fox, Stephen, personal notes and research about Hiram A. Salisbury and T. George McHale, August, 2006.

Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1999.

Houston Chronicle, Norman D. Adams, Senior, obituary, December 15, 1971.

Houston Chronicle, "Final Rites for Adams on Thursday," December 15, 1971.

Interview of DeGraaf Adams (grandson of Norman D. Adams) by Kelley Trammell on June 14, 2007.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

| S | NA | | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|--|---------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); | | |

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- ☒ ☐ (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);
- ☐ ☒ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
- ☒ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).
- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

STAFF RECOMMENDATION:

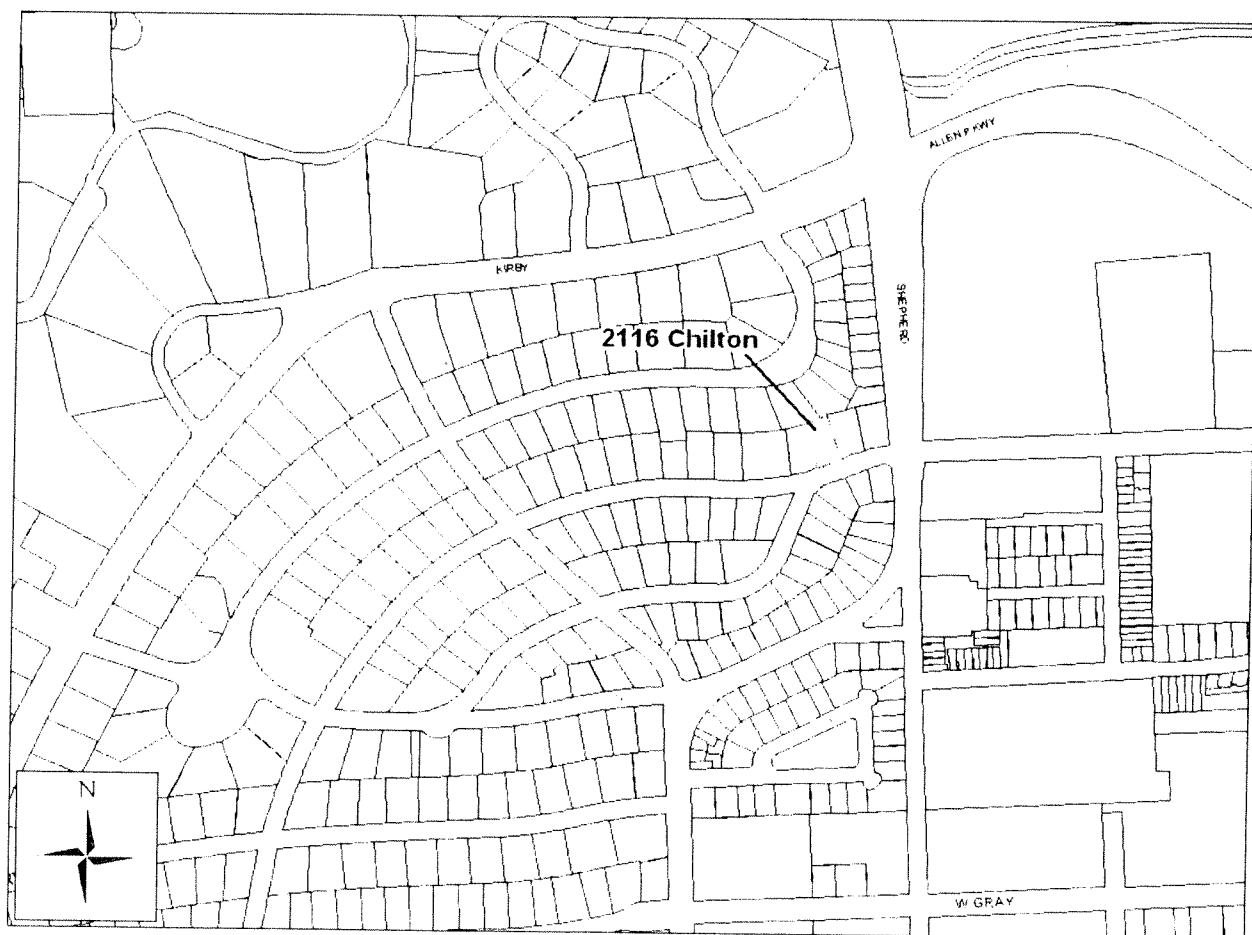
Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Norman D. Adams House at 2116 Chilton Road.

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SITE LOCATION MAP
NORMAN D. ADAMS HOUSE
2116 CHILTON ROAD
NOT TO SCALE



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LANDMARK DESIGNATION REPORT

LANDMARK NAME: Houston National Bank Building

OWNER: Islamic Da'wah Center

APPLICANT: Same as Owner

LOCATION: 201 Travis Street, aka 202 Main Street – Main Street
Market Square Historic District

30-DAY HEARING NOTICE: N/A

AGENDA ITEM: III.c

HPO FILE NO: 08L201

DATE ACCEPTED: Apr-28-08

HAHC HEARING: May-15-08

PC HEARING: May-22-08

SITE INFORMATION:

Lots 4, 5, 9, 10, & 11, and Tracts 3A & 9A, Block 20, SSBB, City of Houston, Harris County, Texas. The site includes a three-story commercial building.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Houston National Bank Building, located at the corner of Main and Franklin, was one of Houston's most impressive buildings at the time of its construction in 1928. The three-story Neoclassical building was designed by architects Hedrick & Gottlieb and built by Ross Sterling, then chairman of the Houston National Bank. Sterling was founder and president of Humble Oil and Refining Company, which eventually became Exxon Mobile, as well as a newspaper publisher, real estate investor, and Texas governor from 1931-33.

The most striking feature of the limestone and granite clad building are the four fluted Doric columns on each street facade. Each column is five feet in diameter and thirty-five feet tall. The interior of the building features the extensive use of marble, such as carved marble railings, seven-foot tall marble light standards, a black marble and Roman travertine floor, and marble wall paneling. The main banking hall is 90-feet by 108-feet, with an elaborate vaulted ceiling finished with mosaic tile. The height from floor to ceiling is 56-feet – the equivalent of five stories. Now housing the Islamic Da'wah Center, much of the original bank interior is intact, and the exterior has been altered only slightly.

The Houston National Bank Building was individually listed in the National Register on July 17, 1975, and is a contributing building to Main Street Market Square National Register Historic District established in 1983, and the Main Street Market Square City of Houston Historic District, designated by City Council in 1998. The Houston National Bank Building qualifies for Landmark Designation under Criteria 1, 3, 4, 5, and 6.

HISTORY AND SIGNIFICANCE:

In the midst of an historic section of downtown Houston, the Houston National Bank Building dominates the corner of Main and Franklin Streets. The Houston National Bank Building, designed by Hedrick and Gottlieb and constructed in 1928, is an excellent example of the Neoclassical style and was perhaps the most impressive bank building in Houston at the time. The lavish structure reflected the banking wealth in Houston prior to the stock market crash of 1929.

The Houston National Bank was first chartered as a national bank in 1889, as successor to the Fox Bank, a private bank organized in 1876. The name was changed to the Houston National Exchange Bank in 1909, and to the Houston National Bank in 1923. In late 1926, the bank was acquired by Ross S.

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Sterling and Associates as a result of a bank merger, and the Houston National Bank became one of the largest banks in Houston.

Ross Shaw Sterling - oilman, newspaper publisher, real estate investor, and future Texas governor - was born near Anahuac, Texas, in February 1875. He opened a feed store at Sour Lake in 1903, and during the next several years he entered the banking business by purchasing a number of banks in small towns. In 1903, he became an oil operator and in 1910 bought two wells, which developed into the Humble Oil and Refining Company. The company was officially organized in 1911, with Sterling as president. In 1925 he sold his Humble interests and started developing real estate in the vicinity of Houston. He bought the Houston Dispatch and the Houston Post in 1925 and 1926 and subsequently combined them as the Houston Post-Dispatch, which later became the Houston Post. During the 1920s, Sterling and Jesse H. Jones, who would become Secretary of Commerce during the Roosevelt administration, were friendly rivals in real estate, building, publishing, banking, and political developments in Houston.

Sterling was chairman of the Texas Highway Commission in 1930 and became governor of Texas in 1931. In 1933, after being defeated for a second term as governor, Sterling returned to Houston, where he built another fortune in oil in a few years. He also was president of the Sterling Oil and Refining Company from 1933 to 1946. He was president of the American Maid Flour Mills and the R. S. Sterling Investment Company and was chairman of the Houston National Bank and the Houston-Harris County Channel Navigation Board. Sterling and his wife Maud had five children. Sterling died in Fort Worth on March 25, 1949, and was buried in Glenwood Cemetery in Houston.

Under Sterling's leadership, the bank decided that its facilities were inadequate and made plans for a new bank building in Houston's financial center. Architects Wyatt C. Hedrick of Fort Worth, Sterling's son-in-law, and his Houston partner, Richard D. Gottlieb, were hired to design the new building. Hedrick's firm was the successor to Sanguinet and Staats, which had been dissolved in 1926. Other Houston buildings that Hedrick & Gottlieb designed, or consulted on, include the Federal Land Bank, Gulf Publishing Company, Merchants & Manufacturers Building, and with Sanguinet and Staats, the Cotton Exchange Building, the Post Dispatch Building, Medical Arts Building, and South Main Baptist Church.

In September 1928, the Houston National Bank moved into its new building at 202 Main. Although not the tallest new bank building to be built in the financial district, the Houston National Bank Building was its most impressive work of architecture. At one time, bank buildings sat on all four corners of Main and Franklin. Today, three of the four remain. The two other corner banks still standing are the First National Bank Building at 201 Main Street (1905, 1909, 1925, Sanguinet & Staats), and the Commercial National Bank Building at 116-120 Main Street (1904, Green & Svarz). Located on the fourth corner is a new University of Houston-Downtown building.

Houston National Bank remained in the building at 202 Main until 1964, when it merged with Tennessee Bank and Trust Company and moved to the Tenneco Building at 1010 Milam. The Downtown Bank, a new banking institution, moved into the 202 Main building a few months later on February 25, 1965. In 1970, the bank restored the interior and renamed the institution the Franklin Bank. In March 1975, however, the Franklin Bank went into receivership and the building became vacant.

In 1994, planning began to turn the building into an Islamic center. After years of extensive renovations, the center opened to the public in 2002 and took the name of Islamic Da'wah Center. The first prayer was held on the last Friday of Ramadan, November 29, 2002. The Islamic Da'wah Center is the first mosque in downtown, and the first center dedicated for 'Da'wah' (education) in Houston.

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The Houston National Bank Building is a contributing structure to both the Main Street Market Square National Register and City of Houston Historic Districts. The National Register district was established in 1983, and the City of Houston district was designated by City Council in 1998. The Main Street Market Square Historic District is located on the south bank of Buffalo Bayou between Milam and San Jacinto Streets, and encompasses the area surrounding Market Square as well as the Main Street Business District between Buffalo Bayou and Texas Avenue. The buildings within the district range from modest, mid-nineteenth-century brick commercial buildings to a number of small but ornately detailed High Victorian commercial buildings, as well as a fine selection of multi-story public, bank, and office buildings.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

Clad in limestone and resting on a polished black granite base, the Houston National Bank Building is an excellent example of the Neoclassical style. The most striking feature of the three-story building are the fluted Doric columns found on the Main and Franklin street elevations, four on each facade, which support the cornice and the third story attic. Each column is five feet in diameter and thirty-five feet tall. The columns are flanked by heavy, rusticated stone corners, which add a sense of strength and stability to the building.

Above the colonnade is an architrave once studded with solid cast-bronze discs representing Greek heroes. According to the Da'wah Center, the discs are currently stored safely off-site. Five windows span each facade of the third floor attic level, which is crowned by a richly carved, festooned frieze and cheneaux. Visible from the rear, on Travis Street, is a miniature rooftop temple built to frame the bank's original proto-air-conditioning equipment.

Located in an inset area behind the columns are steel and plate glass windows, ten feet wide and twenty-eight feet high, that extend from the banking room floor to the main cornice. The bottom portions of the windows are protected by a six-inch bronze grille nine feet high. The spandrels between the bank and mezzanine windows are of cast iron with marble panels that blend with the stone and bronze work.

The original main entrance is located on the Main Street facade, although the Da'wah Center today primarily uses a newer rear entrance facing the parking lot on Travis. The pedimented Main Street entrance, eleven feet wide and twenty-four feet tall, is framed in carved and polished black granite.

Like the exterior, the interior is bold in scale and rich in detail. The main banking hall is 90-feet by 108-feet, and features a single vault ceiling finished with mosaic tile murals. Eight columns support a central rotunda that is forty-six feet wide, seventy-three feet long, and fifty-six feet high. The height from floor to apex of the rotunda is the equivalent of five stories. At the time it was built, the banking room was second in height only to one bank in New York.

The mezzanine is similar in design and material to that of the main banking hall. The mezzanine railing is of carved marble, with rotunda lighting concealed in the bowls of the elaborately carved seven-foot-tall marble light standards. The wainscoting, columns, and arches supporting the rotunda are in richly toned Sienna marbles. Above the wainscoting, the walls are lined with Travertine marble to the ceiling.

The floor of the banking hall, now covered by Persian rugs, is of Roman Travertine and black Belgian marble. A marble stairway in the center of the banking hall once led to the safety deposit vault on the lower level, but was removed in order to provide more floor space on the first level. The original bank vault is intact, however, and now houses a gift shop.

The 40,000 square foot building is now used as an Islamic mosque and educational center. The main banking hall has been converted into the main prayer hall of the center, and can easily accommodate

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1,200 people for prayers. In the basement level are a gathering area, meeting rooms, classrooms, guest suit, offices, recreational facility, kitchen, and a library of Islamic literature. At some point in the future, the Da'wah Center plans to install a gallery of Islamic architecture on the mezzanine. Although some interior features were modified or removed in adapting the building to its current use, much of the ornate interior detailing remains intact.

BIBLIOGRAPHY:

Fox, Stephen. Houston Architectural Guide. Houston: American Institute of Architects, Houston Chapter and Herring Press, 1990, Pg 36.

Houston Architectural Survey, 1984, Vol VI, Pg 1434.

National Register Nomination, Main Street Market Square, 1983.

Handbook of Texas Online, 'Ross Shaw Sterling',
<http://www.tshaonline.org/handbook/online/articles/SS/fst42.html>

Information provided by the Islamic Da'wah Center.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

| S | NA | | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|---|---------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6); | | |

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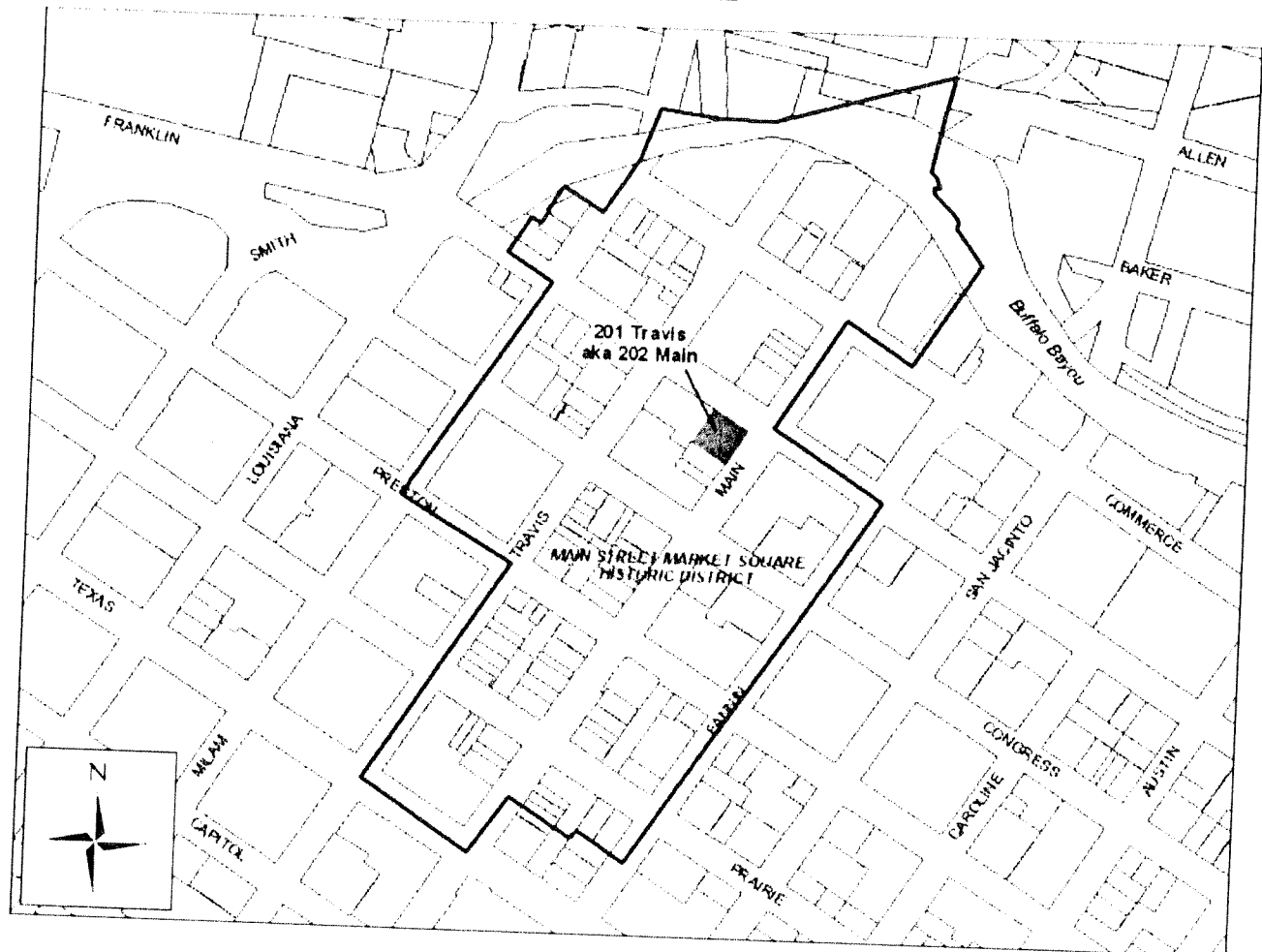
Planning and Development Department

- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7));
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8)).
- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Houston National Bank Building at 201 Travis, aka 202 Main Street.

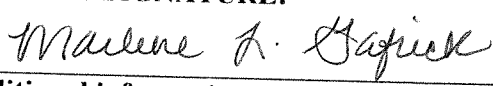
SITE LOCATION MAP
HOUSTON NATIONAL BANK BUILDING
201 TRAVIS STREET (AKA 202 MAIN STREET)
NOT TO SCALE



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

| | | | |
|---|-------------------|--------------------|----------------------------|
| SUBJECT: Approval of a resolution designating 4 Landmarks and Protected Landmarks (see Attachment - page 2 of 2) | Category # | Page 1 of 2 | Agenda Item # 16 |
|---|-------------------|--------------------|----------------------------|

| | | |
|--|------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Planning and Development | Origination Date 9/30/08 | Agenda Date OCT 08 2008 |
|--|------------------------------------|-----------------------------------|

| | |
|---|---|
| DIRECTOR'S SIGNATURE:  | Council District affected: (see Attachment - Page 2 of 2) |
|---|---|

| | |
|--|---|
| For additional information contact: Diana DuCroz Phone: 713/837-7924 | Date and identification of prior authorizing Council action: August 16, 2005 Ord. 2005-0969 |
|--|---|

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|---|
| RECOMMENDATION: (Summary) Approval of a resolution designating 4 Landmarks and Protected Landmarks (see Attachment - Page 2 of 2) |
|---|

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

SPECIFIC EXPLANATION:

In accordance with Chapter 33 of the Code of Ordinances relating to historic preservation, a property owner may initiate the application for the designation of a Landmark and Protected Landmark for which a 90-day waiver certificate may not be issued by the planning official.

Public Hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission as indicated on page two. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the 4 Landmark and Protected Landmark designations.

There were no objections to the applications.

MG: rp

Attachments: Applications and Staff Reports

xc: Marty Stein, Agenda Director
Emily Todd, Mayor's Liaison for Cultural Affairs
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department
Harold L. Hurtt, Chief, Police Department
Phil Boriskie, Chief, Fire Department

REQUIRED AUTHORIZATION

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

Date 9/30/08

Subject: Approval of a resolution designating 4
Landmarks and Protected Landmarks

**Originator's
Initials**

**Page
2 of 2**

**LANDMARKS AND PROTECTED LANDMARKS
NAME/ADDRESS:**

**INITIATED
BY:**

**COUNCIL
DISTRICT:**

**HAHC
HEARING:**

**PLANNING
COMMISSION
HEARING:**

| | | | | | |
|----|---|-------|---|-----------|-----------|
| 1. | Sterling-Hamman House 401 Emerson Street | Owner | D | 5-15-2008 | 5-22-2008 |
| 2. | David Frame House 403 Westminster Drive | Owner | G | 5-15-2008 | 5-22-2008 |
| 3. | Sweeney and Coombs Building 310 Main Street | Owner | I | 5-15-2008 | 5-22-2008 |
| 4. | Frederic L. Bouknight House 3023 Ella Lee Lane | Owner | G | 5-15-2008 | 5-22-2008 |

Photos of the proposed landmarks can be found by going to the following link on the Planning Department's web site:
http://www.houstontx.gov/planning/historic_pres/pending.htm.

PROTECTED LANDMARK DESIGNATION REPORT**LANDMARK NAME:** Sterling-Hamman House**OWNER:** Wayne Paul Theriot**APPLICANT:** Same as Owner**LOCATION:** 401 Emerson Street – Westmoreland Historic District**30-DAY HEARING NOTICE:** N/A**AGENDA ITEM:** IV.b**HPO FILE NO.:** 08PL61**DATE ACCEPTED:** Mar-21-08**HAHC HEARING:** May-15-08**PC HEARING:** May-22-08**SITE INFORMATION:**

Lots 11 and 12, Block 2, Westmoreland Addition, City of Houston, Harris County, Texas. The site includes a two-story, wood frame residence.

TYPE OF APPROVAL REQUESTED: Landmark and Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Sterling-Hamman House at 401 Emerson Street was built circa 1903 in the Westmoreland neighborhood by the Russell Brown Company. Russell Brown adapted the house's design from a George Barber mail-order floor plan. The house exhibits characteristics of the American Four-Square, Colonial Revival, and Queen Anne styles. Its most prominent features include paired hip roof dormers, paired second-floor bay windows, and a full-length porch with round, classical columns mounted on stone pedestals. Around 1910, the original owners, E. A. and Mary Sterling, sold the house to attorney and independent oil man, John Hamman, founder of Hamman Exploration Co, which is still in operation today as Hamman Oil and Refining Company. Hamman was also a lawyer specializing in land and corporation law, and a pioneer in the development of mineral resources in Texas. The Hamman family lived in the house until 1925, and later rented the home to architect R. D. Steele.

The Sterling-Hamman House is a contributing structure in the Westmoreland National Register and City of Houston Historic Districts. The Sterling-Hamman House meets Criteria 1, 3, 4, and 5, is a contributing structure to the Westmoreland National Historic District, and was built before 1905 - all considerations for Protected Landmark designation.

HISTORY AND SIGNIFICANCE:

The Sterling-Hamman House at 401 Emerson Street was built circa 1903 in the Westmoreland neighborhood by the Russell Brown Company. The house exhibits characteristics of the American Four-Square, Colonial Revival, and Queen Anne styles. Its most prominent features include paired hip roof dormers, paired bay windows on the second floor, and the front porch with its round, classical columns mounted on stone pedestals.

The home was built circa 1903 as a speculation house by the Russell Brown Company, which adapted its design from a house plan originally designed by George F. Barber, a Knoxville, Tennessee architect. Barber was one of this country's most successful, late nineteenth-century domestic architects. By publishing his designs in inexpensive illustrated mail-order catalogues, complete with price lists for his drawings and order forms, Barber reached thousands of potential clients throughout the United States and abroad. As an additional service, Barber would customize his plans to suit client needs or adapt the design to meet any special requirements of the proposed construction site.

There are several other variations of Barber plans in Westmoreland in addition to 401 Emerson, including 219 Hawthorne, 303 Hawthorne, and 304 Hawthorne. Barber's designs were also used by the Omaha and South Texas Land Company when it constructed 17 homes in Houston Heights in 1892.

Russell Brown Company was a prolific builder not only in Westmoreland (at least 12 houses) but elsewhere in Houston, Dallas, San Antonio, and Los Angeles. Russell Brown apparently adapted George F. Barber's Design No. 772 from "Modern American Homes" for the house at 401 Emerson. Barber had published the design in a catalogue in 1903. Since the house was built for speculation, Brown did not go to the extremes of copying all the finely detailed and elaborate features of the original Barber design. Nonetheless, the house at 401 Emerson is an important example of the architecture in Westmoreland from that period. The house is a contributing building to both the National Register and City of Houston Historic Districts.

The first owner of the home seems to have been E. A. Sterling, General Manager of Sterling Oil Company, and his wife, Mary. The next owner was attorney and independent oil man, John Hamman (1879-1966), founder of Hamman Exploration Co, which is still in operation today as Hamman Oil and Refining Company. Hamman was also a lawyer specializing in land and corporation law and a pioneer in the development of mineral resources in Texas. The Hamman family lived in this house until 1925. After 1925, the house was rented from Hamman by Houston architect, R. D. Steele. Steele designed the Henke-Pillot South End Store at 2800-2816 Travis (1923); the Star Engraving Company at 3201 Allen Parkway (1930); and the grandiose St. Paul's Methodist Church at 2422 Milam (1909, demolished 1969).

The Westmoreland Historic District was listed in the National Register of Historic Places in 1994. The Sterling-Hamman House was classified as "contributing" when the Westmoreland Historic District was designated as a Historic District of the City of Houston on July 23, 1997. The Westmoreland district encompasses Houston's first planned, elite residential neighborhood. Platted in August 1902 as a 44-acre subdivision of the Obedience Smith Survey, the 12-block addition was located in open countryside at the southwest corner of the city of Houston. The planning of the addition and the design and scale of its houses reflect trends in the development of residential real estate and domestic architecture in early 20th-century Houston.

The residents of the Westmoreland Historic District during its period of primary significance included individuals who contributed to the history of Houston in the fields of commerce; community planning and development, engineering and architecture; education and the performing arts; and politics and government. By virtue of its community planning features, its contributions to the evolution of suburban real estate development practices in Houston, its breadth of house types reflecting the transition from late 19th to 20th-century images of domestic style, and its association with persons active in the city's business and cultural life, the Westmoreland Historic District remains a spatially evocative preserve of early twentieth-century Houston.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The two-story frame house located at 401 Emerson exhibits characteristics of the American Four-Square, Colonial Revival, and Queen Anne styles. Its most prominent features include paired hip roof dormers, paired bay windows on the second floor, and a three-bay full-length front porch with round, classical columns mounted on stone pedestals. The two center pedestals feature paired columns. The house was adapted by the builder Russell Brown Company from a George Barber design.

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On May 22, 1997, the HAHC approved a Certificate of Appropriateness to restore and reconfigure several window and door openings on all sides of the house, and to replace the flat roof of a later side addition with a hipped roof more compatible with the house. Synthetic shingle siding, an inappropriate later addition, was removed to expose the original cypress horizontal siding.

A Certificate of Appropriateness was approved by HAHC on April 3, 2008 for a new two-story detached garage with apartment above to be built abutting Flora Street behind the house. A setback variance was also approved by the HAHC and Planning Commission to allow the building to encroach 8 feet into the required 10-foot setback.

BIBLIOGRAPHY:

Westmoreland National Register Nomination, August 17, 1993.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:

The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for a landmark. The HAHC and the Planning Commission, in making recommendations with respect to a protected landmark designation, and the City Council, in making a designation, shall consider whether the building, structure, site, or area meets at least three of the criteria in Section 33-224, or one of the criteria in Section 33-229, as follows:

| S | NA | S - satisfies | NA - not applicable |
|---|----|---------------|---------------------|
|---|----|---------------|---------------------|

Meets at least three of the following (Sec. 33-229(a)(1):

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); |
| <input type="checkbox"/> | <input type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4); |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5); |
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- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).

AND

- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

OR

- ☒ ☐ The property was constructed before 1905 (Sec. 33-229(a)(2);

OR

- ☒ ☐ The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3);

OR

- ☐ ☒ The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4).

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the Sterling-Hamman House at 401 Emerson Street.

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SITE LOCATION MAP
STERLING-HAMMAN HOUSE
401 EMERSON STREET
NOT TO SCALE



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PROTECTED LANDMARK DESIGNATION REPORT

LANDMARK NAME: David Frame House

OWNER: Dana Roy Harper

APPLICANT: Anna Mod

LOCATION: 403 Westminster Drive

30-DAY HEARING NOTICE: N/A

AGENDA ITEM: IV.c

HPO FILE NO.: 08PL62

DATE ACCEPTED: May-01-08

HAHC HEARING: May-15-08

PC HEARING: May-22-08

SITE INFORMATION

Lot 33 and East 10 Feet of Lot 34, Block 2, Section 2, Huntleigh Subdivision, City of Houston, Harris County, Texas. The structure is a one-story single-family residence sited on the north side of the Buffalo Bayou in Memorial.

TYPE OF APPROVAL REQUESTED Landmark and Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The David Frame House at 403 Westminster, designed by Harwood Taylor in 1960, is significant both architecturally and historically. It is an exceptional example of the influence of modern architecture and the importance of single-family residential structures during the post-war building boom in Houston. The design exemplifies the adaptation of Miesian principals to residential construction, an important characteristic of local architectural development, and was the product of one of Houston's more prominent modern architects of the period.

The David Frame House meets Criteria 1, 4, 5, 6, and 9 for Protected Landmark designation.

HISTORY AND SIGNIFICANCE

The David Frame House, designed by Harwood Taylor in 1960, is both architecturally and historically significant. It is an exceptional example of the influence of modern architecture and the importance of the single-family residential structures during the post-war building boom in Houston. The design exemplifies the adaptation of Miesian principals to residential construction, an important characteristic of local architectural development, and was the product of one of the more prominent local modern architects of the period.

The post-war era construction boom in Houston was characterized by low-density development spread across vast areas of land. Beginning in 1948, the municipal government pursued a rigorous annexation policy of land, increasing the city limits from 74 square miles to 447 square miles by 1967.¹ Single-family houses filled suburban tracts linked by newly constructed roads and freeways and the population of the growing metropolis increased from 596,163 in 1950 to 938,219 in 1960.²

Single-family houses equipped with air conditioning flourished during this period as three dominant modern architectural trends - Miesian, Usonian, and Contemporary - developed. In *Booming Houston & the Modern House Residential Architecture of Neufhaus and Taylor, 1955-1960*, Ben Koush describes these styles as based on the styles of Ludwig Mies van der Rohe (1886- 1969) and Frank Lloyd Wright (1867- 1959). Miesian aesthetics embrace austere practices of exposed steel members, while the more

¹ Koush, Ben. *Booming Houston & the Modern House Residential Architecture of Neufhaus and Taylor, 1955- 1960* (Houston: Houston Mod, 2006), 5.

² Koush, 5.

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organic style characteristic of Wright's later work inspired Usonian designs. The term "Contemporary" referred to a style inspired by popular culture and aspects of both Miesian and Usonian expressions.³ The discrete indication of structure, ordered relationships between individual parts, craftsmanship and tectonic austerity characteristic of Miesian design grew in prominence and overshadowed other influences by the mid-1950s. The architect and critic Philip Johnson, a student of Mies, adapted his professor's practices in numerous residential structures and it was Johnson's introduction and interpretation of Mies in Houston that had a direct influence on residential design in the city.

The Menil House designed by Philip Johnson was built in Houston in 1951. The house, an epicenter for cultural activity, immediately impacted the developing architectural design in the city. Brick walls contrasted full-height glass panels, and the flat roof, protected courtyards, and open interior plan became a model for post-war housing design in Houston.⁴ Harwood Taylor was among the younger architects such as Hugo V. Neuhaus, Jr., Howard Barnstone, Burdette Keeland, William R. Jenkins, Kenneth Bentsen, and Anderson Todd practicing in Houston at the time.

Born in Dallas on May 25, 1927, Harwood Taylor grew up in Houston and graduated with a degree in architecture in 1951 from the University of Texas at Austin. As a student he frequently returned to Houston and worked in the office of William N. Floyd (1910–2004). Upon graduation, Taylor worked in Floyd's office until he established an independent practice in 1953. Taylor consistently designed well-planned Miesian-inspired houses that explored domestic privacy and maximized indoor and outdoor living. After two years of working successfully and independently, Taylor established a partnership, Neuhaus & Taylor, with J. Victor Neuhaus III in 1955. Their partnership allowed Taylor to focus on design and the firm's reputation grew as projects were published in architectural and home and garden magazines nationally and locally.

As the Neuhaus & Taylor practice expanded, they designed numerous apartment complexes and small- and medium-sized office buildings. Taylor designed the noteworthy Briardale Courts Apartments for his childhood friend David A. Frame, Jr., in 1958. Also of note was a series of small commercial structures completed in the early 1960s composed of a single floor of office space set above a parking garage elevated on pilotis.⁵ After 1960, the firm ceased publishing their residential commissions and focused on the pursuit of larger construction projects.⁶ Eventually Neuhaus & Taylor specialized in construction management, engineering services, and planning, rather than design. In 1972 the name changed to Diversified Design Disciplines and in 1975, as the bulk of the projects transferred abroad, the firm name changed again to 3D/I. Taylor died at the age of 61 in 1988.

Taylor is recognized for his series of brick-walled courtyard houses built in the growing suburbs of Houston. The houses are characterized by increasingly innovative programming, the integration of interior and exterior spaces, the juxtaposition of solid and transparent facing materials, and geometric abstraction in the plan and elevation. The works applied to strict tectonic principals typical of the Miesian-inspired designs. Taylor, however, integrates the precise architectural vocabulary in a dialog between design and domesticity.

The development of his residential design occurred over the course of the 1950s and arguably culminated with the construction of the David Frame House in 1960. Both early and later residences were recognized locally and nationally. The 1954 Fred Winchell Studio at 1953 1955 Richmond Avenue, completed in collaboration with Burdette Keeland, was published in *Architectural Forum* and

³ Koush, 13.

⁴ Koush, 18.

⁵ Koush notes the Pacific Mutual Life Insurance Company Building (1960) at 2701 Fannin Street as the most elegant of these buildings.

⁶ Koush, 50.

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received a merit award from the Texas Society of Architects the same year. Taylor continued to focus on integration of indoor and outdoor living in the design for the 1955 Living Parade House. As the model house for the Meyerland subdivision, it was part of the Fourth Houston Parade of Homes and was visited by over 75,000 Houstonians.⁷ The plan of the house is based on two continuous long volumes of living space protected by an enclosed courtyard. The rafters of the flat roofs extended over patios to provide shade and blur interior and exterior boundaries. Fred Buxton, the landscape architect, began to work with Taylor on this project.

The Kaim House, also completed in 1955, reveals numerous elements that Taylor repeatedly focused on and incorporated into the Frame House. It is the first of his houses that experiments with the influence of Mies' brick-walled courtyard structures of the 1930s.⁸ The front elevation is composed of two brick planes while the rear private facades are all glazed. The glass walls are protected by projecting eaves supported by thin lally columns. The Watson House, completed the same year, was also quickly recognized for its architectural merit. It published in *Arts & Architecture* and received an award of excellence from the Texas Society of Architects in 1955.⁹ Similar to the design of the Living Parade House, the plan is based on two long volumes.

Taylor continued to experiment with the placement of long horizontal pink Mexican brick and glass masses. The McCartney House (1956) and the Genitempo House (1957) demonstrate his emphasis on experimentation with long brick walls using his characteristic six-inch bricks. Both houses employ load-bearing brick walls in combination with standard glass modules set in aluminum frames. The goal was architectural precision that resulted in the elimination of additional framing elements and costs. The McCartney House plan is based on a series of rectangular blocks situated perpendicular to the street, while the Genitempo House has an H-shaped plan set perpendicular to the street. Taylor's next house, the Electri-Living House (1957), received local and national acclaim. Based on a four-foot module, the plan established long open living spaces around a central core in a completely enclosed envelope. Taylor's residential designs were particularly well received and the Electri-Living House garnered the most national attention. It was one of twelve houses sponsored nationally for *Living For Young Homemakers* magazine.¹⁰

THE FRAME HOUSE

The David Frame House was commissioned by David Frame and Gloria Klein approximately two years after the completion of the Electri-Living House. David Frame had established a working relationship with Taylor following the commission of the Briardale Courts Apartments in 1958. Construction was finished in May 1960 and the house was featured on the Contemporary Arts Association's Modern House Tour IX. A year later, it was part of the Museum of Natural History's Guild's Kitchen Tour. Published extensively locally and nationally, the house was featured in the *Houston Chronicle*, the *Houston Post*, and *House and Garden*. In 1961, the Texas Society of Architects recognized the David Frame House with a merit award for design.

The house reflects Taylor's continued emphasis on clear articulated architectural expression and the use of standard materials in an integrated open plan. The volumes of the house are low and horizontal, typical of all his courtyard houses. Unique in its natural setting and adaptation to the sloped lot, the multi-level plan reflects his dedication to blurring the boundaries of indoor and outdoor living. The

⁷ Koush, 33.

⁸ Koush, 34.

⁹ Koush, 38.

¹⁰ Koush, 46.

original landscape design by Fred Buxton facilitated the flow of the interior and exterior spaces along the glazed walls facing the courtyard. The architect's continued dialog concerning privacy is evident both in the articulation and materials of the facades and the interior design and finishes. As his final residential design, the Frame House is a significant example of the design ideals the architect pursued in all of his work. The house is historically significant as a product of the post war construction boom and a representation of the Miesian-inspired modern houses that were built along the streets of Houston's expanding suburbs.

ARCHITECTURAL DESCRIPTION

The David Frame House is a one-story single-family residence located on the southwest corner of Westminster Drive and Farther Point in the tree-lined Huntleigh subdivision in the Memorial area of west Houston. The residence is situated on an irregular-shaped lot that measures 89.3 feet on Westminster Drive, 237.86 feet on Farther Point, and 297 feet along the adjoining lot to the west. The wooded site slopes steeply to the south down a ravine, which opens to Buffalo Bayou. The front, north portion of the lot is landscaped with densely planted pine trees, palms, spiraea, crepe myrtles and other mid-sized native plants. The numerous trees, lack of grass, and the winding crushed granite footpath leading to the main entrance create a natural and secluded setting.

The structure follows the grade of the site and is composed of three tiers of indoor and outdoor living spaces supported by an elegant, partially freestanding, concrete pier-and-beam foundation that steps down the ravine in the center of the lot. The flat roof and horizontal massing emphasize the long and low lines of the structure. The north and west elevations are visible from Westminster Drive and Farther Point respectively.

The overall L-plan of the building is composed of the main house and a guesthouse arranged around a sunken rectangular courtyard. A series of covered patios and sidewalks join these two elements and step down to the garden and swimming pool. The main three-story structure has an E-shaped plan and extends south in terraced sections to the bayou. The smaller guesthouse is located to the west on axis with the entrance to the main house and creates the L-plan of the entire building.

The main façade is composed of two intersecting low-slung volumes defined by elongated brick walls with a minimally detailed metal coping cap. The light pink Mexican brick is laid in a running stretcher bond. The two planes are punctured only by the off-center entry located at the terminus of the projecting eastern brick plane. The entry is recessed and is composed of a wooden gate with vertically staggered 1' x 6" and 2' x 4" boards. A canopy with a plaster ceiling and metal fascia supported by a thin lally column extends beyond the brick wall to the crushed granite footpath. The second brick plane is flush with the entry and extends to the west. Two skylights are partially visible on this elevation.

Upon entry, the multi-level plan that eases between interior and exterior spaces is revealed. Defined by the projecting wings of the E-shaped plan, the west elevation of the main house is arranged around two patios and is entirely glazed except for the brick facing of the facades of the first and third wings. The main entry to the house occupies the terminus of the central wing of the plan. The non-original glazed double wooden doors have a soldier course brick threshold. The recessed bays that flank the entrance are fully glazed and surround the two patios.

The first patio is enclosed with three walls of full-height glazed panes set in aluminum frames. The window wall of the central, recessed section, has operable sliding doors. A rectangular opening in the roof, finished with a wood fascia and metal coping, allows water and sunlight into the landscaped garden. The glazed panes of the second larger patio are taller, approximately twelve-feet in height. Like

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the first patio, the central panes are operable sliding doors. The roof of this patio is punctuated by four openings divided with metal beams and finished with a wooden fascia and metal coping.

The large pink Mexican brick chimney defines the southern end of the west facade. It is the same pink brick employed on the north facade and is laid in a running stretcher bond; rectangular vents at the top of the chimney provide minimal decoration. The chimney is the only element that vertically penetrates the flat roofline of the house and the covered walkways.

The covered walkways extend from the west and south elevations to create a continuous roofline from the roof between the main house and the guesthouse. Supported by thin steel lally columns, it runs the entire length of the south facade of the guesthouse and wraps around the southeast corner of the main house to stretch across half of this elevation.

The south elevation of the main house is also predominately transparent. A double-height glazed wall that stretches six bays in length and reaches approximately eighteen feet in height defines the western half of the facade. The glazed panes are set in the same aluminum frames with centrally located operable sliding doors. A series of additional glazed panes above painted dark grey wood siding complete the eastern portion of the south facade. Balconies with thin steel railings are integrated with the lally columns and extend across both glazed sections of this facade. The concrete pier and beam foundation is visible below the floor height.

The east elevation has two levels. The upper portion is composed of painted, staggered wooden vertical boards similar to the main entry gate that terminate and screen the glass walls of the interior spaces behind. The garage door opening is framed in brick and has a metal rolling grate overhead door. The basement is visible below this southern section of the facade. The concrete structure frames two bays; a staircase and small garage/storage area finished in vertical wood siding occupy the first bay. A recessed entry flanked by three-light, full-height wood framed windows to each side defines the second bay. The entry has two side doors and is clad in the same dark grey wood siding. Cement stairs lead from this lower level to the pebble concrete driveway and garage that front Farther Point at the street grade.

The guesthouse is rectangular in plan and is faced with elongated pink Mexican brick on all elevations except for the south. The south facade of the guesthouse is composed of a total of six aluminum-framed openings that create a floor-to-ceiling glazed wall with operable sliding doors in the fourth and fifth bays.

The areaways and landscaping, notably on the west and south elevations, serve to create continuous transitions from interior to exterior spaces. The walkways and patios of these elevations are paved with regular squares of light pebble-concrete framed with wooden strips. Brick borders link the pavers to the brick stairs at the perimeter of the patios. A single wooden staircase leads from the guesthouse to the patio below. The patios lead to the green lawn landscaping and rectangular turquoise pool. A wooden deck wraps the southern end of the pool and connects to the covered walkway of the south elevation. On the east elevation, a similar design of pavers and bricks joins the basement level spaces to the stairs leading to the garage. A small brick retaining wall protects the pavers from the slope of the ravine to the east.

The roof is a four-ply coal tar built-up flat roof with copper flashing and metal coping. All of the roofs of the non-brick elevations have wood fascias. The system is continuous for the covered walkways and their multiple openings. The walkways are all supported by thin tubular steel square lally columns with rounded corners. The ceilings of the walkways are finished in white plaster. The foundation, which is partially exposed on the south and east facades, is composed of pre-cast concrete beams that rest on freestanding cast-in-place concrete piers and beams. The exposed foundation on the south and east

facades is visually reminiscent of freeway overpass construction, occurring contemporaneously in Houston.

The interior of the house optimizes the transparency of the west and south facades with a multi-level open-floor plan. The living spaces such as the kitchen and living rooms are laid out so that the interior and exterior spaces flow into one another. The house is approximately 5,067 square feet with five bedrooms and multiple shared living spaces. Unique interior finishes include the walnut paneling, a suspended staircase, recessed lighting coves in the ceilings, a large brick fireplace, and sunken baths.

An open-air studio/shed is located on the southeastern corner of the property. It is a recent all wood frame construction set on a concrete slab with a metal roof. Vertical wood siding partially encloses the studio to the south.

RESTORATION HISTORY & CURRENT CONDITION

The David Frame House remained unchanged for its first twenty years. Numerous unsympathetic alterations and renovations subsequently occurred after the original owners sold the property. The current owner acquired the house in 2004 and a sensitive restoration and rehabilitation campaign began under the direction of William F. Stern and David Bucek of Stern and Bucek Architects of Houston. Original photographs and drawings facilitated a full restoration of the exterior of the residence and a sensitive rehabilitation of the interior spaces.

When the current owner bought the house in 2004, the entire exterior was painted white and the terraced landscaping had been removed.¹¹ The roof was also in fair to poor condition due to the replacement of the original copper flashing with galvanized steel, which had quickly rusted allowing moisture penetration.¹² Alterations to the original design on the interior were more extensive and included a white paint finish on all of the walnut paneling and concrete infill in the former sunken baths. Finishes such as cast-plaster screens and the turquoise St. Charles steel kitchen cabinets were gone, and the recessed cove lighting had also been removed.

The restoration of the house returned the exterior to its original appearance using historic photographs and drawings as a guide. All of the white paint was gently removed from the original brick. The original wood louvers and steel columns and railings were painted to replicate the colors and tones of the photographs. In order to protect the longevity of the structure, a new four-ply coal tar built-up flat roof with copper flashing and copping was installed and the existing drainage system was upgraded.¹³ The landscape design with multi-level terraces framed by gardens was recreated in the spirit of the original design. The extensive rehabilitation of the interior spaces restored many of the unique character-defining elements and finishes to their original appearance including the walnut paneling, sunken baths, and recessed lighting coves in the ceilings.

The extensive restoration of the exterior and sensitive rehabilitation of the interior of the David Frame House is a tribute to Harwood Taylor's design. The owner was awarded a 2007 Good Brick Award by the Greater Houston Preservation Alliance for the project.¹⁴ Since completion of the restoration and rehabilitation, the Frame House has received renewed attention and has been featured in numerous local

¹¹ Telephone interview with William F. Stern of Stern & Bucek Architects on 4/16/2008 provided detailed information on the restoration and rehabilitation of the house as well as the condition of the fabric prior to commencement of the project.

¹² Ben Koush "The Frame Harper House," *Texas Architect Magazine* (September 2007); Accessed on-line: Ben Koush "The Frame Harper House," *Texas Society of Architects* <http://www.texasarchitect.org/ta200709-harper.php> (April 20, 2008).

¹³ <http://www.texasarchitect.org/ta200709-harper.php>

¹⁴ Maggie Galehouse, "Designers at home with modern lines - Midcentury architecture enjoys a popular resurgence," *Houston Chronicle*, December 1, 2006 (<http://www.chron.com/dispatch/story.mpl/gardening/features/4373445.html>).

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publications including *Texas Architect* (September 2007) and *Paper City* (May 2007). The resurgence of concern for the conservation of the Frame House and other significant mid-century residential designs is fundamental to the recognition of their contribution to the larger panorama of Houston's built fabric.

Listing the David Frame House as a Protected Houston Landmark will ensure the protection of this significant example of modern architecture.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

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Meets at least three of the following (Sec. 33-229(a)(1):

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AND

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- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8)).

AND

- ☒ ☐ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

OR

- ☐ ☒ The property was constructed before 1905 (Sec. 33-229(a)(2));

OR

- ☐ ☒ The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3));

OR

- ☐ ☒ The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4)).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the David Frame House at 403 Westminster Drive.

SITE LOCATION MAP
DAVID FRAME HOUSE
403 WESTMINSTER DRIVE
NOT TO SCALE



CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

PROTECTED LANDMARK DESIGNATION REPORT

LANDMARK NAME: Sweeney and Coombs Building

OWNERS: Scott and Lisa Arnold

APPLICANTS: Same as Owner

LOCATION: 310 Main Street – Main Street Market Square
Historic District

30-DAY HEARING NOTICE: N/A

AGENDA ITEM: IV.d

HPO FILE NO.: 08PL63

DATE ACCEPTED: Apr-14-08

HAHC HEARING: May-15-08

PC HEARING: May-22-08

SITE INFORMATION:

Tracts 3A & 11A, Block 33, SSBB, City of Houston, Harris County, Texas. The site includes a three-story masonry commercial building.

TYPE OF APPROVAL REQUESTED: Landmark and Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Sweeney and Coombs Building, located at 310 Main Street and built in 1880, was designed by Eugene T. Heiner, one of Houston's leading architects of the late nineteenth century. Other important Houston buildings designed by Heiner include the Houston Cotton Exchange Building, the W. L. Foley Dry Goods Building, and the Brashear Building, all located within in the Main Street Market Square Historic District.

The Sweeney and Coombs Building was the original home of the Sweeney and Coombs jewelry company, the predecessor of today's Sweeney & Co. Jewelers. Partners J. J. Sweeney and Edward L. Coombs were prominent businessmen and real estate owners in Houston in the latter part of the nineteenth century. The two men also built the Sweeney and Coombs Opera House on Fannin in 1891, and with additional partner Gus Fredericks, built the Sweeney, Coombs, and Fredericks Building at 301 Main Street in 1889.

The Sweeney and Coombs Building meets Criteria 1, 3, 4, 5, and 6, is a contributing structure to the Main Street Market Square National Register Historic District, and was built before 1905 - all considerations for Protected Landmark designation.

HISTORY AND SIGNIFICANCE:

In 1880, architect Eugene Heiner was commissioned by the Sweeney and Coombs jewelry company to design a new building at what was then numbered as 50 Main Street in 1880. A disastrous fire in 1879 had destroyed half of the block of Main between Congress and Preston. Built after the neighboring Smith and Stuart Buildings at 306 and 308 Main, the Sweeney and Coombs Building continued the row of impressive three-story buildings on this block. Designed in the Victorian Italianate style, the Sweeney and Coombs Building was one of the most ornate buildings in Houston at the time. A clock was installed between the second and third floors for the convenience of the courthouse area since the massive row of new buildings on Main Street blocked the view of the City Hall clock in Market Square.

The building at 310 Main was the first building occupied by Sweeney and Coombs, a Houston jewelry business that continues today under the name Sweeney & Co. Jewelers. The company of Sweeney and Coombs grew out of a pawn brokerage owned by John Jasper "J. J." Sweeney. Born in Illinois in 1850, J. J. Sweeney came to Texas in the late 1860s or early 1870s and worked on the Columbia Tap Railroad.

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He soon married and moved to Houston to operate a loan office and later the jewelry store in partnership with Edward L. Coombs. Coombs, born in Kentucky in 1844, was a prominent Houston businessman of the late nineteenth century. He served as a director of the Planters and Merchants Bank and the American Brewing Company. He and Sweeney bought the Gray's Opera House in Houston in 1885, and in 1891, erected a five-story opera house on Fannin known as the Sweeney & Coombs Opera House, also designed by Eugene Heiner. Sweeney and Coombs were among the largest real estate owners in Houston at the time.

Gus Fredericks became a partner in 1889, and the firm, now known as Sweeney, Coombs & Fredericks, relocated in 1890 to the new Sweeney, Coombs and Fredericks Building at 301 Main Street on the corner of Main and Preston (1889; National Register, COH Landmark).

In 1881, Grunewald's music store moved into the Sweeney and Coombs Building, probably as the first occupant of the upper stories. The Grunewald family had been in the music business in New Orleans since 1852. Around 1870, Renzo Grunewald founded a Houston store. Clifford Grunewald took over in 1880 or 1881. Grunewald's was the first establishment in Houston to sell pianos, organs, and other musical instruments. Sheet music in French, German, and Italian was imported from Europe, and music teachers held classes in the upper rooms. An 1890 Sanborn Fire Insurance Map shows this building as a three-story structure with a shirt factory on the third floor. In 1896, the Sanborn Maps indicate Grunewald's occupied the entire building.

Clifford Grunewald was also a composer who composed the "Houston Heights Polka" for the piano in 1893. The polka was dedicated by Clifford Grunewald to his friend, Colonel N. L. Mills, Superintendent of Real Estate, Omaha and South Texas Land Company, which developed the huge planned community of Houston Heights (NR-MRA; COH Historic Districts). There was so much fervor associated with the development of Houston Heights that Grunewald not only composed his "lively" polka to honor Mills but it was also reminiscent of the very active real estate boom in the community at that time.

Grunewald's continued to occupy the building, with music teachers or other professionals occupying the upper floors, until 1905. At that time, J. J. Sweeney's loan office took possession of the ground floor space and Grunewald's moved to 1009 Texas Avenue. This would indicate that Sweeney still owned the building, even though it was referred to as the Grunewald Building during the music store's occupancy. The building was later owned by A. C. Bowers for a number of years.

The Young Women's Christian Association (YWCA) had offices in the building in 1911. By 1920, Mistrot and Company, a ladies wear company, had moved into the building from 312 Main Street next door. It remained only a short while, but other clothiers continued to occupy the ground floor commercial space. Days Clothiers moved in during 1925 or 1926, and occupied the building until the late 1970s. The Musician's Protective Association Local #55 A. F. M. occupied the third floor for a time, and the Hill-O-Music House occupied the second floor for a number of years starting in the late 1920s.

The property had been vacant for fifteen years when the current owner bought the building in 1994 and began renovations. The building's original Victorian features were uncovered and reconstructed, and the building restored to its original appearance.

Eugene T. Heiner, the building's architect, was a prominent Houston architect who designed many of the most important buildings in Houston at the time. Heiner was born in New York City on August 20, 1852. He was apprenticed to an architect in Chicago at the age of thirteen and moved to Dallas in 1877 from Terre Haute, Indiana. In 1878 he moved to Houston, where he practiced for the rest of his life. He achieved special prominence as a designer of county courthouses and jails during the 1880s and 1890s. Although Heiner designed countless buildings in Texas, including almost 40 courthouses and jails, few

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of his buildings survive in Houston. Those works surviving include the Houston Cotton Exchange and Board of Trade Building (1884) at 202 Travis, the W. L. Foley Dry Goods Building (1889) at 214-218 Travis, and the Brashear Building (1882) at 910 Prairie, which is the most similar in design to the Sweeney and Coombs Building. Heiner also designed the Sweeney and Coombs Opera House (1890), and the Houston Ice and Brewing Company plant (1893), both demolished.

Heiner's buildings of the 1870s and 1880s often employed detail typical of American High Victorian architecture. In the late 1880s he occasionally employed the Richardsonian Romanesque style without abandoning certain strong High Victorian inclinations. Heiner was a founding member of the Texas State Association of Architects organized in 1886. He was married to Viola Isenhour in Dallas in 1878, and they had four daughters. Heiner died in Houston on April 26, 1901.

The Sweeney and Coombs Building is located within the Main Street Market Square National Register and City of Houston Historic Districts. The National Register district was established in 1983, and the City of Houston district was designated by City Council in 1998. The Main Street Market Square district is located on the south bank of Buffalo Bayou between Milam and San Jacinto Streets, and encompasses the area surrounding Market Square as well as the Main Street Business District between Buffalo Bayou and Texas Avenue. The buildings within the district range from modest, mid-nineteenth-century brick commercial buildings to a number of small but ornately detailed High Victorian commercial buildings, such as the Sweeney and Coombs Building, as well as a fine selection of multi-story public, bank, and office buildings.

At the time of the National Register Historic District nomination survey in 1983, the Sweeney and Coombs Building was listed as non-contributing due to the later addition of the concrete facade. However, now that the incompatible alterations have been reversed and the original facade restored, the Sweeney and Coombs Building is a contributing structure to both the Main Street Market Square National Register and City of Houston Historic Districts.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The Sweeney and Coombs Building is a three-story, three-bay rectangular building of brick construction with an Italianate facade, featuring a striking, pedimented cornice, arched windows, and elaborate hood molds.

Days Clothiers, probably sometime in the 1950s or early 1960s, did a disastrous remodeling to the entire building, covering the ornate Victorian Italianate exterior plaster work with a featureless concrete slab on the second and third floors, and destroying the elaborate cornice and the original three-bay iron storefront on the ground floor. Severe structural damage to the building occurred when an elevator was added.

By 1994, the property had been vacant, badly deteriorated, and partially roofless for fifteen years, when the current owner bought the building and began renovations. Ten "thirty cubic yard" dumpsters of debris were removed from the property before reconstruction could begin. The 1950s "blank" facade was removed, and the original ornate stucco was resculptured. The storefront and cornice were rebuilt. The building was restored structurally and the second floor was renovated for offices with commercial lease space on the first floor.

The building was one of the first to receive a Certificate of Appropriateness under the new City of Houston Historic Preservation Ordinance, and has received attention in national and local publications for its preservation and restoration.

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BIBLIOGRAPHY:

Fox, Stephen. Houston Architectural Guide. Houston: American Institute of Architects, Houston Chapter and Herring Press, 1990.

Houston Architectural Survey, Vol VI, Pg 1246-1247.

Handbook of Texas Online, "Eugene Heiner" <http://www.tshaonline.org/handbook/online/articles/HH/he48.html>.

National Register listing for the Sweeney, Coombs, & Fredericks Building. THC Atlas, <http://atlas.thc.state.tx.us/shell-kword.htm>

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:

The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for a landmark. The HAHC and the Planning Commission, in making recommendations with respect to a protected landmark designation, and the City Council, in making a designation, shall consider whether the building, structure, site, or area meets at least three of the criteria in Section 33-224, or one of the criteria in Section 33-229, as follows:

| S | NA | | S - satisfies | NA - not applicable |
|---|-------------------------------------|---|---------------|---------------------|
| Meets at least three of the following (Sec. 33-229(a)(1): | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7); | | |

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- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8)).

AND

- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

OR

- ☒ ☐ The property was constructed before 1905 (Sec. 33-229(a)(2));

OR

- ☒ ☐ The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3));

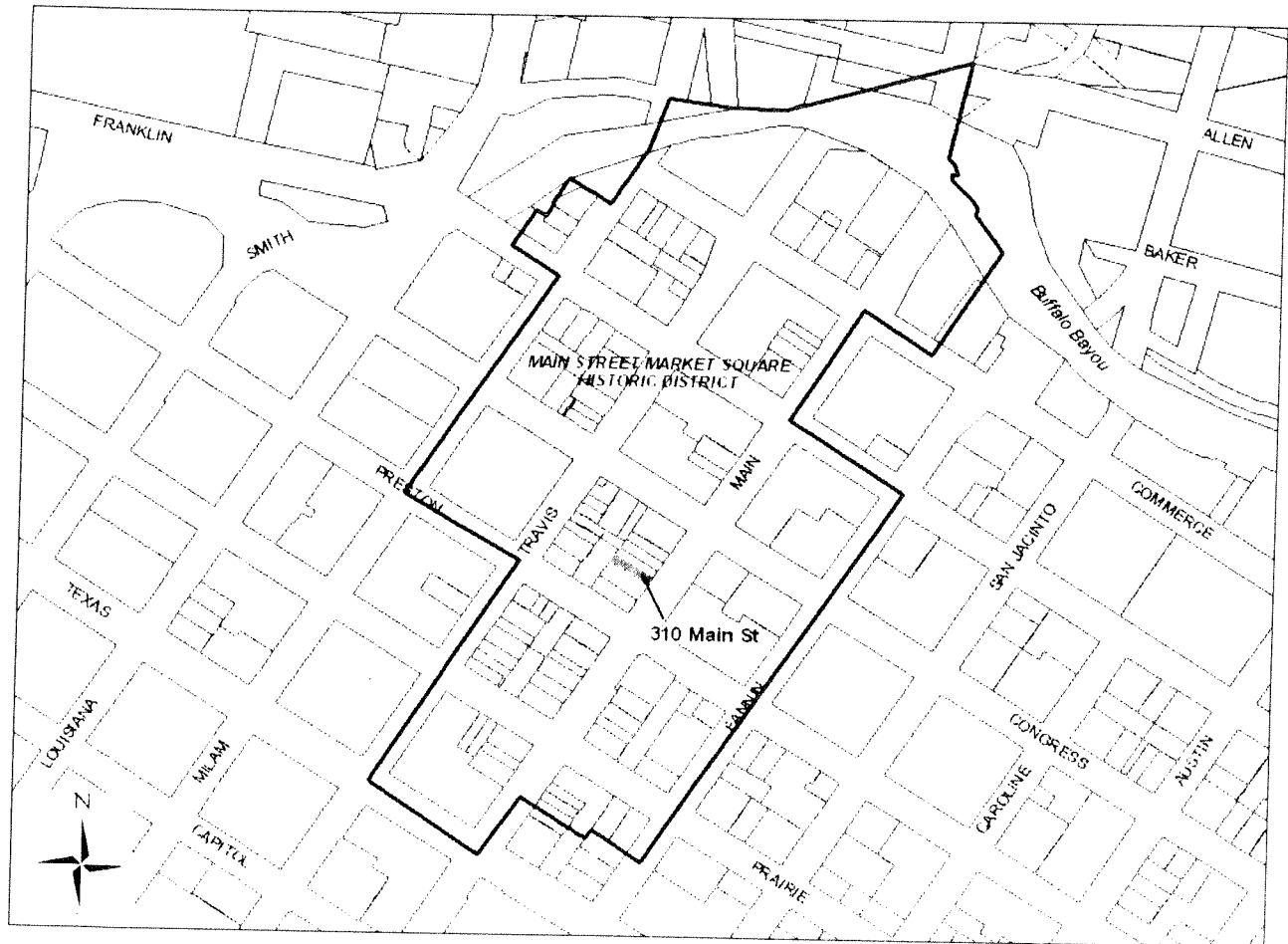
OR

- ☐ ☒ The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4)).

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the Sweeney and Coombs Building at 310 Main Street.

SITE LOCATION MAP
SWEENEY AND COOMBS BUILDING
310 MAIN STREET
NOT TO SCALE



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Archaeological & Historical Commission

Planning and Development Department

PROTECTED LANDMARK DESIGNATION REPORT

LANDMARK NAME: Frederic L. Bouknight House

OWNERS: Walter and Nancy Bratic

APPLICANTS: Walter and Nancy Bratic

LOCATION: 3023 Ella Lee Lane – River Oaks

30-DAY HEARING NOTICE: N/A

AGENDA ITEM: II.b

HPO FILE NO.: 08PL64

DATE ACCEPTED: Mar-12-2008

HAHC HEARING: May-15-2008

PC HEARING: May-22-2008

SITE INFORMATION:

Lot 13 and Tract 14A, Block B, Avalon Place Section 1, City of Houston, Harris County, Texas. The building on the site includes a two-story brick residence.

TYPE OF APPROVAL REQUESTED: Landmark and Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The house at 3023 Ella Lee Lane was built in 1939-1940 for Frederic Bouknight and his wife, Edith. Bouknight was a prominent oilman and business associate of the legendary independent oilman, T. P. Lee, and served as the executor of Lee's estate. The Bouknight house was built by the C. C. Rouse Company, which is still in business and is now known as the Tynes Sparks Building Corporation. Wylie Vale, the architect of the house, designed scores of buildings in Houston in an architectural career spanning 1939 to 2001. The two-story Bouknight house is French Eclectic in style, with traditional red brick and a steeply pitched hipped roof. The Frederic L. Bouknight House qualifies for Protected Landmark Designation under Criteria 1, 3, 4, and 6.

HISTORY AND SIGNIFICANCE:

Frederic L. Bouknight purchased the lot at 3023 Ella Lee Lane from developer William Dickey on September 26, 1938, for \$4000. Bouknight executed a mechanic's lien in favor of local builder C. C. Rouse on October 10, 1939, which provided that Rouse would construct a residence on the lot for a total price of \$13,400. Architect Wylie W. Vale, who worked at the time with C. C. Rouse's company, designed the house.

Rouse's records describe the Bouknight house as an eight-room, two-story, brick veneer house with plaster walls. The original hand-written cost records of the home show that the construction cost to C. C. Rouse was \$11,208.50. Some of the costs of the home included: the foundation at \$275, the curbswork and driveway at \$350, the attic fan at \$125, and the central heating system at \$288. Rouse usually spent a considerable amount of money on light fixtures for the houses he built. The original house probably had a wrought iron stair railing, based on the cost of the wrought iron work for the house. The bill for wrought iron was \$160 in 1939, which was a considerable sum of money, and much more than the price of the wrought iron on the front porch.

Frederic Leon Bouknight (1894-1947) was born in New Orleans, Louisiana, and moved to Houston in 1901. He was a prominent oilman and spent over 30 years working with T. P. Lee Interests. Thomas Peter Lee, or T. P. Lee, was an early Houston oilman, investor, and president of the Yount-Lee Oil Company. Lee was born on March 19, 1871, in Petroleum, West Virginia. In 1903, he moved to Saratoga, Texas, where he worked for the newly formed Texas Company, which eventually became Texaco. While there, Lee became friends with J. S. Cullinan, and the two, along with Emerson F. Woodward, Will C. Hogg,

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and James L. Autry, joined in 1914 to form the Farmers Petroleum Company, of which Lee became president. In 1916, Lee, Cullinan, Woodward, and other associates organized the American Republics Corporation that later controlled twenty-one subsidiaries involved in all facets of the oil industry. The relationship between Lee and Cullinan soured, however, and in 1914, Lee invested in a partnership with wildcatter Miles Franklin Yount to form the Yount-Lee Oil Company. Yount-Lee was described as "one of the most successful independent oil producers of its day." The Yount-Lee Company made national news in 1926 by rediscovering oil in the famed Spindletop Field near Beaumont. In 1924, Lee refused the Texas Republican Party's nomination for governor of Texas. T. P. Lee died on February 4, 1939. Lee's home on Montrose Boulevard, known as the Link-Lee Mansion (National Register, COH Landmark), today serves as the administration building for the University of St. Thomas.

Frederic Bouknight was executor of the T. P. Lee estate; secretary-treasurer of the Fin-Kerr Oil & Gas Production Company and the Tri-County Gas Company, both of Holcomb, Kansas; and had interests in numerous other oil and real estate holdings in Kansas and Texas. His community activities included membership in the Holland Lodge No. 1, Ruthven commandery of the Knights Templar, and the Arabia Temple Shrine. He died at age 53 in November 1947, and was buried in Glenwood Cemetery near the grave of his old associate, T. P. Lee.

After Bouknight's death, his widow, Edith, continued to live in the home until 1953-54, when she sold the house to Edwin and Catherine Brown. The Brown family sold the house around 1966-67 to Dr. Jack and Mrs. Jane Southern, who sold it to Bruce and Martha Gaylor around 1971-72. The Gaylors sold it to Nancy and Walter Bratic, the current owners, in December 1989.

Wylie Walker Vale, the architect of the Bouknight home, was born in Marcelline, Missouri, in 1916. He graduated from Rice Institute with a B.S. in Architecture in 1939. From 1936-1940, he worked with Houston architects Harvin Moore & Hermon Lloyd. After graduation, Vale worked with engineer R. J. Cummins and his in-house architect Frank Zumwalt (1941), and later worked for architect Travis Broesche (1945-47). He established the firm of Broesche & Vale (1945-47) that later became Rustay, Martin & Vale (1950s-1970).

Vale built or designed many homes in Memorial, Tanglewood and River Oaks, and in many different styles. The home designed for Bouknight reflects the early pre-war years of Vale's architecture. Vale is probably best known for the modernist style he developed after World War II, when he created many homes in Tanglewood and Memorial in his "Contemporary Country" style. One-story homes built of wood, brick and stacked stone and sporting flat or low-pitched roofs were Vale's specialty. He also designed nonresidential buildings such as churches and schools, but his primary practice was in residential architecture. Wylie W. Vale designed more than 450 homes during his practice, including homes for such Houstonians as Roy Cullen, Gus Wortham, Fred Heyne, George Lewis, Tyson Smith Jr., Jack Roach Jr., and Jimmy Green. His work was featured in the Houston Chronicle and Architectural Digest. Throughout his career, he designed homes with the owner in mind as shown by this quote in Properties magazine:

"It was my plan," he says, "to design and build completely up-to-date, practical, informal and livable homes. It gave me immense satisfaction to help clients plan and build beautiful cheerful homes to house their most precious possessions – wives and children. I designed a number of churches, schools and other buildings including the original Lakewood Church and the new River Oaks Country Club, but my first career love was my residential practice."

After 62 years in practice in Houston, Vale retired in 2001, and moved to Austin with his wife Alliene. His son, Wylie W. Vale, Jr., is an award-winning biochemist at the Salk Institute.

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Claude Clay Rouse, or C. C. Rouse, the builder of the house at 3023 Ella Lee Lane, was born in Pleasant Valley, Oklahoma, in February 1897. He resided in Houston for sixty years and founded the C. C. Rouse Company, which survives today as Tynes Sparks Building Corporation. The company started as Rouse Lumber & Building Company on Montrose Blvd, and went on to build many homes in River Oaks, Riverside, and Tanglewood neighborhoods. Rouse often reused the same basic designs for his houses and customized them by adding or subtracting elements according to the owner's desires and financial ability. Some of the other C. C. Rouse homes built in River Oaks include:

- 3612 Ella Lee
- 3602 Wickersham
- 2136 Brentwood Drive (COH Landmark)
- 2429 Brentwood Drive
- 2504 Brentwood Drive
- 3609 Inwood Drive
- 3671 Inwood Drive
- 3719 Inwood Drive
- 3215 Locke Lane
- 3469 Piping Rock Lane
- 3646 Piping Rock Lane
- 3014 Del Monte Drive
- 3627 Del Monte Drive
- 3663 Del Monte Drive
- 3637 Olympia
- 3814 Chevy Chase

According to the Tynes Sparks website, "Rouse was confident in his idea for building a spec home in River Oaks. One of the company's business mottos was to take the party out of the country club and bring it home to a mansion. Floor plans of C. C. Rouse homes were designed so that 100 people at a time could gather and circulate in the home with ease. Bedrooms were separated from the main living areas for privacy. Kitchens were built to handle the preparation of major social events. Living rooms featured palatial detailing."

Rouse's son-in-law, Tynes Sparks, joined the business in 1948, and took it over in 1966 when Rouse retired. C. C. Rouse died in Houston in October 1979.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The 1939-1940 Bouknight home designed by Wylie Vale is French Eclectic in style. The home is two stories with traditional red brick and a steeply pitched hipped roof. Brick quoins decorate all corners of the house. The main section of the home is symmetrical with four eight-over-eight double-hung windows on each floor. The main entryway is elegant with an original pedimented metal hood supported with wrought iron posts creating a small porch by the entry. The front door boasts its original leaded glass sidelights. Above the door is a lovely arched window of leaded glass.

Over the years, the home has undergone some changes, none of which has impacted the façade. In the 1970s, a master bathroom was added to the back of the house where a screened porch had been located, and the kitchen and other bathrooms were remodeled. In 1997-98, the present owners expanded the family room and remodeled the exterior of the 1970s rear addition to create a more architecturally compatible addition with the original house. The original sunroom on the back of the house was expanded to create a family room, and a master closet and laundry room were added. The kitchen, bathrooms, and library were remodeled. The architect for the addition was Patton W. Brooks, AIA; the interior designer was Michaux Thomas; and the contractor was Pace Development and Construction Co.

The owners were able to locate the manufacturer of the house's original brick, Acme Brick Company in Bridgeport, Texas, and the same brick was used for the addition. This particular brick is used on First Presbyterian Church in the Museum District, and numerous other River Oaks houses of that era. Because the original mahogany front door, which contains an oval window, was in poor repair, the owners had an exact replica built. The home retains its original leaded glass around the front door and in the arched

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window above the front door, the mantle for the living room fireplace, the pocket doors separating the dining room and living room, and the plaster walls and arched doorways on the first floor, as well as most of the original features upstairs. The original two-story garage and servants quarters have been preserved.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

BIBLIOGRAPHY:

Harris County Contract Records, Vol 347, Pg 410; Vol 727, Pg 112.

Harris County Deed Records, Vol 1105, Pg 472.

Telephone conversation between Nancy Bratic & Mr. Tynes Sparks, February 27, 2008.

Tynes Sparks website, <http://www.tynessparks.com/>

C. C. Rouse records, courtesy of Tynes Sparks.

Personal Notes of Stephen Fox on Wylie Vale.

Properties Magazine, Volume 6, 2005.

Houston Chronicle, C.C. Rouse obituary, October 28, 1979.

Obituary of Frederic Leon Bouknight, 1947, Glenwood Cemetery Archives.

Obituary of T. P. Lee, 1939, Glenwood Cemetery Archives.

Wikipedia, biography of Thomas P. Lee.

<http://www.houstonarchitecture.info/haif/index.php?showtopic=10882>.

APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION:

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| S | NA | | S - satisfies | NA - not applicable |
|---|-------------------------------------|--|---------------|---------------------|
| Meets at least three of the following (Sec. 33-229(a)(1): | | | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1); | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3); | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4); | | |

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- ☐ ☒ (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
- ☒ ☐ (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- ☐ ☒ (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- ☐ ☒ (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).

AND

- ☐ ☒ (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b).

OR

- ☐ ☒ The property was constructed before 1905 (Sec. 33-229(a)(2);

OR

- ☐ ☒ The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3);

OR

- ☐ ☒ The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4).

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the Frederic L. Bouknight House at 3023 Ella Lee Lane.

SITE LOCATION MAP
FREDERIC L. BOUKNIGHT HOUSE
3023 ELLA LEE LANE
NOT TO SCALE



SUBJECT:

Ordinance amending chapters 1 and 2 of the Building Code and Chapter 1 of the Residential Code of the City of Houston, Texas, relating to the registration of roofing contractors

Category
#**Page**
1 of 1**Agenda Item**
#

16-1

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

10-6-08

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE:

Michael S. Marcotte, Director

Council District affected:

All

For additional information contact:

Gary Bridges

Phone: (713) 535-7575

Building Official

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary) Adopt an ordinance amending Chapters 1 and 2 of the Building Code and Chapter 1 of the Residential Code to require the registration of roofing contractors

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

To obtain a permit in the City of Houston, electrical, mechanical, and plumbing contractors must be registered with the Code Enforcement Division and general contractors must be registered with the Texas Residential Construction Commission. Those requirements include specified insurance coverage and contact information. Roofing contractors are not currently subject to similar requirements.

In the aftermath of Hurricane Ike, Houston property owners may be particularly vulnerable to unscrupulous contractors; therefore it is prudent to impose similar requirements on roofing contractors as exist on other contractors who perform work within our city.

In order to be registered the roofing contractor must provide:

- The contractor's name and photo identification; telephone number and facsimile number; business address (not a P.O. Box); and an Email address.
- If the owner is other than an individual, the name, title, telephone number, facsimile number and business or residence address of an individual who is the roofing contractor's authorized representative to be contacted for any purpose.
- Proof of comprehensive general liability insurance with minimum limits of \$1,000,000 for death or bodily injury and \$1,000,000 for property damage, per occurrence.

This ordinance will be effective immediately upon passage.

REQUIRED AUTHORIZATION**CUIC:20AFI22****F&A Director:****Other Authorization:****Other Authorization:**

16-1
OCT 08 2008

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

AN ORDINANCE AMENDING CHAPTERS 1 AND 2 OF THE CITY OF HOUSTON BUILDING CODE AND CHAPTER 1 OF THE RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS OF THE CITY OF HOUSTON, RELATING TO REGISTRATION OF ROOFING CONTRACTORS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, beginning September 12, 2008, the southeast Texas Gulf Coast, including the City of Houston, suffered the ravages of Hurricane Ike; and

WHEREAS, the devastation and damage wrought by this horrific storm to the roofs of the buildings, apartments, and homes in the City of Houston is unimaginable, creating a critical need for qualified, honest roofing contractors to repair the damage; and

WHEREAS, such devastation often brings out the best and the worst in mankind, including those unscrupulous individuals who seize the opportunity to profit from the hardship and tragedy of others; and

WHEREAS, because of the sheer magnitude of the roofing repairs ongoing in the City of Houston as a result of the terrible storm, the City Council has determined the need to require contractors proposing to do roofing repairs in the city to register and provide proof of insurance to protect the interests of the citizens of the City of Houston receiving their services; **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 the City of Houston Building Code is hereby amended by adding a new Section 119 that reads as follows:

**"SECTION 119
REGISTRATION OF ROOFING CONTRACTORS**

119.1 Roofing without registration prohibited. It shall be unlawful for a roofing contractor to repair or replace a roof or roofs within the jurisdiction without being registered by the building official in accordance with this section.

119.2 Registration. A roofing contractor shall register by providing to the building official the following:

- (1) Name and photo identification, if an individual.
- (2) Telephone number and facsimile number.
- (3) Business address, including street name and number, city, state and zip code.
- (4) Email address.
- (5) If the owner is other than an individual, the name, title, telephone number, facsimile number and business or residence address, including street name and number, city, state and zip code, of an individual who is the roofing contractor's authorized representative to be contacted for any purpose under this section.
- (6) Proof of comprehensive general liability insurance (including products liability and completed operations coverage) with minimum limits of \$1,000,000 for death or bodily injury and \$1,000,000 for property damage, per occurrence. The policy must be issued by a carrier that is listed with a rating of B+ or better in the last published edition of Best's Insurance Reports-Property Casualty Volume (published by A. M. Best Company, Oldwich, New Jersey 08858) and shall provide that the coverage includes roofing operations. It shall be the duty of each registered contractor to maintain current proof of roofing operation coverage with the building official. No registration shall be effective at any time that current proof is not on file with the building official. The proof of coverage shall be provided in the form of a certificate or policy issued by an authorized agent or employee of the company issuing the policy that specifies the coverage and identifies the insured. Each certificate or policy shall provide that not less than 10 days written notice shall be given to the building official in the event of reduction or cancellation of the policy prior to the expiration date specified on the certificate or policy.
- (7) A registration fee in the amount of \$75.00.

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 provision.

Any change of ownership of a roofing contractor, including, but not limited to, the sale of the roofing contractor or any ownership interest therein, shall require the purchaser or transferee to update the information required by this section and to file the updated information with the building official within 30 days of the effective date of the ownership change. A prior owner

shall advise the building official that he no longer holds any ownership interest in the property."

Section 3. That Section 202 of the City of Houston Building Code is hereby amended by adding, in the appropriate alphabetical order position, a new definition that reads as follows:

"ROOFING CONTRACTOR shall mean any person who for compensation repairs or replaces a roof or roofs within the jurisdiction."

Section 4. That the Residential Code for One- and Two-family Dwellings of the City of Houston is hereby amended by adding a new Section R116 that reads as follows:

**"SECTION R116
ROOFING CONTRACTORS**

R116.1 Registration. For requirements for roofing contractors see Section 119 of the Building Code."

Section 5. 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 6. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore,

this Ordinance shall be passed finally on such date and shall take effect immediately upon
its passage and approval by the Mayor.

PASSED AND APPROVED this ____ day of _____, 2008.

Mayor of the City of Houston

Prepared by Legal Dept. _____
LWS:asw 10/07/2008 Senior Assistant City Attorney
Requested by _____
L.D. File No. _____

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

| | | | |
|---|-------------------|------------------------|--------------------------------|
| SUBJECT: Ordinance designating the 1100 block of Jackson Boulevard, north and south sides, between Van Buren Street and Montrose Boulevard as a Special Building Line Requirement Area | Category # | Page 1 of _____ | Agenda Item # 17 |
|---|-------------------|------------------------|--------------------------------|

FROM (Department or other point of origin):

Marlene L. Gafrick, Director
Planning and Development Department

Origination Date

May 23, 2008

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE:



Council District affected:

D

For additional information contact: Kevin Calfee
Phone: 713.837.7768

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

RECOMMENDATION: (Summary) Approval of an ordinance designating the 1100 block of Jackson Boulevard, north and south sides, between Van Buren Street and Montrose Boulevard as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 20'-0" special building line.

Amount and Source of Funding:

Finance Budget:

SPECIFIC EXPLANATION: In accordance with Section 42-163 of the Code of Ordinances, the property owner of Tracts 14 & 15A, Block 2 of the Hyde Park Extension Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 51% of the area. Notification was mailed to 18 property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a 20'-0" Special Building Line for the area.

MLG:md

Attachments: Planning Director's Approval, Special Building Line Requirement Application & Petition, Evidence of Support, Map of the Area

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department
Linda Tarver, Public Works and Engineering
Gary Bridges, Public Works and Engineering

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Special Building Line Requirement Area No. 127

Planning Director's Approval

Planning Director Evaluation:

| Satisfies | Does Not Satisfy | Criteria |
|---|------------------|---|
| X | | <p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 1100 block of Jackson Boulevard, north and south sides.</p> |
| X | | <p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>94% of the proposed application area is developed with not more than two SF residential units per property.</p> |
| X | | <p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 51% of the SBLRA.</p> |
| X | | <p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p>A minimum building line of 20 ft exists on thirteen (13) properties in the blockface.</p> |
| X | | <p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1906. Half of the houses originate from the 1920's and 30's. The establishment of a 20 ft minimum building line will preserve the building line character of the area.</p> |
| <p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p> <p>Thirteen (13) out of eighteen (18) developed properties (representing 72% of the application area) have a building line of at least twenty (20) feet.</p> | | |

The Special Building Line Requirement Area meets the criteria.

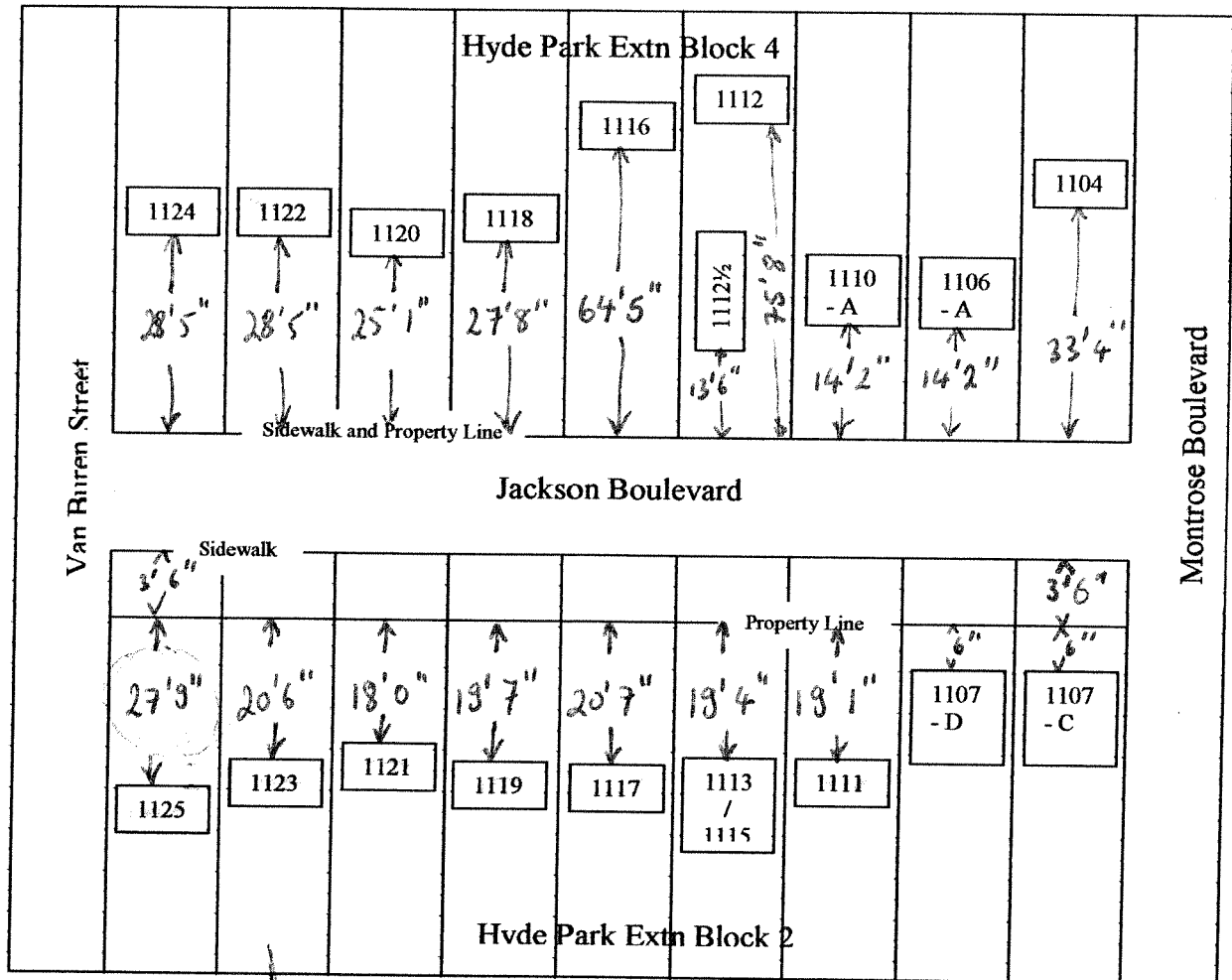



Marlene L. Gafrick, Director

Date

MAP/SKETCH FORM

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COM
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SPECIAL MINIMUM BUILDING LINE DEED RESTRICTION STATEMENT

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

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

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


Applicant's Signature

Date

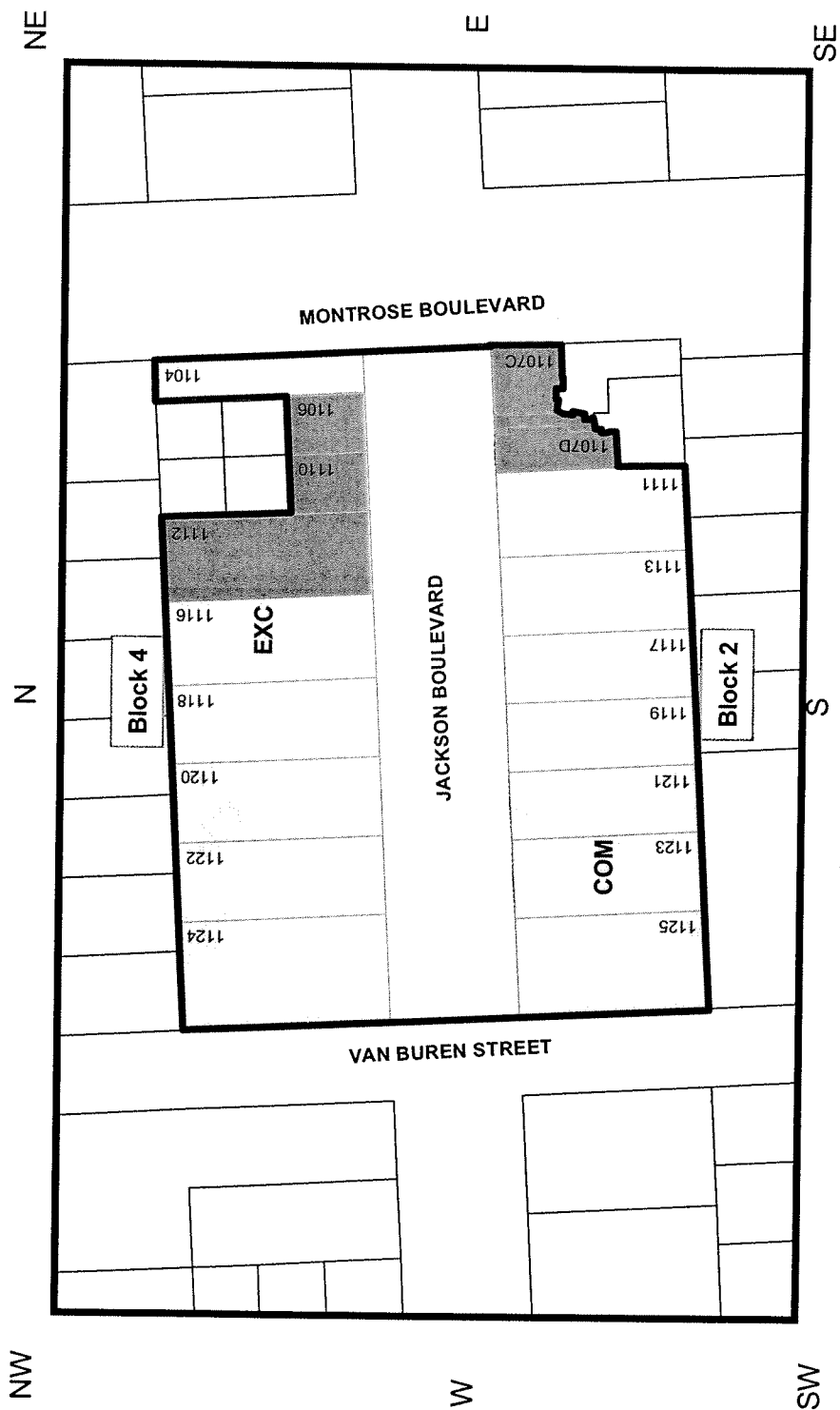
6/16/07

ANDREW BLANCHARD
Applicant's Printed Name

Address

1117 JACOBSON BLVD

HYDE PARK EXTENSION JACKSON COURT TOWNHOMES



20' Special Building Line

MAP/SKETCH

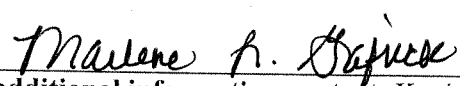
SBLRA No. 127

- ☐ Properties that meet the 20' Special Building Line
- ☒ Properties less than the 20' Special Building Line
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | |
|--|-------------------|------------------------|----------------------------|
| SUBJECT: Ordinance designating the 1100 block of Jackson Blvd., north and south sides, between Van Buren Street and Montrose Boulevard as a Special Minimum Lot Size Area | Category # | Page 1 of _____ | Agenda Item # 18 |
|--|-------------------|------------------------|----------------------------|

| | | |
|---|--------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date 5/23/2008 | Agenda Date OCT 08 2008 |
|---|--------------------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE:  | Council District affected: D |
|---|--|

| | |
|--|---|
| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: N/A |
|--|---|

RECOMMENDATION: (Summary) Approval of an ordinance designating the 1100 block of Jackson Blvd., north and south sides, between Van Buren Street and Montrose Boulevard as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

| | |
|--------------------------------------|------------------------|
| Amount and Source of Funding: | Finance Budget: |
|--------------------------------------|------------------------|

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Tracts 14 & 15A, Block 2, of the Hyde Park Extension Subdivision initiated an application for the designation of a special lot size area. The application includes written evidence of support from the owners of 51% of the area. Notification was mailed to the eighteen (18) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One (1) written protest was filed. The Houston Planning Commission considered the protest on April 10, 2008 and voted to recommend that the City Council establish the Special Minimum Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,900 sf.

MLG:kw

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

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

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

Nunez, Luis - PD

From: [REDACTED]
Sent: Monday, February 04, 2008 12:48 PM
To: luis.nunez@cityofhouston.net
Subject: Protest of Application
Attachments: City Planning.doc

January 28, 2008

Re: Special Minimum Lot Size Area Application
1100 Block of Jackson Boulevard,
North and south sides,
Between Van Buren Street and Montrose Boulevard

Planning and Development Department

Dear Mr. Núñez,

Please accept my written protest of the application for the creation of a Special Minimum Lot Size Area for the 1100 Block of Jackson Boulevard. I first moved to this neighborhood in 1976. I have been a homeowner at 1120 Jackson Boulevard for 18 years. 1120 Jackson Boulevard was originally a five unit apartment building housing five families. Another couple, Sat Kartar and Hari Kirn Khalsa, along with my husband and I bought the property. Our plan for the past 18 years has been to pay off the property and then divide the property in two. In other words, to have our property be two separately owned homes instead of a two unit apartment building. This would eliminate any complications which eventually could arise from joint ownership of the property. The disturbing information of a Special Minimum Lot size Area imposed at 1120 Jackson Boulevard will rob me of my right to own my own home which I have worked hard toward for many years now. (I have been a single parent since shortly after the purchase of our home.) The Khalsas remodeled units one and two into one apartment for their family and units four and five have been remodeled into another apartment for my family. We later divided unit three in half. The Khalsas have incorporated their half of unit three into their apartment. I have been using my half of unit three for storage space.

I urge you to not approve the above mentioned application as it is written and grant us the right to own two separate town homes at 1120 Jackson Boulevard. I understand my neighbors' concerns regarding our neighborhood becoming over populated and the increase in traffic and pollution, etc. The Khalsas and I have already turned a one lot five family apartment building into a two family dwelling. I do not believe we should be penalized after being residents, homeowners, and neighbors for such a long time.

Please advise me of any further action I may take to protect my investment in having my own home.

Best regards,

Pamela Austin Sumler
1120 Jackson Boulevard 4
Houston, Texas
77006

2/5/2008

Nunez, Luis - PD

From: Hari Kirn Kaur Khalsa [REDACTED]
Sent: Saturday, February 02, 2008 1:22 PM
To: luis.nunez@cityofhouston.net
Subject: protest to minimum lot size area application

Luis Nunez,

Hello.

My husband and i will be protesting the special minimum lot size area application for 1100 block of Jackson Blvd, between Van Buren & Montrose Blvd.

The 2 unit house is nearly paid for and owned by two families. When it is paid for we are planning to create two individual lots, so we own them separate.

I'll have my lawyer file my protest with the Planning and Development Dept.

Thank you,

Mrs. Hari kirn Khalsa
1120 Jackson Blvd. #1
Houston
713-528-7345
832-677-4119

Special Minimum Lot Size Requirement Area No. 274

Planning Commission Approval

Planning Commission Evaluation:

| Satisfies | Does Not Satisfy | Criteria |
|--|------------------|---|
| X | | <i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 1100 block of Jackson Blvd., north and south sides. |
| X | | <i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i> 94% of the proposed application area is developed with not more than two SF residential units per property. |
| X | | <i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 51% of the SMLSA. |
| X | | <i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i> A minimum lot size of 5,900 sq ft exists on ten (10) lots in the blockface. |
| X | | <i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i> The subdivision was platted in 1906. The houses originate from the 1920's and 30's. The establishment of a 5,900 sf minimum lot size will preserve the lot size character of the area. |
| <i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i> | | |
| Ten (10) out of eighteen (18) lots (representing 72% of the application area) are at least 5,900 square feet in size. | | |

The Special Minimum Lot Size Requirement Area meets the criteria.

Carol Abel Lewis 4/10/08
Carol Lewis, Chair Date
or

Mark A. Kilkenny,
Vice-Chair

Date

**SPECIAL MINIMUM LOT SIZE DEED RESTRICTION
STATEMENT**

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

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

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

Applicant's Signature



Date

6/16/07

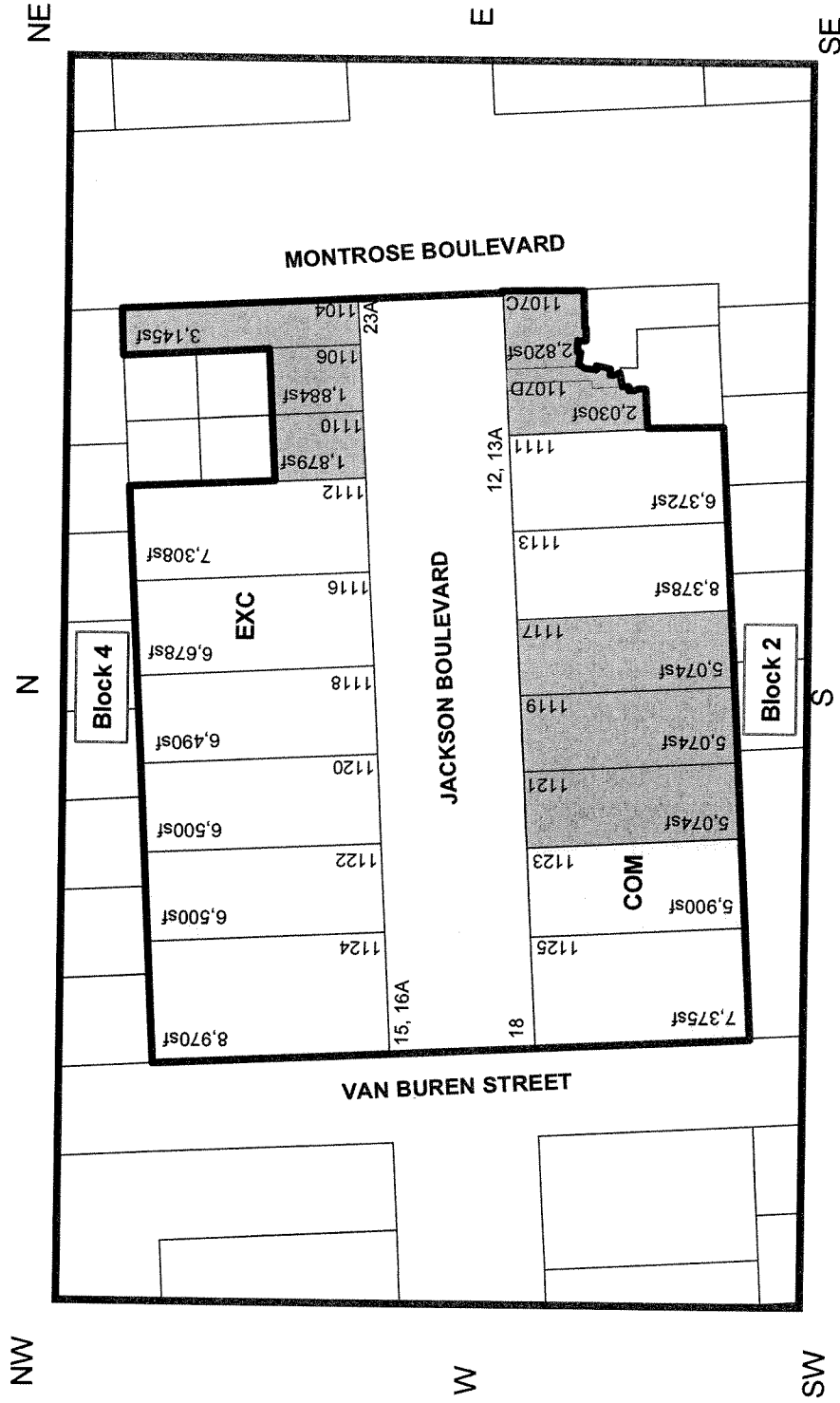
Applicant's Printed Name

ANDREW BLANCHARD.

Address

1117 JACKSON BLVD

HYDE PARK EXTENSION JACKSON COURT TOWNHOMES



5,900 sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 274

- Properties that meet the 5,900 sf Special Minimum Lot Size
- Properties less than the 5,900 sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | |
|--|-------------------|------------------------|--------------------------------|
| SUBJECT: Ordinance designating the 2400-2500 block of Wheeler Street, north side, between Dowling and Live Oak Streets as a Special Minimum Lot Size Area | Category # | Page 1 of _____ | Agenda Item # 19 |
|--|-------------------|------------------------|--------------------------------|

| | | |
|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department | Origination Date 7/3/2008 | Agenda Date OCT 08 2008 |
|---|-------------------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i> | Council District affected: I |
|---|--|

| | |
|--|---|
| For additional information contact: Kevin Calfee Phone: 713.837.7768 | Date and identification of prior authorizing Council action: N/A |
|--|---|

RECOMMENDATION: (Summary) Approval of an ordinance designating the 2400-2500 block of Wheeler Street, north side, between Dowling and Live Oak Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

| | |
|--------------------------------------|------------------------|
| Amount and Source of Funding: | Finance Budget: |
|--------------------------------------|------------------------|

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Tracts 20 & 21A, Block 12, of the Washington Terrace Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 52% of the area. Notification was mailed to the nine (9) property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,825 sf.

MLG:kw

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

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

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

Special Minimum Lot Size Area No. 290

Planning Director's Approval

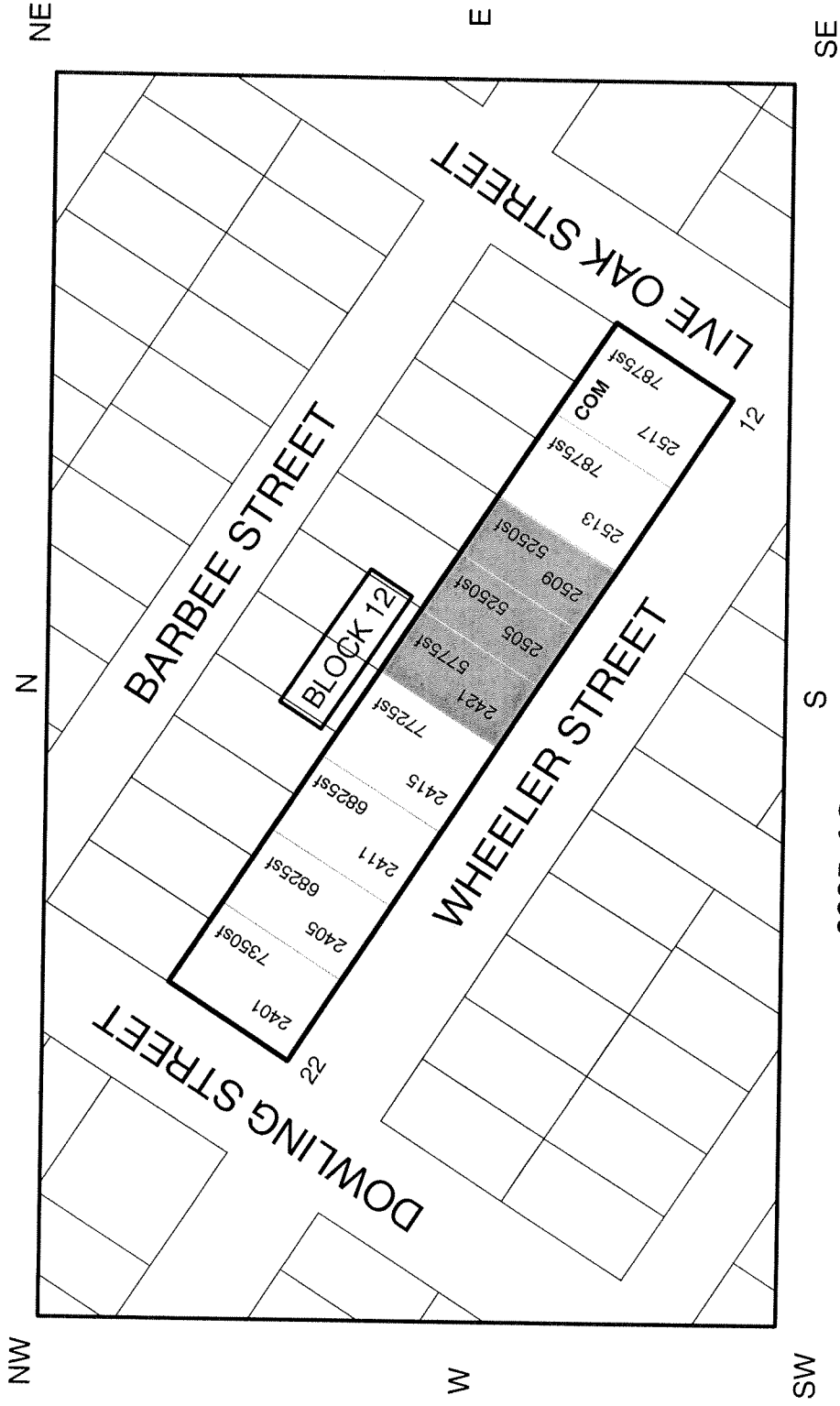
Planning Director Evaluation:

| Satisfies | Does Not Satisfy | Criteria |
|--|------------------|--|
| X | | <i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 2400-2500 block of Wheeler Street, north side. |
| X | | <i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i> 87% of the proposed application area is developed with not more than two SF residential units per property. |
| X | | <i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 52% of the SMLSA. |
| X | | <i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i> A minimum lot size of 6, 825 sq ft exists on six (6) lots in the blockface. |
| X | | <i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i> The subdivision was platted in 1925. The houses originate from the 1940's. The establishment of a 6, 825 sf minimum lot size will preserve the lot size character of the area. |
| <i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i> | | |
| Six (6) out of nine (9) lots (representing 73% of the application area) are at least 6, 825 square feet in size. | | |

The Special Minimum Lot Size Area meets the criteria.

Marlene L. Gafrick 7/3/08
Marlene L. Gafrick, Director Date

WASHINGTON TERRACE



6825sf Special Minimum Lot Size

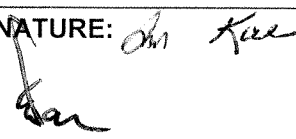


MAP/SKETCH

SMLSA No. 290

- ☐ Properties that meet the 6,825sf Special Minimum Lot Size
- ☒ Properties less than the 6,825sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | | |
|--|-----------------------------|---|-----------------------------|-----------------------------------|
| SUBJECT: Lease Agreement between the City of Houston and Salvatore Air Transportation Corp. – William P. Hobby Airport (HOU). | | Category # | Page 1 of 2 | Agenda Item # 20 |
| FROM (Department or other point of origin): Houston Airport System | | Origination Date September 24, 2008 | | Agenda Date OCT 08 2008 |
| DIRECTOR'S SIGNATURE:  | | Council District affected: I | | |
| For additional information contact: Janet Schafer  Phone: 281/233-1796 Lucy S. Ortiz | | Date and identification of prior authorizing Council action: | | |
| AMOUNT & SOURCE OF FUNDING: REVENUE: \$170,092.17 per year (\$14,174.35* monthly)  | | Prior appropriations: N/A | | |
| RECOMMENDATION: (Summary) Enact an ordinance approving and authorizing the execution of a Lease Agreement between the City of Houston and Salvatore Air Transportation Corp. at William P. Hobby Airport (HOU). | | | | |
| SPECIFIC EXPLANATION: On December 27, 1977, the City approved a ground lease with Trunkline Gas Company for approximately 2.6160 acres of unimproved land and, on a non-exclusive basis, an adjacent taxilane easement located at 7744 Airport Boulevard, William P. Hobby Airport (HOU) for the construction of a corporate aviation hangar facility and aircraft access to the airfield (Lease). Trunkline Gas Company completed the construction of the hangar and aircraft access and on November 26, 1991, the City consented to the assignment of the Lease from Trunkline Gas Company to Salvatore Air Transportation Corp. (Lessee). On April 14, 1999, the City amended the Lease to establish new rental rates for years 21 to 30 of the primary term of the Lease and on October 31, 2008, the Lease will expire. In accordance with departmental leasing practices, Lessee and the department are requesting to enter into a new lease at HOU. The pertinent terms and condition of the Lease Agreement are as follows: 1. Leased Premises: Approximately 116,436 square feet (approximately 2.673 acres) of improved land, including approximately 27,519 square feet of hangar area. On a non-exclusive basis and only for airfield access, approximately 49,077 square feet (approximately 1.127 acres) of land improved with an area of asphalt. 2. Term: Three years from November 1, 2008, unless otherwise terminated in accordance with the terms of the Lease Agreement. | | | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Department: | Other Authorization: | | Other Authorization: | |

| | | | |
|-----------------------------------|--|------------------------------|-----------------------|
| Date September 24, 2008 | Subject: Lease Agreement between the City of Houston and Salvatore Air Transportation Corp. – William P. Hobby Airport (HOU). | Originator's Initials | Page 2 of 2 |
|-----------------------------------|--|------------------------------|-----------------------|

3. Options: Seven 1-year option periods (Option Year) exercised by giving the Director written notice (Option Years three through seven shall be subject to the Director's approval). Prior to the end of the Term or the then-current Option Year, Lessee shall install \$75,000.00 of improvements for each Option Year exercised.
4. Use: Corporate Aviation
5. Rent: Based on appraisal, rent will be \$170,092.17 annually (\$14,174.35* monthly, which shall be adjusted at year end to reconcile with the annual rate). If exercised, rent will increase by 15 percent at the beginning of the third Option Year.
6. Performance Security: Lessee will provide a performance bond or an irrevocable letter of credit in the amount of \$125,046.10 (\$85,046.10 represents six months rent, plus an additional \$40,000.00, which represents the estimated costs to remove Lessee's underground storage tanks and remediate the leased premises).
7. Improvements: Lessee is required to expend a minimum of \$75,000.00 in improvements to the leased premises for each Option Year exercised, or pay the City the difference as additional rent. Pursuant to negotiation of this Lease Agreement, Lessee has exceeded the investment, \$182,212.00, to gain the first two Option Years. The difference, \$32,212.00, may be credited towards Option Year three. Upon expiration or early termination of the Lease Agreement, the improvements will automatically vest in the City.
8. Maintenance and Utilities: Lessee shall assume the entire responsibility, cost and expense for all repair and maintenance of the leased premises and the access easement and shall be responsible for all utilities furnished to the leased premises.
9. Indemnification and Insurance: Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the Lease Agreement.
10. Environmental Matters
Airport Rules: Lessee shall comply with all federal, state and local environmental laws and all airport policies and procedures.
11. Other: Lessee agrees to comply with all rules and regulations adopted by the airport and/or TSA and/or the FAA, and to comply with all federal, state and local statutes, ordinances, regulations and policies.

RMV:lso

| | | |
|-------------------------|------------------------|--------------------|
| cc: Ms. Marty Stein | Mr. David K. Arthur | Mr. Charles Wall |
| Mr. Anthony W. Hall, Jr | Ms. Monica R. Newhouse | Ms. Mary Case |
| Mr. Arturo G. Michel | Ms. Roxanne Butler | Mr. Brian Rinehart |
| Ms. Kathy Elek | Ms. Janet Schafer | Ms. Jan Clark |
| Mr. Aleks Mraovic | Ms. Marlene McClinton | |

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA# 8033****Subject:** An Ordinance approving a contract with Michael Robert Boyd d/b/a Boyd, Smith & Associates for professional polygraph testing services for the Houston Fire Department Recruiting division.Category #
9

Page 1 of 1

Agenda Item

21**FROM (Department or other point of origin):**Phil Boriskie
Fire Chief
Fire**Origination Date**

August 26, 2008

Agenda Date

OCT 08 2008

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

Phone: (713) 859-4934

Phone: (713) 247-8793

Date and Identification of prior authorizing Council Action:**RECOMMENDATION: (Summary)**

Approve an Ordinance for a contract with Michael Robert Boyd d/b/a Boyd, Smith & Associates in an amount not to exceed \$378,220.00 for professional polygraph testing services for the Houston Fire Department Recruiting division.

\$378,220.00 - General Fund
FY09 33,800.00 Out Years \$344,420.00

Finance Budget

Total funding amount is for 5 years

SPECIFIC EXPLANATION:

The Fire Chief recommends that City Council approve an Ordinance for a three year contract, with two one-year options for renewal with Michael Robert Boyd d/b/a Boyd, Smith and Associates in an amount not to exceed \$378,220.00 for professional polygraph testing services for the Houston Fire Department Recruiting division.

The scope of the work requires the contractor to conduct pre-employment polygraph testing on applicants as needed by the Houston Fire Department Recruiting division. The department has budgeted to test 169 applicants in the remainder of this Fiscal Year at \$200.00 per test. In subsequent out years, projected testing numbers are based on recruiting estimates for cadet classes. Requested spending authority includes the possibility of annual, modest cost increases. Boyd, Smith & Associates performed polygraph services for the department on a previous contract and the department was satisfied with their performance. HFD has requested and received approval from affirmative action for a 0% MWBE goal on this contract.

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

REQUIRED AUTHORIZATION**NOT**

Finance Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8032

Subject: Ordinance approving a contract for professional background investigation and Motor Vehicle Report services to be performed by A Joe Winter Investigations.

Category #
9

Page 1 of 1

Agenda Item

22

FROM (Department or other point of origin):

Phil Boriskie
Fire Chief
Fire

Origination Date

August 26, 2008

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE

Phil Boriskie

Council District(s) affected
All

For additional information contact:

Karen Dupont
Jack Williams

Phone: (713) 859-4934

Phone: (713) 247-8793

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

City Council approve an Ordinance for a contract for professional background investigation and Motor Vehicle Report services by A Joe Winter Investigations for the Houston Fire Department Recruiting and Human Resource divisions.

\$645,444.95 - General Fund
FY09 \$91,157.50 Outyears \$554,287.45

Finance Budget

Total funding amount is for 5 years

SPECIFIC EXPLANATION:

The Fire Chief requests City Council approve an Ordinance authorizing a contract for professional background investigation and Motor Vehicle Report services by A Joe Winter Investigations in an amount not to exceed \$645,444.95 over the next five years. The contract is for a three year term with two one-year options to renew.

The Houston Fire Department utilizes a professional investigation service to conduct background investigations on all firefighter applicants and civilians being processed for employment. Background investigations may include verification of employment history, education, military service, driving, police records and references. The requested spending authority is predicated on projected annual recruiting numbers and civilian employee hiring. Not every candidate will require the same background investigation services. For instance if a candidate was not in the military then a report from the military will not be required. Based on the need for individualized background checks the cost for each candidate will vary slightly as each type of report is priced separately according to the cost of obtaining the report.

A Joe Winter Investigations will also provide Department of Motor Vehicle reports on all employees who drive City vehicles in the course of their job performance as required by COH AP2-2.

This vendor has contracted with the City in the past for these services and the performance was satisfactory. This recommendation is made pursuant to Chapter 252, Section 252.022 (a)(4) of the Texas Local Government Code for exempted procurements. This contract is approved for a 0% MWBE goal.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Phil Boriskie

Other Authorization:

NOT

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8074

Subject: Approve an Amending Ordinance No. 2008-0274 to increase the maximum contract amount to contract No. 4600008745 with Miller & Van Eaton P.L.L.C. authorizing first amendment and appropriate \$60,000.00 out of Police Consolidated Construction Fund

Category #
9

Page 1 of 1

Agenda Item

23

FROM (Department or other point of origin):

Richard Lewis
Chief Information Officer
Information Technology

Origination Date

October 03, 2008

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE

Richard Lewis

Council District(s) affected
All

For additional information contact:

Richard Lewis Phone: (832) 393-0082
Tom Sorley Phone: (832) 393-9611

Date and Identification of prior authorizing Council Action:
04-02-08 ; 2008-0274

RECOMMENDATION: (Summary)

Ordinance approval to amend Ordinance No. 2008-0274 to increase the maximum contract amount from \$200,000.00 to \$260,000.00 authorizing the first amendment for a contract between the City and Miller & Van Eaton P.L.L.C. for legal services regarding trunked radio system and appropriating \$60,000.00 out of Police Consolidated Construction Fund.

Maximum Contract Increased by \$60,000.00 for the current contract term

Finance Budget

Source of Funds: 4504 Police Consolidated Construction Fund
\$60,000.00 G-000097-0001-1-01-01

SPECIFIC EXPLANATION:

The Information Technology requests City Council to approve an ordinance amending Ordinance No. 2008-0274 to increase the maximum contract amount from \$200,000.00 to \$260,000.00 authorizing the first amendment to contract No. 4600008745 with Miller & Van Eaton P.L.L.C. ("the Firm") for Legal Services regarding the trunked radio system and appropriate \$60,000.00 out of the Police Consolidated Construction Fund.

This contract was approved by Council on April 2, 2008 under Ordinance No. 2008-0274 effective April 10, 2008 through October 15, 2008. The firm expertise in the area of law related to radio system contracts has been very effective to the City in development of the term sheet, execution of negotiation strategy and reaching agreement on a contract that can be executed by both parties.

In addition, the first amendment will allow the firm to summarize and complete the legal recommendations for the City to enter into a final contract with the successful proposer for the City's Trunked Radio System.

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract
AAA Asphalt Paving, Inc
Police Academy Running Track
WBS No. G-HPD002-0001-4

Page
1 of 2

Agenda
Item
24

FROM (Department or other point of origin):
General Services Department

Origination Date

9-19-08

Agenda Date

09-22-08

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Council District(s) affected:

B

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023

**Date and identification of prior authorizing
Council action:**

RECOMMENDATION: Award construction contract and **allocate** funds for the project.

Amount and Source of Funding:

\$517,000.00—Police Special Services Fund (2201)

Finance Budget:

Michelle Mitchell

SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to AAA Asphalt Paving, Inc. on its low bid amount of \$477,000.00 for construction services in connection with a new Running Track at the Police Academy for the Houston Police Department.

PROJECT LOCATION: 17000 Aldine Westfield (373H)

PROJECT DESCRIPTION: The project involves construction of a new paving surface for the Police Academy running track. The existing running track is over 20 years of age and has exceeded its life cycle.

The contract duration for this project is 120 days. Natex Corporation Architects is the design consultant.

BIDS: The following three bids were received on May 22, 2008:

Bidder

Bid Amount

- | | |
|-----------------------------|--------------|
| 1. AAA Asphalt Paving, Inc. | \$477,000.00 |
| 2. Jerdon, Enterprise, L.C. | \$544,444.44 |
| 3. Resicom, Inc. | \$626,000.00 |

REQUIRED AUTHORIZATION

CUIC ID# 25CONS62

General Services Department:

Houston Police Department:

Humberto Bautista

Humberto Bautista
Chief of Design & Construction Division

Harold L. Hurtt

Harold L. Hurtt
Chief of Police

| | | | |
|-------------|--|--|-----------------------|
| Date | Subject: Award Construction Contract AAA Asphalt Paving, Inc. Police Academy Running Track WBS No. G-HPD002-0001-4 | Originator's Initials MT | Page 2 of 2 |
|-------------|--|--|-----------------------|

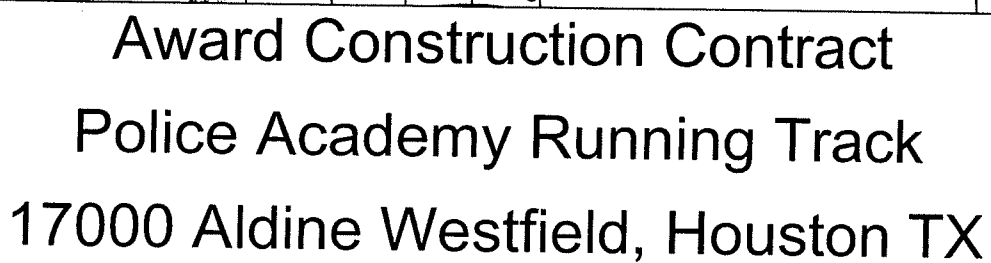
AWARD: It is recommended that City Council award the construction contract to AAA Asphalt Paving, Inc. and **allocate** funds for the project, including an additional **allocation of** \$16,150.00 for engineering and materials testing services under the existing contract with DAE & Associates, Ltd., d/b/a Geotech Engineering, Inc.

FUNDING SUMMARY:

| | |
|----------------------|--------------------------------|
| \$ 477,000.00 | Construction Contract |
| \$ <u>23,850.00</u> | 5% Contingency |
| \$ 500,850.00 | Total Contract Services |
| \$ <u>16,150.00</u> | Engineering/Materials Testing |
| \$ 517,000.00 | Total Allocation |

IZD:JLN:PG:HB:RAV;MT:ps

c: Marty Stein, Kirk Munden, Jacquelyn Nisby, Webb Mitchell, Gabriel Mussio, Project File

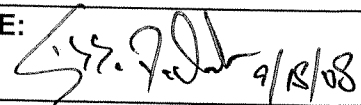


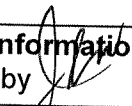
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

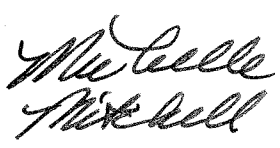
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|---|-----------------------|------------------------------|
| SUBJECT: Roof Consulting Services Contract Task Order Contract for Various City Departments Building Envelope Consultants, LLC WBS Nos. D-000130-0001-3, E-000038-0001-3, H-000018-0001-3 G-000102-0001-3, E-000181-0001-3 | Page 1 of 1 | Agenda Item 25 |
|---|-----------------------|------------------------------|

| | | |
|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date 10-01-08 | Agenda Date OCT 08 2008 |
|---|-------------------------------------|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  9/18/08 | Council District affected: All |
|---|--|

| | |
|---|---|
| For additional information contact: Jacquelyn L. Nisby  Phone: (832) 393-8023 | Date and identification of prior authorizing Council action: |
|---|---|

RECOMMENDATION: Approve and authorize a Task Order Contract with Building Envelope Consultants, LLC and appropriate funds.

| | |
|--|---|
| Amount and Source of Funding: Maximum Contract Amount: \$800,000.00 Initial Appropriation: \$200,000.00—General Improvement Consolidated Construction Fund (4509) \$150,000.00—Public Library Consolidated Construction Fund (4507) \$100,000.00—Public Health Consolidated Construction Fund (4508) \$200,000.00—Police Consolidated Construction Fund (4504) \$650,000.00 Total | Finance Budget:  |
|--|---|

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a roof consulting services contract with Building Envelope Consultants, LLC for citywide task order roofing and waterproofing consulting services for various city departments, and delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$800,000.00. Additional funding will be made available by supplemental allocations from various departmental budgets, or appropriations from various bond funds up to the maximum contract amount.

PROJECT LOCATION: Citywide

SCOPE OF CONTRACT AND FEE: Under the terms of the contract, the consultant will perform design phase services, on an as needed basis, for various City departments and will seal necessary documents to comply with the City Building Codes. Basic services fees for each task order will be negotiated based upon the size and complexity of the project, and paid on a lump sum basis. Additional services will be paid on a reimbursable basis.

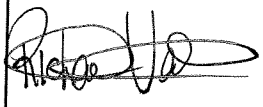
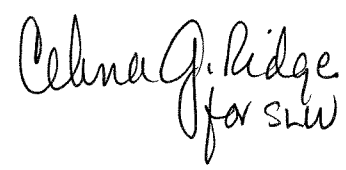
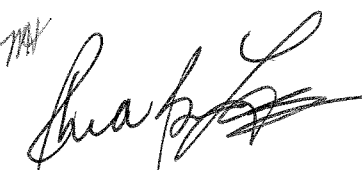
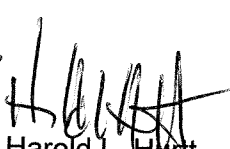
M/WBE PARTICIPATION: Due to the limited scope of work, Affirmative Action has approved an 8% M/WBE goal as described in the attached correspondence.

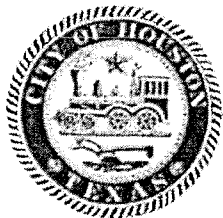
IZD:HB:JLN:RAV:TA:ps

c: Marty Stein, Joseph Kurian, Velma Laws, Webb Mitchell, Jacquelyn L. Nisby, Wendy T. Heger, Kim Nguyen, Carter Roper, Celina Ridge, Fred Maier, Kirk Munden, File

REQUIRED AUTHORIZATION

CUIC # 25DSGN30 NOT

| | | | |
|---|---|---|---|
| General Services Department:  Humberto Bautista Chief of Design & Construction Division | Department of Health and Human Services:  Stephen L Williams, M. ED, MPA, Director | Houston Public Library:  Rhea Brown Lawson, Ph. D. Director | Houston Police Department:  Harold L. Hunt Chief of Police |
|---|---|---|---|



CITY OF HOUSTON

General Services Department

Interoffice

Correspondence

To:

Velma Laws, Director
Affirmative Action and Contract
Compliance

From: Issa Z. Dadoush, P.E., Director
General Services Department

Date: August 28, 2008.

Subject: Roof Consulting Services Contract
Task Order Contract
WBS No. D-000115-0005-6

Request for M/WBE Variance

I am requesting that you approve an 8% MWBE goal for the Roof Consulting Task Order Contract with Building Envelope Consultants, LLC.

Under the terms of this Contract, the roof consultant will provide roof repair and replacement design services on an as needed basis for various departments. The detailed scope of services will be developed when repair services are requested. The majority of these services will be provided in-house by the consultant, therefore there will be negligible opportunities for MWBE participation. However, if the roof work requested requires engineering services or other services that may be performed by MWBE firms, we will seek MWBEs to achieve the goal. It is unclear at this time how much of the work that is requested will present MWBE opportunities.

If you have any questions, please contact me at (832) 393-8021.

Read and Approved:

for
Velma Laws, Director
Affirmative Action and Contract
Compliance

IZD:FB:G:CRC:HB:RAV:SC:sc

Cc: Marty Stein, File

REQUEST FOR COUNCIL ACTION

Revised

RCA# 7942

TO: Mayor via City Secretary

Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Job Order Contract Services for Roof Repair/Replacement Services for the City of Houston S30-T22787

Category #
1 & 4

Page 1 of 3

Agenda Item

26

FROM (Department or other point of origin):

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

Origination Date

September 23, 2008

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE

Calvin D. Wells

For additional information contact:

Jacquelyn L. Nisby Phone: (832) 393-8023
Ray DuRousseau Phone: (832) 393-8726

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to the best value respondent, Charter Roofing Company, Inc. in an amount not to exceed \$7,500,000.00 for job order contract services for roof repair/replacement services for the City of Houston.

Maximum Contract Amount: \$7,500,000.00 - 5 Years

Finance Budget

\$ 592,000.00 - Water & Sewer System Operating Fund (8300)
\$2,430,000.00 - General Fund (1000)
\$ 100,000.00 - Fleet Management Fund (1005)
\$ 25,000.00 - Building Inspection Fund (2301)
\$ 170,000.00 - Civic Center Facility Revenue Fund (8601)
\$ 873,000.00 - General Improvement Consolidated Construction Fund (4509)
\$2,560,000.00 - Public Health Consolidated Construction Fund (4508)
\$ 750,000.00 - Public Library Consolidated Construction Fund (4507)

\$7,500,000.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Charter Roofing Company, Inc. in an amount not to exceed \$7,500,000.00 to provide job order contract services for roof repair/replacement services for the City of Houston. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to furnish all labor, equipment, materials, supervision and transportation necessary to repair or replace all types of roofs at various City buildings. The contract will also be used to repair roofs that are under manufacturer warranty, but beyond the standard one-year installation warranty. Charter Roofing Company, Inc. is qualified/authorized to perform warranty repair on major roof manufacturing systems such as Manville/Schuller, Tamko, Allied Signal, Tremco and Garland, presently installed on City facilities. The pricing is determined by the contractor providing a cost factor co-efficient to be multiplied by pre-priced tasks as listed in the R.S. Means Facilities Construction Cost Data Books. Work will be approved by work orders issued on an as-needed basis, and appropriated funding will require further Council action.

This Request for Proposal (RFP) was advertised in accordance with the State of Texas bid laws and, as a result, proposals were received from the following firms: Charter Roofing Company, Inc., Weatherproofing Technologies, Inc., The Garland Company Inc. d/b/a Design Build Solutions, Inc., and MIC/Brazos Joint Venture. The evaluation committee consisted of personnel from various City departments. The proposals were evaluated based upon the following criteria:

REQUIRED AUTHORIZATION

NOT

Finance Department:

Other Authorization:

Other Authorization:

| | | | |
|--------------------|---|--------------------------------|-------------|
| Date: 9/23/2008 | Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Job Order Contract Services for Roof Repair/Replacement Services for the City of Houston S30-T22787 | Originator's Initials RM | Page 2 of 2 |
|--------------------|---|--------------------------------|-------------|

- A. Project Management and Services
- B. Price
- C. Qualifications of Firm
- D. Personnel Qualifications and Experience
- E. MWBE/Subcontractors/Suppliers
- F. Safety Record and Program
- G. Financials

Charter Roofing Company, Inc. received the highest overall score.

M/WBE, W/BE and S/BE Subcontracting

This RFP was issued as a goal-oriented contract with 14% M/WBE, 5% W/BE and 3% S/BE participation goals. **Charter Roofing Company, Inc.** has designated the below-named companies as its certified M/WBE subcontractors:

| <u>Name</u> | <u>Type of Work</u> | <u>Dollar Amount</u> | <u>Percentage</u> |
|-----------------------------|----------------------|----------------------|-------------------|
| Universal Sheet Metal, Inc. | Sheet Metal | \$1,050,000.00 | 14% |
| Houston Chem Safe, Inc. | Commercial Equipment | \$ 375,000.00 | 5% |
| Sea-Breezer Roofing, Inc. | Roofing Services | \$ 225,000.00 | 3% |

The Affirmative Action Division will monitor this contract.

Estimated Spending Authority

Public Works & Engineering Department

| Fund Name | FY09 | Out Years | Total |
|--|--------------|--------------|---------------|
| Water & Sewer System Operating Fund (8300) | \$118,400.00 | \$473,600.00 | \$592,000.00 |
| Fleet Management Fund (1005) | \$ 20,000.00 | \$ 80,000.00 | \$100,000.00 |
| General Fund (1000) | \$ 8,000.00 | \$ 32,000.00 | \$ 40,000.00 |
| Building Inspection Fund (2301) | \$ 5,000.00 | \$ 20,000.00 | \$ 25,000.00 |
| Subtotal | \$151,400.00 | \$605,600.00 | \$ 757,000.00 |

Solid Waste Management Department

| Fund Name | FY09 | Out Years | Total |
|---------------------|------------|--------------|--------------|
| General Fund (1000) | \$5,000.00 | \$145,000.00 | \$150,000.00 |
| Subtotal | \$5,000.00 | \$145,000.00 | \$150,000.00 |

Convention & Entertainment Facilities Department

| Fund Name | FY09 | Out Years | Total |
|---|-------------|--------------|--------------|
| Civic Center Facility Revenue Fund (8601) | \$12,000.00 | \$158,000.00 | \$170,000.00 |
| Subtotal | \$12,000.00 | \$158,000.00 | \$170,000.00 |

Parks & Recreation Department

| Fund Name | FY09 | Out Years | Total |
|---------------------|-------------|--------------|--------------|
| General Fund (1000) | \$54,000.00 | \$366,000.00 | \$420,000.00 |
| Subtotal | \$54,000.00 | \$366,000.00 | \$420,000.00 |

| | | | |
|--------------------|---|--------------------------------|-------------|
| Date: 9/23/2008 | Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Job Order Contract Services for Roof Repair/Replacement Services for the City of Houston S30-T22787 | Originator's Initials RM | Page 3 of 3 |
|--------------------|---|--------------------------------|-------------|

General Services Department

| Fund Name | FY09 | Out Years | Total |
|---|--------------|----------------|----------------|
| General Fund (1000) | \$364,000.00 | \$1,456,000.00 | \$1,820,000.00 |
| General Improvement Consolidated Construction Fund (4509) | \$00.00 | \$ 873,000.00 | \$ 873,000.00 |
| Public Health Consolidated Construction Fund (4508) | \$00.00 | \$2,560,000.00 | \$2,560,000.00 |
| Public Library Consolidated Construction Fund (4507) | \$00.00 | \$ 750,000.00 | \$ 750,000.00 |
| Subtotal | \$364,000.00 | \$5,639,000.00 | \$6,003,000.00 |

Grand Total \$7,500,000.00

Buyer: Richard Morris

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7928

Subject: Approve an Ordinance Awarding a Contract for Metal and Wood Fence Installation and Repair Services for Various Departments S30-L22758

Category #
1 & 4

Page 1 of 2

Agenda Item

27

FROM (Department or other point of origin):

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

Origination Date

September 23, 2008

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE

For Kevin M. Coleman

Council District(s) affected
All

For additional information contact:

Jacquelyn L. Nisby Phone: (832) 393-8023
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to The Fiero Group LTD. Co. d/b/a Fencemaster of Houston on its low bid in an amount not to exceed \$6,849,744.50 for metal and wood fence installation and repair services for various departments.

Maximum Contract Amount: \$6,849,744.50

Finance Budget

10M

\$ 637,500.00 - Civic Center Facility Revenue Fund (8601)
\$ 40,000.00 - Fleet Management Fund (1005)
\$ 16,900.00 - Building Inspection Fund (2301)
\$ 156,250.00 - Storm Water Fund (2302)
\$ 367,500.00 - Water & Sewer System Operating Fund - (8300)
\$5,631,594.50 - General Fund (1000)

\$6,849,744.50 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract with two one-year options, to The Fiero Group LTD. Co. d/b/a Fencemaster of Houston on its low bid in an amount not to exceed \$6,849,744.50 for metal and wood fence installation and repair services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This contract will be used to repair and replace metal and wood fences, on as needed basis, citywide.

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

| <u>Company</u> | <u>Total Amount</u> |
|---|---------------------|
| 1) The Fiero Group LTD Co. d/b/a Fencemaster of Houston | \$ 6,849,744.50 |
| 2) Astro Fence Company | \$ 6,930,550.00 |
| 3) Digital Detection Corporation | \$17,536,162.21 |

The scope of work requires the contractor to provide all supervision, labor, materials, equipment and transportation necessary to install and/or repair existing fencing and gates citywide.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

11/9

27

| | | | |
|--------------------|---|--------------------------------|-------------------|
| Date: 9/23/2008 | Subject: Approve an Ordinance Awarding a Contract for Metal and Wood Fence Installation and Repair Services for Various Departments S30-L22758 | Originator's Initials RM | Page 2 of 2 27 |
|--------------------|---|--------------------------------|-------------------|

M/WBE Subcontracting:

This invitation to bid was issued a goal-oriented contract with an 11% M/WBE participation level. **The Fiero Group LTD. Co.** has designated the below-named company as its certified M/WBE subcontractor.

| <u>Name</u> | <u>Type of Work</u> | <u>Dollar Amount</u> |
|-------------------------|---------------------|----------------------|
| Jolivette & Son Fencing | Fence Installation | \$753,471.90 |

The Affirmative Action Division will monitor this contract.

Estimated Spending Authority

Public Works & Engineering Department

| Fund Name | FY09 | Out Years | Total |
|----------------------------------|--------------|--------------|--------------|
| General Fund (1000) | \$ 45,550.00 | \$157,200.00 | \$202,750.00 |
| Fleet Management Fund (1005) | \$ 3,000.00 | \$ 37,000.00 | \$ 40,000.00 |
| Building Inspection Fund (2301) | \$ 3,380.00 | \$ 13,520.00 | \$ 16,900.00 |
| Storm Water Fund (2302) | \$ 31,250.00 | \$125,000.00 | \$156,250.00 |
| Water & Sewer System Fund (8300) | \$ 73,500.00 | \$294,000.00 | \$367,500.00 |
| Subtotal | \$156,680.00 | \$626,720.00 | \$783,400.00 |

Convention & Entertainment Facilities Department

| Fund Name | FY09 | Out Years | Total |
|---|-------------|--------------|--------------|
| Civic Center Facility Revenue Fund (8601) | \$52,500.00 | \$585,000.00 | \$637,500.00 |
| Subtotal | \$52,500.00 | \$585,000.00 | \$637,500.00 |

Solid Waste Management Department

| Fund Name | FY09 | Out Years | Total |
|---------------------|------------|-------------|-------------|
| General Fund (1000) | \$5,000.00 | \$50,000.00 | \$55,000.00 |
| Subtotal | \$5,000.00 | \$50,000.00 | \$55,000.00 |

Parks & Recreation Department

| Fund Name | FY09 | Out Years | Total |
|---------------------|--------------|----------------|----------------|
| General Fund (1000) | \$250,000.00 | \$1,857,579.50 | \$2,107,579.50 |
| Subtotal | \$250,000.00 | \$1,857,579.50 | \$2,107,579.50 |

General Services Department

| Fund Name | FY09 | Out Years | Total |
|---------------------|-------------|----------------|----------------|
| General Fund (1000) | \$40,000.00 | \$3,226,265.00 | \$3,266,265.00 |
| Subtotal | \$40,000.00 | \$3,226,265.00 | \$3,266,265.00 |

Grand Total \$6,849,744.50

Buyer: Richard Morris

SUBJECT: Additional Appropriation to a Professional Engineering Services Contract between the City and Claunch & Miller, Inc. for Neighborhood Street Reconstruction (NSR) 457 WBS N-000392-0001-3.

Page
1 of 2

Agenda Item

28

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

Origination Date
10-1-08

Agenda Date
OCT 08 2008

DIRECTOR'S SIGNATURE:

Michael S. Marcotte, P.E., D.E.E.
Michael S. Marcotte

Council District affected: C, D, I *mb*

For additional information contact:

Reid K. Mrsny
Reid K. Mrsny, P.E.
Senior Assistant Director
Phone: (713) 837-0452

Date and identification of prior authorizing Council action:

Ord. No. 2005-392 Date: 04/20/05
Ord. No. 2006-432 Date: 05/03/06
Ord. No. 2008-561 Date: 06/18/08

RECOMMENDATION: (Summary)

Approve an ordinance appropriating additional funds for Professional Engineering Services Contract with Claunch & Miller, Inc.

Amount and Source of Funding: \$237,329.14 from Street and Bridge Consolidated Construction Fund No. 4506. Previous appropriations of \$399,430.90 from the Limited Use Roadway and Mobility Capital Fund No. 4034 and \$1,456,920.00 from Street and Bridge Consolidated Construction Fund No. 437 *Yank*

PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Street Reconstruction (NSR) Program. This program is required to improve the condition of residential streets in addition to enhancing the quality of life in the neighborhoods.

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

LOCATION: These streets included in NSR 457 project are listed below:

| Street | Limit | Key Map Grid | Council District |
|----------------|--|--------------|------------------|
| 1. Browncroft | Lisa to Beekman | 534 J, K | D |
| 2. Cavanaugh | Beekman to Browncroft | 534 J, N | D |
| 3. Dewberry | Cavanaugh to Beekman | 534 N, P | D |
| 4. Dewberry | MLK to Cavanaugh | 534 J, N | D |
| 5. Dryden | Morningside to Greenbriar | 532 G | C |
| 6. Enyart | MLK to Beekman | 534 N | D |
| 7. Keystone | Lisa Lane to Beekman | 534 J, K, P | D |
| 8. Leonora | Broadview to 123.68' N. of Pecan Villa Dr. | 535 W | I |
| 9. Lisa Lane | Browncroft to Perry | 534 J | D |
| 10. Longmeadow | Southbank to Crestmont | 534 T | D |
| 11. Odin | La Salette to La Salette | 533 G | D |
| 12. Sylvania | Brock to Griggs | 534 G, L | I |

REQUIRED AUTHORIZATION

CUIC# 20MXB06

Finance Department:

Other Authorization:

Other Authorization:

Michelle Mitchell

| | | | |
|-------------|--|------------------------------|------------------------|
| Date | SUBJECT: Additional Appropriation to a Professional Engineering Services Contract between the City and Claunch & Miller, Inc. for Neighborhood Street Reconstruction (NSR) 457; WBS N-000392-0001-3. | Originator's Initials | Page 2 of 2 |
|-------------|--|------------------------------|------------------------|

PREVIOUS HISTORY AND SCOPE: City Council approved the original contract on April 20, 2005 by Ordinance No.2005-392. The scope of services under the original contract consisted of professional engineering services for the design of Neighborhood Street Reconstruction Project (NSR) 446. Under the terms of the contract, the scope of services included: Phase I – Preliminary Design, Phase II – Final Design, Phase III – Construction Phase Services and Additional Services. The stated project is currently in Construction.

City Council approved the first amendment to the original contract on May 3, 2006 by Ordinance No.2006-0432. The scope of services under the first amendment consisted of professional engineering services for the design of an additional project, NSR 457. Under the terms of the contract, the scope of services included: Phase I – Preliminary Design, Phase II – Final Design, Phase III – Construction Phase Services and Additional Services. Additional funds for additional services were also appropriated for NSR ~~446~~. Currently NSR 457 is in Phase II – Final Design and is expected to be ready to bid for construction in December 2008.

The City Council approved the second amendment to the original contract on June 18, 2008 by Ordinance No. 2008-561. The scope of services under the second amendment consisted of professional engineering services for the design of an additional project, "Morningside Reconstruction". Under the terms of the contract, the scope of services included: Phase I – Preliminary Design, Phase II – Final Design, Phase III – Construction Phase Services and Additional Services. The stated project is currently in Phase I – Preliminary Engineering and is expected to be ready to bid for construction in December 2009.

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation will authorize Basic Services Phase II Final Design & Phase III Construction Services for the lump sum amount of \$200,046.00. Certain other Additional Services are also proposed to be paid as lump sum or on a reimbursable basis. The Additional Services are currently anticipated to include surveying, geotechnical investigations, Phases I and II environmental services and street lighting plans. The total Additional Services Fee under the additional appropriation is \$15,707.76.

The total appropriation is \$237,329.14 to be appropriated as follows: \$215,753.76 for contract services and \$21,575.38 for project management.

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The original Contract as amended totals \$1,694,224.90. The consultant has been paid \$769,863.93 (45.44%) to date. Of this amount \$213,143.08 (27.69%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation the contract amount will increase to \$1,909,978.66. The consultant proposes the following program to meet the goal:


| <u>Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|--|----------------------------|---------------------|----------------------|
| 1. Prior M/WBE Work | | \$213,143.08 | 11.16% |
| 2. Landtech Consultants, Inc. | Surveying | \$79,173.80 | 4.14% |
| 3. Associated Testing Laboratories, Inc. | Geotechnical/Environmental | \$35,773.00 | 1.87% |
| 4. Chief Solutions, Inc. | TV Inspection | \$15,246.25 | 0.80% |
| 5. Isani Consultants, Inc. | Traffic/Lighting/Design | \$115,300.00 | 6.04% |
| TOTAL | | \$458,636.13 | 24.01% |

MSM:RKM:FOS:MB

S:\design\A-NP-DIV\AAA Neighborhood Section Reporting\Board\NSR-457\Phase II Supplement\RCA 457 Supplement.doc

c: Marty Stein:Velma Laws:Craig Foster:Gary Norman w/enclosures
File No. N-000392-0001-3







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
 Key Map


 #534-J.K.N.P

 Legend

 Proposed Sidewalk

 Proposed Pavement

 HOAD Parcels




 City of Houston

 NSR #457

 Exhibit 5A - Proposed

 Paving Replacement Plan



 COBB KENNEDY

 10400 NORTHERN TOWNE CENTER LANE

 HOUSTON, TEXAS 77060

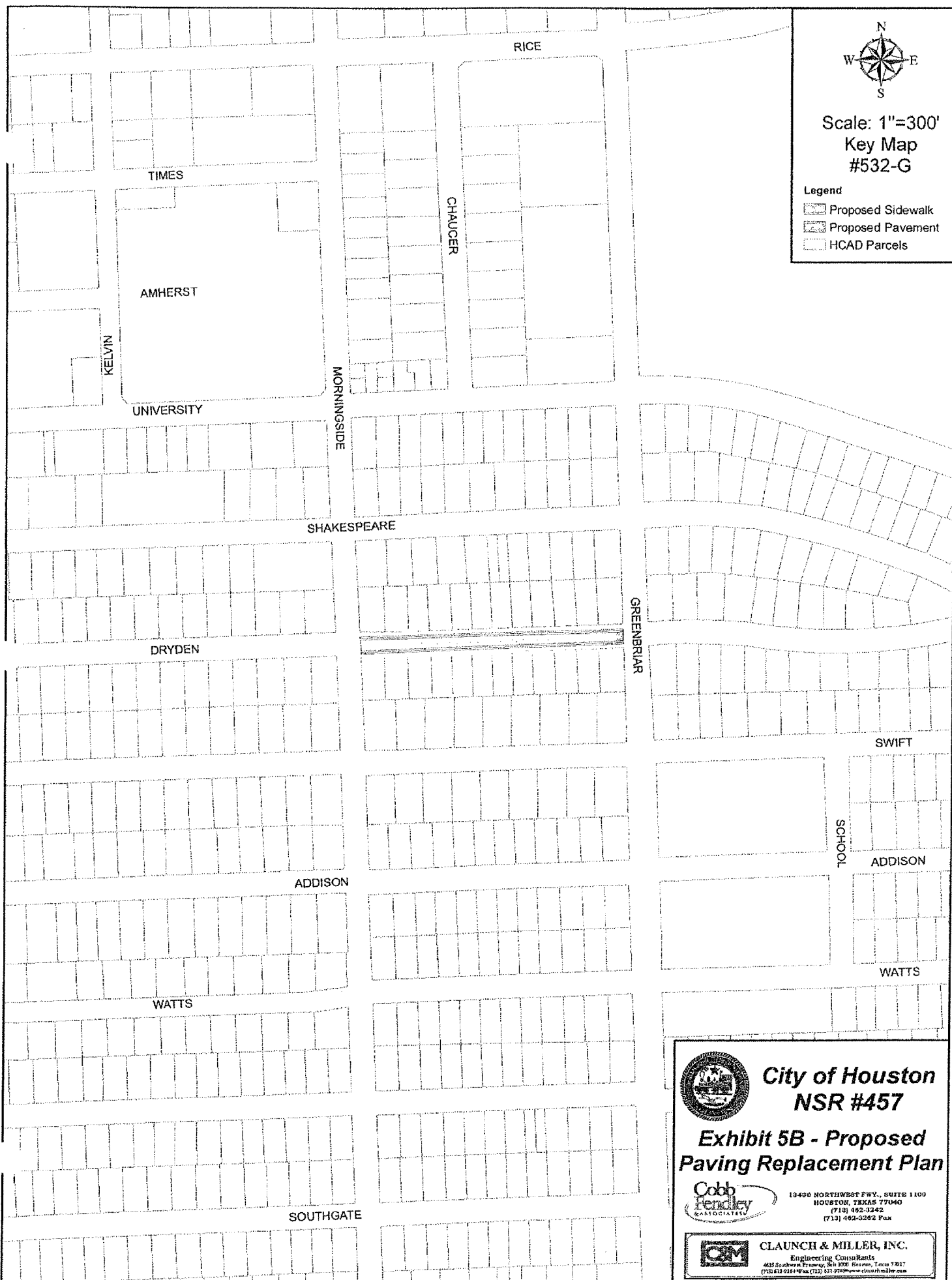
 P.O. BOX 10000

 HOUSTON, TEXAS 77255

 CLAINCH & MILLER, INC.

 1100 WESTHEIMER BOULEVARD, SUITE 100

 HOUSTON, TEXAS 77060



Scale: 1"=300'
Key Map
#532-G

- Legend
- Proposed Sidewalk
 - Proposed Pavement
 - HCAD Parcels



City of Houston
NSR #457

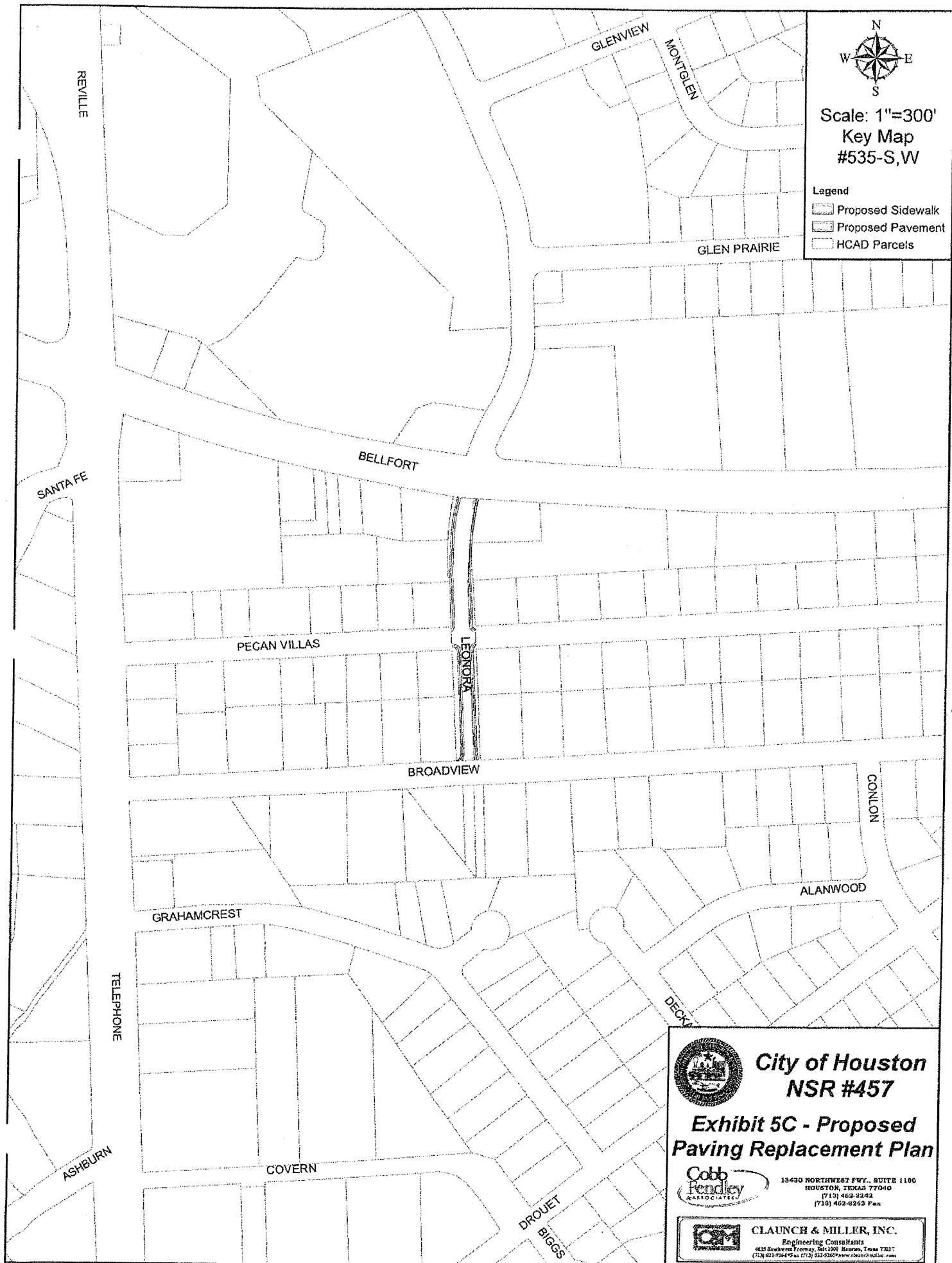
**Exhibit 5B - Proposed
Paving Replacement Plan**

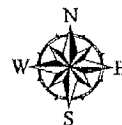
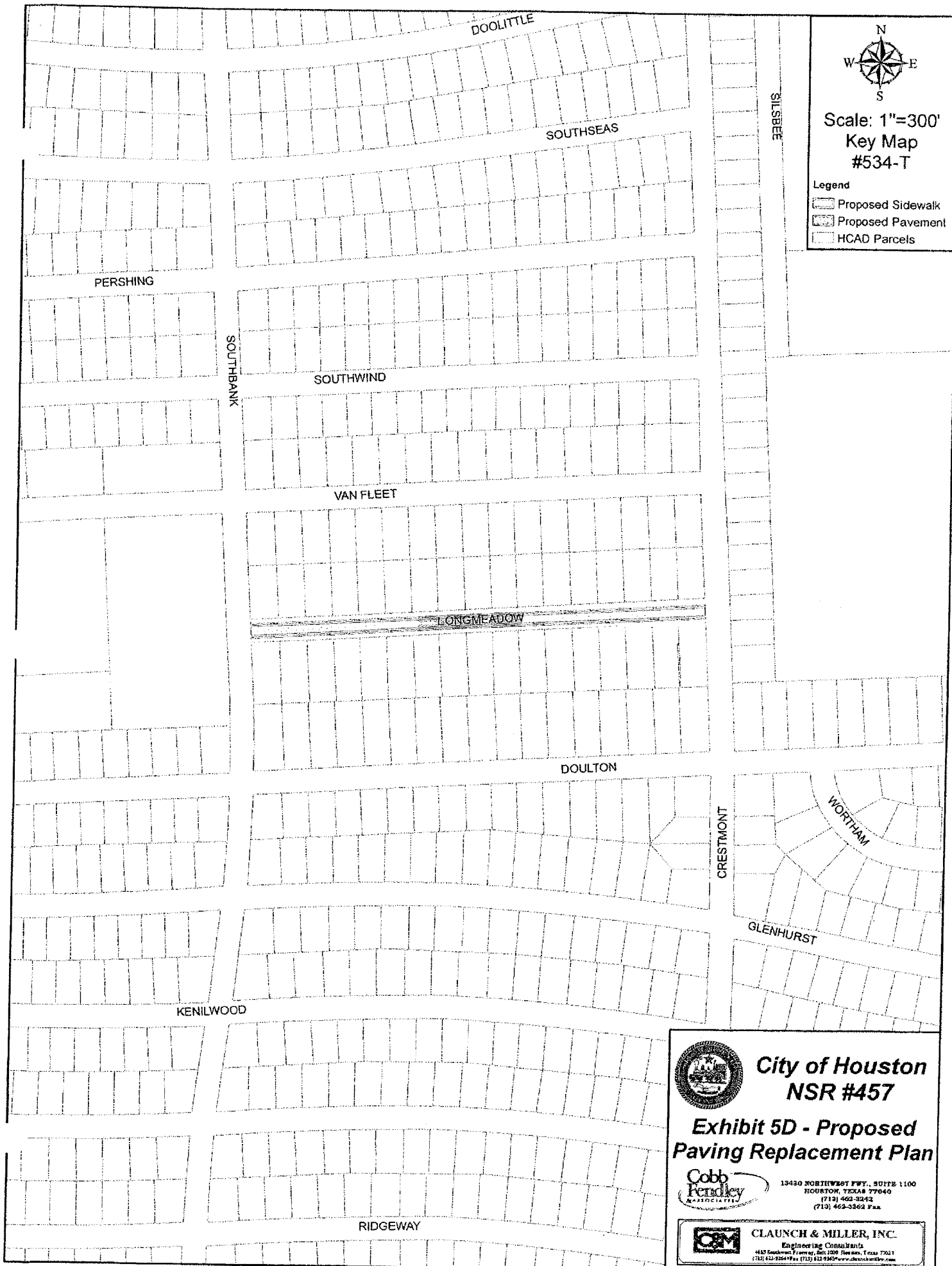


13430 NORTHWEST FWY., SUITE 1100
HOUSTON, TEXAS 77040
(713) 462-3242
(713) 462-3262 Fax



CLAUNCH & MILLER, INC.
Engineering Consultants
4635 Southwest Freeway, Suite 1000, Houston, Texas 77057
(713) 613-0164 Fax (713) 613-2260 www.claunch-miller.com





Scale: 1"=300'
Key Map
#534-T

Legend

- Proposed Sidewalk
- Proposed Pavement
- HCAD Parcels



City of Houston
NSR #457

**Exhibit 5D - Proposed
Paving Replacement Plan**



13430 NORTHWEST Fwy., Suite 1100
HOUSTON, TEXAS 77040
(713) 462-3242
(713) 462-3262 Fax



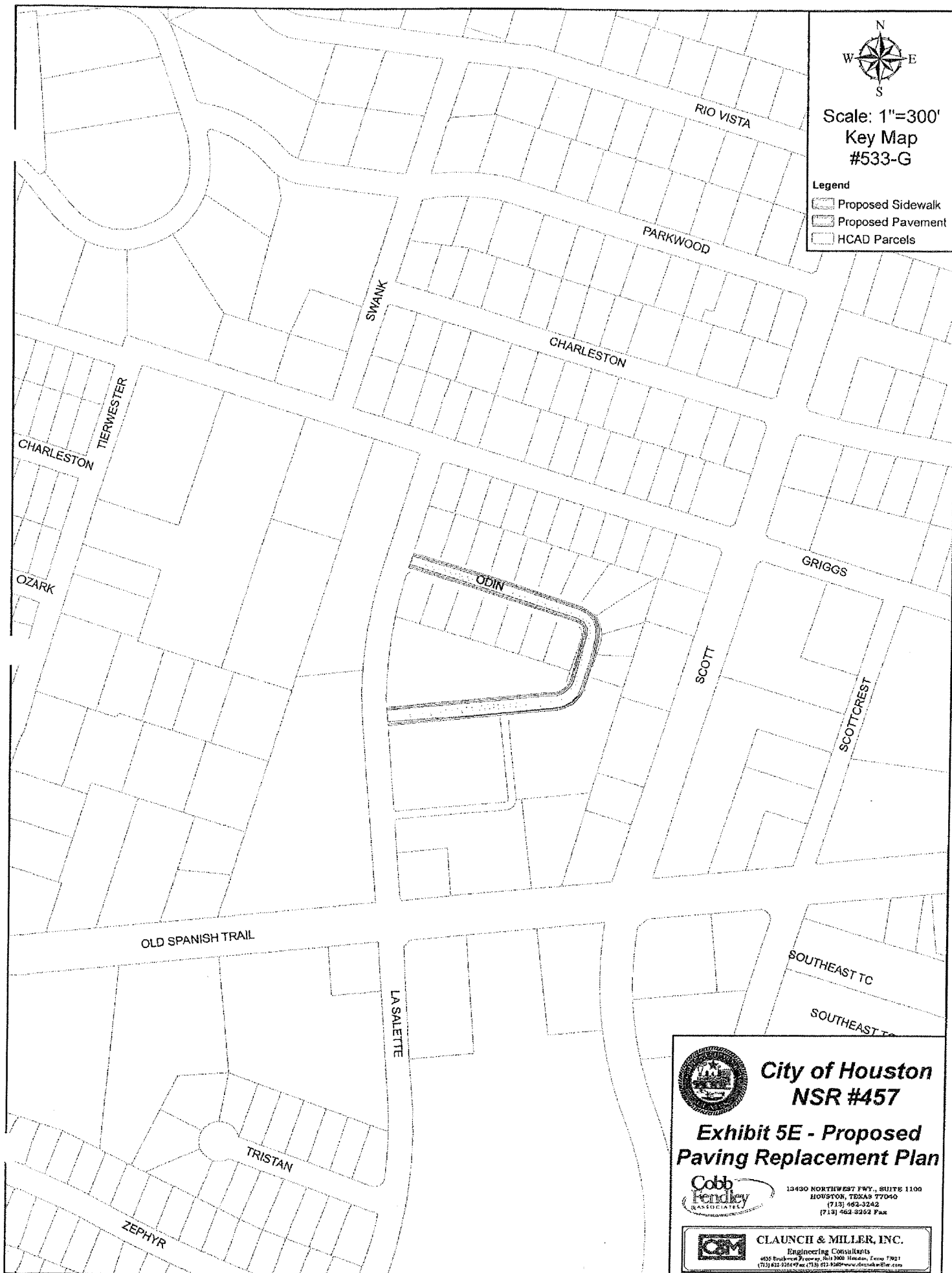
CLAUNCH & MILLER, INC.
Engineering Consultants
4417 Sandhollow Trmng, Ste. 100, Houston, Texas 77031
(713) 612-9264 Fax (713) 612-9365 www.claunchmiller.com



Scale: 1"=300'
Key Map
#533-G

Legend

- Proposed Sidewalk
- Proposed Pavement
- HCAD Parcels



City of Houston
NSR #457

**Exhibit 5E - Proposed
Paving Replacement Plan**

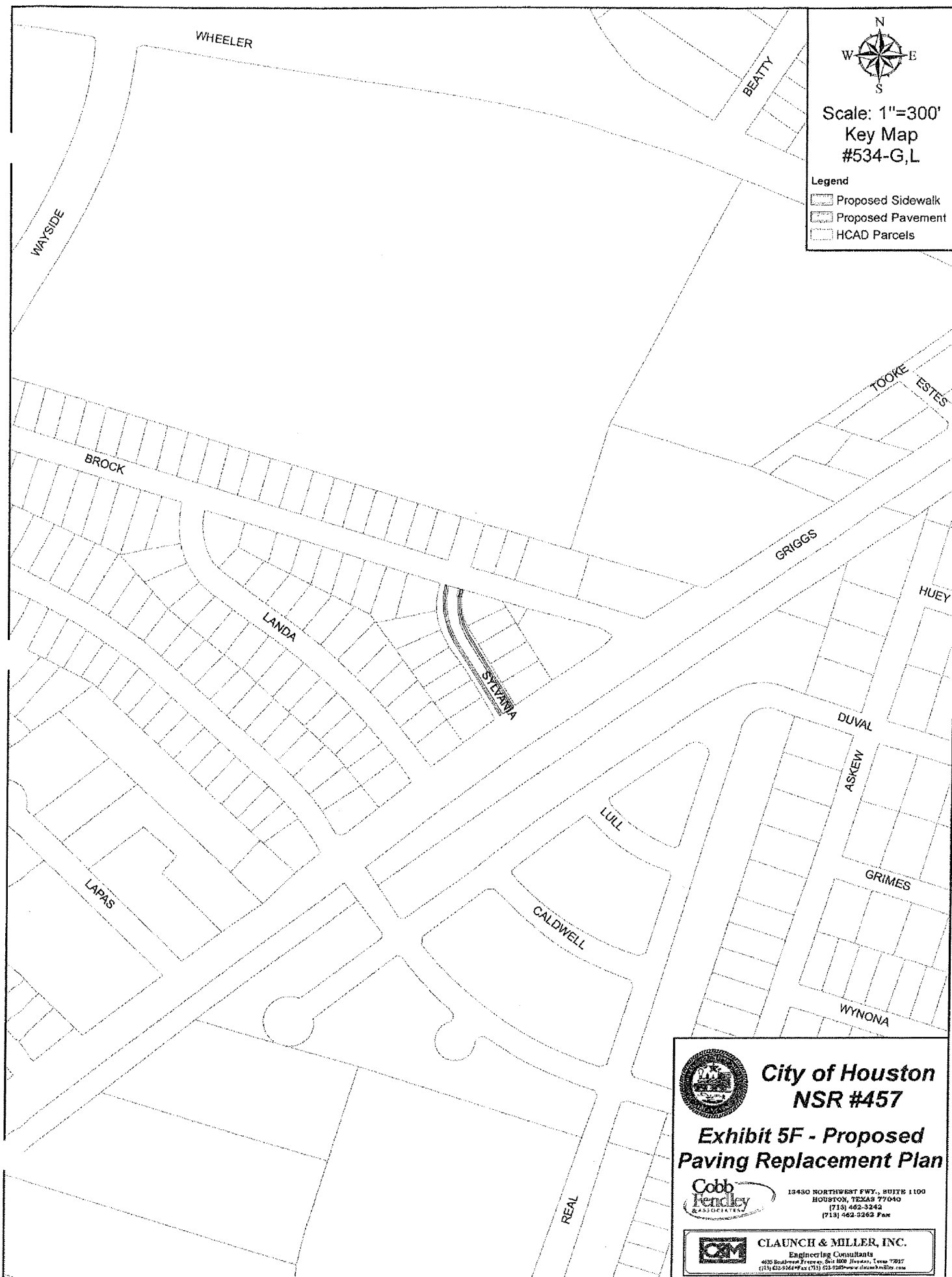


13430 NORTHWEST FWY., SUITE 1100
HOUSTON, TEXAS 77040
(713) 462-3242
(713) 462-3252 Fax



CLAUCH & MILLER, INC.

Engineering Consultants
4535 Truett Drive, Suite 1000, Houston, Texas 77021
(713) 412-5254 Fax (713) 412-5255 www.clauchmiller.com



City of Houston
NSR #457

Exhibit 5F - Proposed
Paving Replacement Plan



13430 NORTHWEST FWY., SUITE 1100
HOUSTON, TEXAS 77040
(713) 462-3242
(713) 462-3262 Fax



CLAUNCH & MILLER, INC.
Engineering Consultants
4835 Southmain Freeway, Suite 1000 Houston, Texas 77057
(713) 612-5164 Fax (713) 612-5165 www.claunchmiller.com

| | | | |
|---|---|----------------------------------|------------------------------|
| SUBJECT: Professional Architectural Services Contract: Huitt-Zollars, Inc. Right-of-Way and Fleet Maintenance Facilities Expansion WBS No. N-00653C-0001-3, N-00653C-0001-7 | | Page 1 of 2 | Agenda Item 29 |
| FROM (Department or other point of origin): General Services Department | Origination Date 9.30.08 | Agenda Date OCT 8 2008 | |
| DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 9/30/08 | Council District(s) affected: H, I | | |
| For additional information contact: Jacquelyn L. Nisby Phone: (832) 393-8023 | Date and identification of prior authorizing Council action: Ordinance No. 2007-0949; dated 08/22/2007 Ordinance No. 2008-0406; dated 05/07/2008 | | |
| RECOMMENDATION: Approve architectural services contract and appropriate funds for the project. | | | |

Amount and Source of Funding:
\$2,640,872.50 - Street & Bridge Consolidated Construction Fund (4506)

Finance Budget:

Previous Funding:

\$621,730.00 - Street & Bridge Consolidated Construction Fund (4506)

Michael S. Marcotte
Michael S. Marcotte

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council approve an architectural services contract with Huitt Zollars, Inc. to perform design and construction phase services for the Department of Public Works and Engineering (PWE) Right of Way and Fleet Maintenance Facilities expansion, and appropriate funds for the project, including an additional appropriation of \$90,000.00 for environmental site assessment and remediation under the existing contract with Terracon Consultants, Inc.

On Aug 22, 2007, City Council approved a professional architectural pre-design services contract with Huitt Zollars, Inc. to develop a needs-based programmed plan to consolidate and relocate PWE's Street, Storm Water and Fleet Maintenance operations. At the conclusion of the programming and schematic design services it was determined that consolidation of these functions at one location was not operationally efficient or cost effective. Subsequently, on May 7, 2008, City Council approved a First Amendment to develop a separate program and schematic design to renovate and expand the three existing fleet maintenance facilities noted below.

PROJECT LOCATIONS: 100 Japhet (Key Map 494L)
5500 McCarty (Key Map 455Y)
1700 E. Crosstimbers (Key Map 453M)

PROJECT DESCRIPTION: This project will renovate and expand PWE's three existing fleet maintenance facilities to include heavy and light duty maintenance shop bays, as well as various support functions including: fueling, administration, welding, car wash, and Emergency Response Center.

The Architect will incorporate LEED™ (Leadership in Energy and Environmental Design) standards in the project to obtain certification.

REQUIRED AUTHORIZATION

CUIC #25DSGN26

General Services Department:

Department of Public Works & Engineering:

Humberto Bautista

Humberto Bautista
Chief of Design & Construction Division

Michael S. Marcotte 9/24/08

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

| | | | |
|-------------|--|--|-----------------------|
| Date | Subject: Professional Architectural Services Contract Huitt-Zollars, Inc. Right-of-Way and Fleet Maintenance Facilities Expansion WBS No. N-00653C-0001-3, N-00653C-0001-7 | Originator's Initials CL | Page 2 of 2 |
|-------------|--|--|-----------------------|

SCOPE OF CONTRACT AND FEE: The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis.

\$2,000,000.00 Basic Services

\$ 480,000.00 Additional Services

\$ 27,000.00 Reimbursables

\$2,507,000.00 Total Contract Services

\$ 90,000.00 Environmental Site Assessment and Remediation

\$ 43,872.50 Civic Art (1.75%)

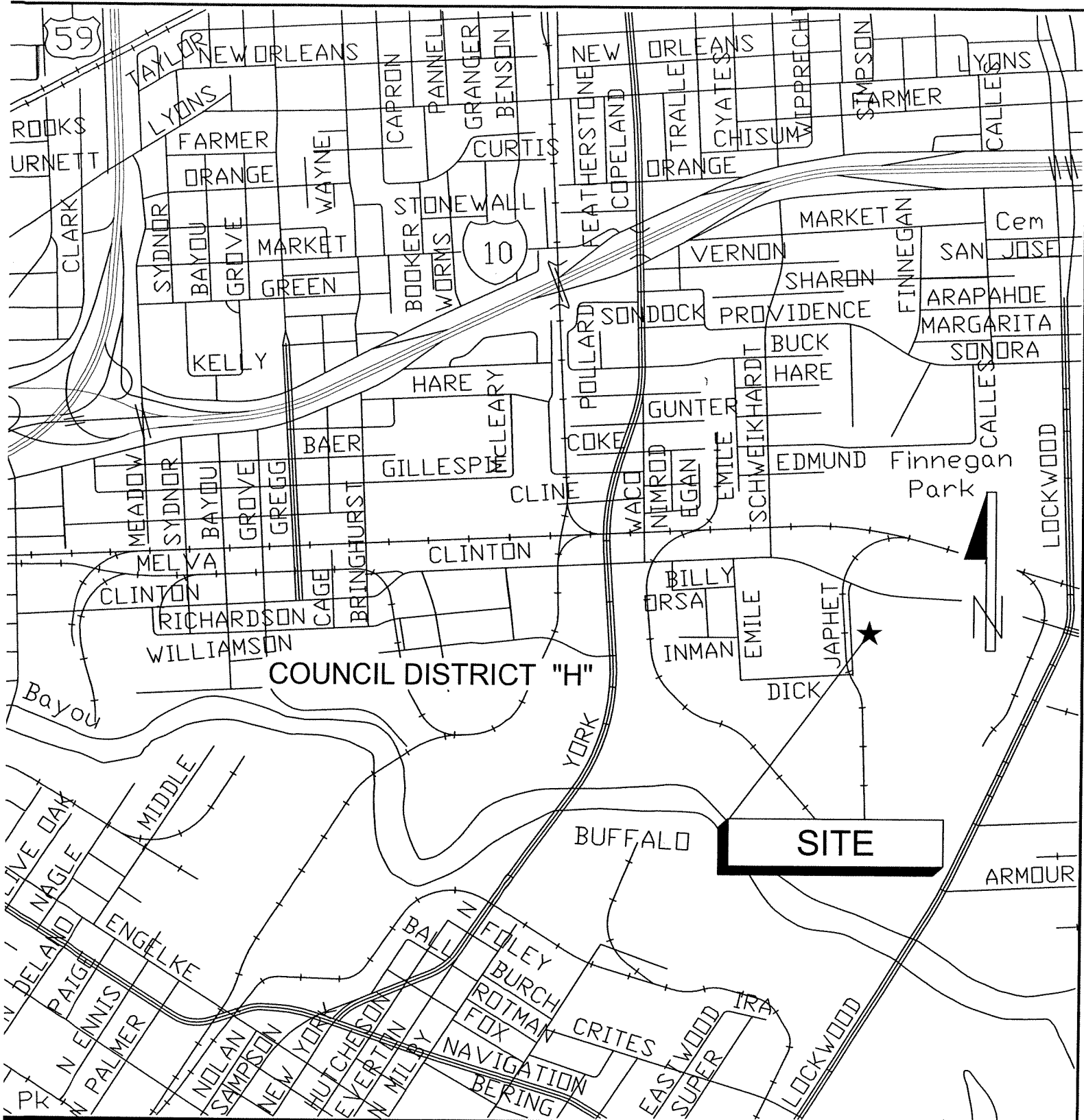
\$2,640,872.50 Total Appropriation

M/WBE INFORMATION: A M/WBE goal of 24% has been established for this contract. The Architect has submitted the following certified firms to achieve the goal:

| <u>Firm</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|---|--|---------------------|----------------------|
| Lauren Griffith Ass., Inc. | Landscape Architecture | \$ 22,500 | 0.90 |
| Dabhi Engineering Assoc, Inc. | MEP Services (Whole Building, Commissioning, Redicheck services) | \$108,500 | 4.33 |
| Concept Engineers, Inc | Structural Engineering | \$110,000 | 4.39 |
| Nathelyne A. Kennedy & Associates, Inc. (W/DBE) | Civil Engineering | \$ 20,500 | 0.82 |
| Accessibility Check | ADA Review/TAS/TDLR | \$ 5,500 | 0.20 |
| NATEX Corporation | Architectural, Interior Design and Rendering | \$295,500 | 11.77 |
| Architects | Reproduction | \$ 25,000 | 1.00 |
| B&E Reprographics | Cost Estimating | \$ 15,000 | 0.61 |
| Apex Cost Consults, Inc. | | | |
| TOTAL | | \$602,500.00 | 24.02% |

IZD:JLN:HB:RAV:CL

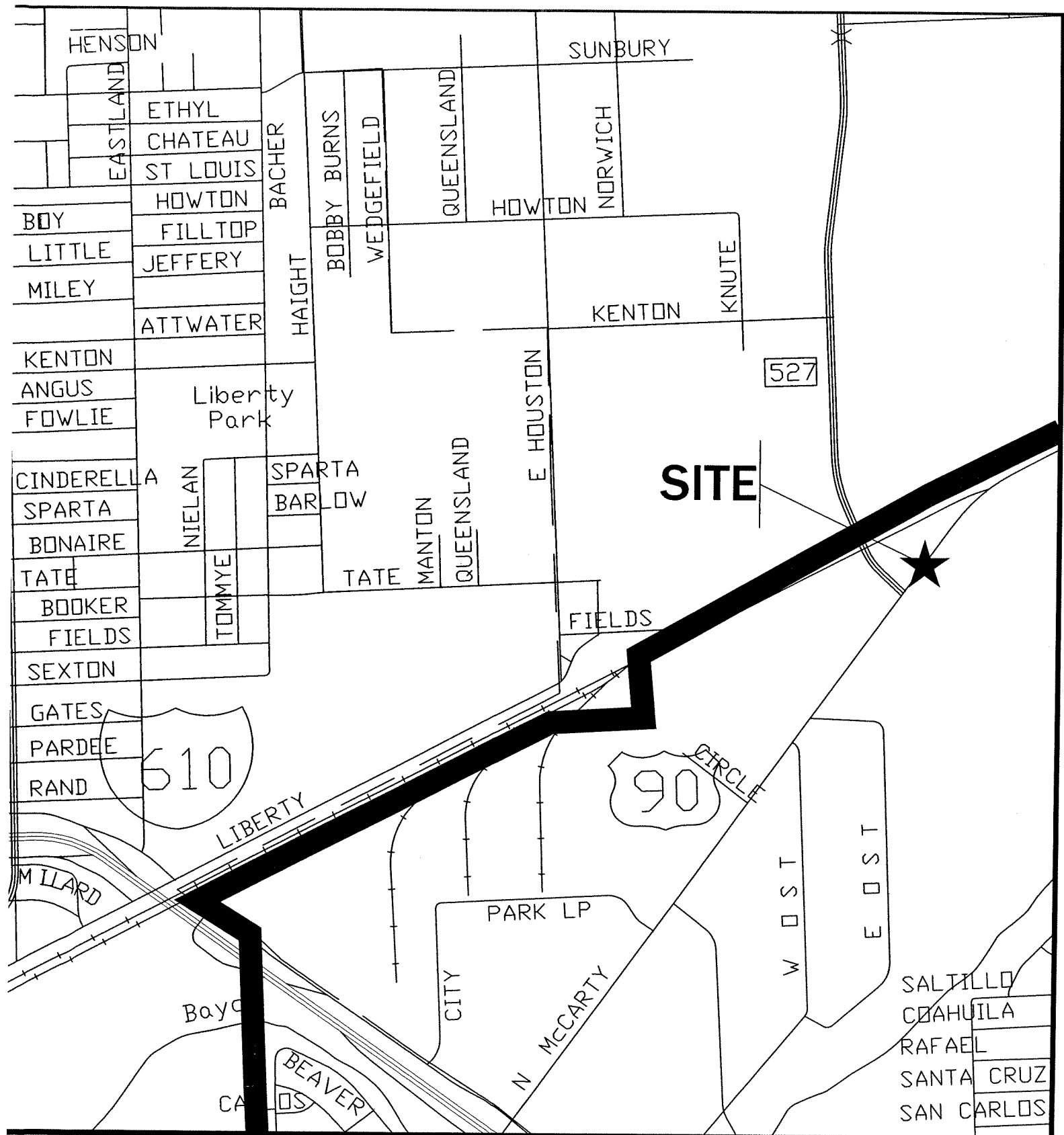
c: Marty Stein, Jacquelyn L. Nisby, Michael S. Marcotte P.E. , Webb Mitchell, Howard Hillard, Carl Bowker, Velma Laws, Joseph Kurian, File 507



Right-of-Way and Fleet Maintenance Facilities Expansion

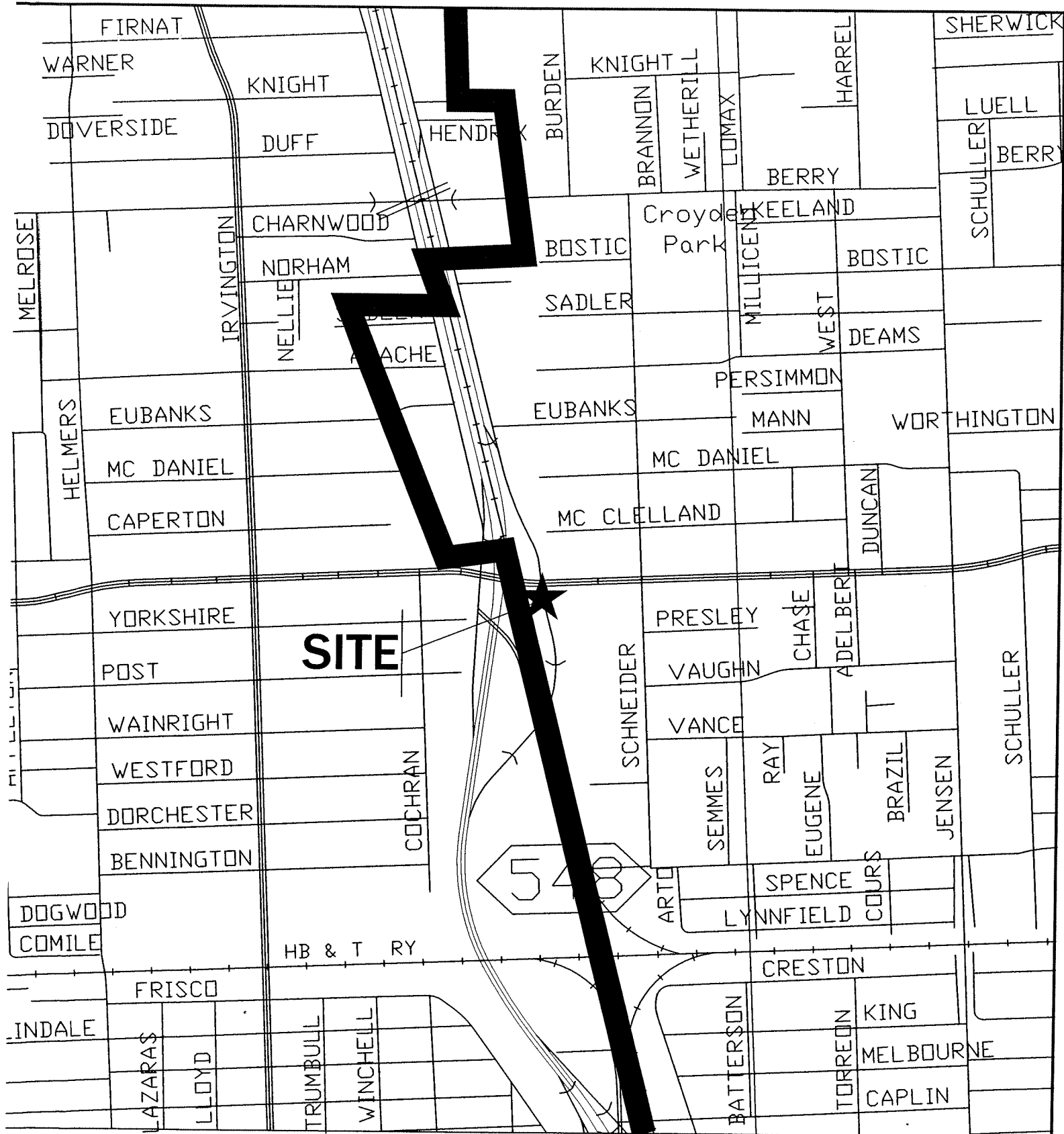
100 JAPHET

HOUSTON, TX 77020



Right-of-Way and Fleet Maintenance Facilities Expansion

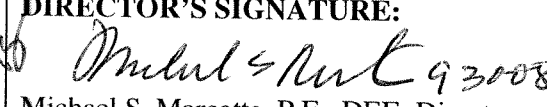

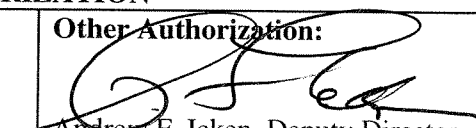
5500 McCARTY
HOUSTON, TX 77013








Right-of-Way and Fleet Maintenance Facilities Expansion
1700 E. CROSSTIMBERS
HOUSTON, TX 77093

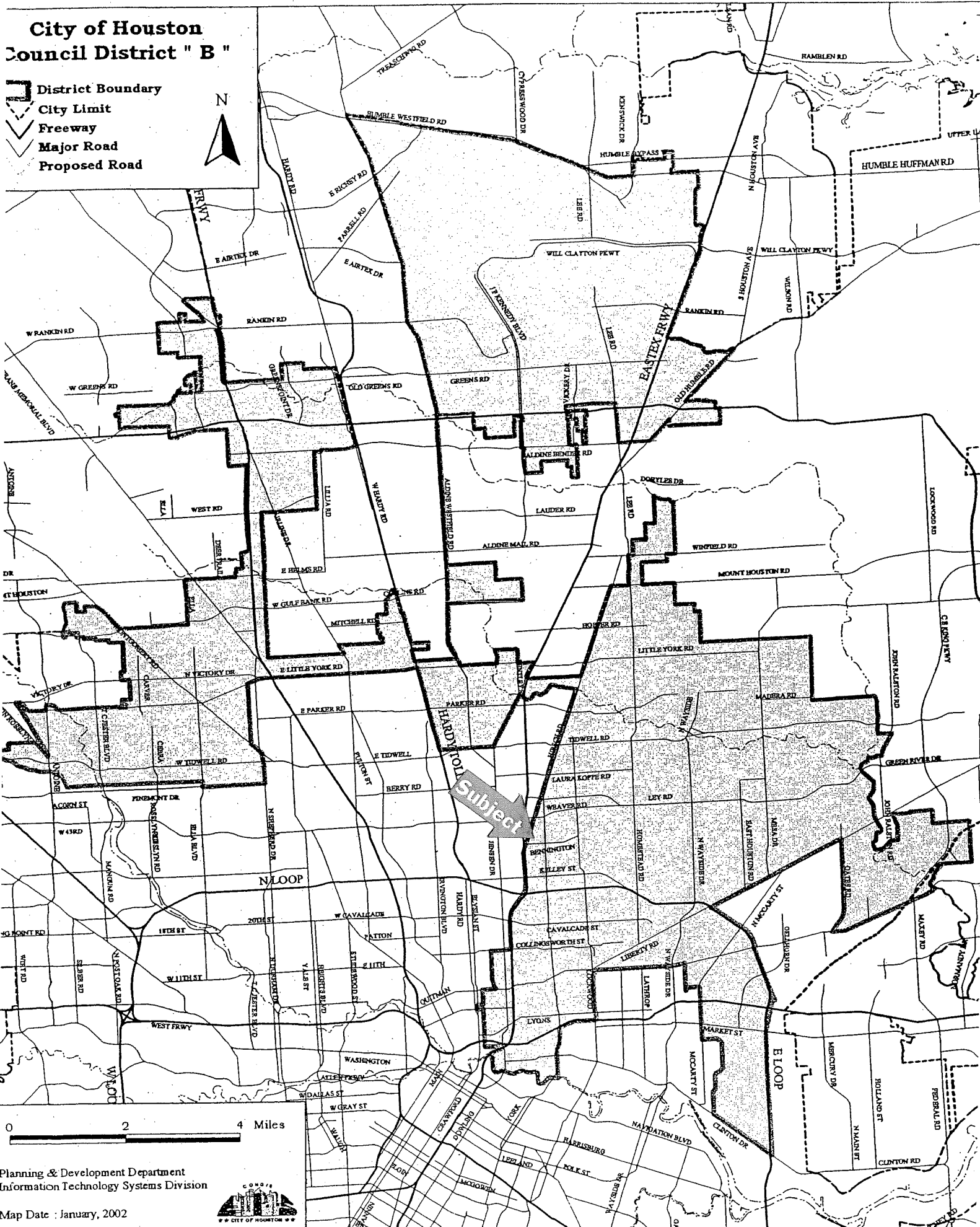
To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|-----------------------------|--|---------------------------------------|
| SUBJECT: An ordinance for the HIRSCH ROAD RECONSTRUCTION PROJECT (from Kelly to Crosstimbers) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. WBS N-000617-0001-2 | | Page 1 of 1 | Agenda Item # 30 |
| FROM: (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 10-1-08 | Agenda Date OCT 08 2008 |
| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | | Council District affected: B Key Map 454 K and P | |
| For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director  | | Date and identification of prior authorizing Council Action: Ordinance 2005-1047, passed September 6, 2005 | |
| RECOMMENDATION: (Summary) An ordinance for the HIRSCH ROAD RECONSTRUCTION PROJECT (from Kelly to Crosstimbers) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. | | | |
| Amount and Source of Funding: No additional funding required (covered under Blanket Appropriation Ordinance 2005-1047 N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506) | | Finance Department: | |
| SPECIFIC EXPLANATION: The Department of Public Works and Engineering is requesting an ordinance for the HIRSCH ROAD RECONSTRUCTION PROJECT (from Kelly to Crosstimbers) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. This project will improve traffic mobility, drainage and reduce traffic congestion. The project consists of two 24-foot wide concrete roadways with raised median, curbs, sidewalks, necessary underground utilities and will include a grade separation on Hirsch Road at the existing Union Pacific Railroad tracks. This action authorizes payment for costs of land purchases/condemnations, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause to be filed Eminent Domain proceedings and acquire property interests in fee simple or easement for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Payments for purchase considerations that exceed the spending authority threshold set by State law will be submitted to City Council as they are finalized. This will expedite the process of acquiring land in support of the HIRSCH ROAD RECONSTRUCTION PROJECT (from Kelly to Crosstimbers). MSM:NPC:eg cc: Marty Stein | | | |
| S:/GU/AJARDO/Hirsch RCA-Condemn Blanket Ordinance 1.doc CUIC #20ELG19 | | | |
| REQUIRED AUTHORIZATION | | | |
| Finance Department: | Other Authorization: | Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services | |

City of Houston Council District " B "

-  District Boundary
-  City Limit
-  Freeway
-  Major Road
-  Proposed Road



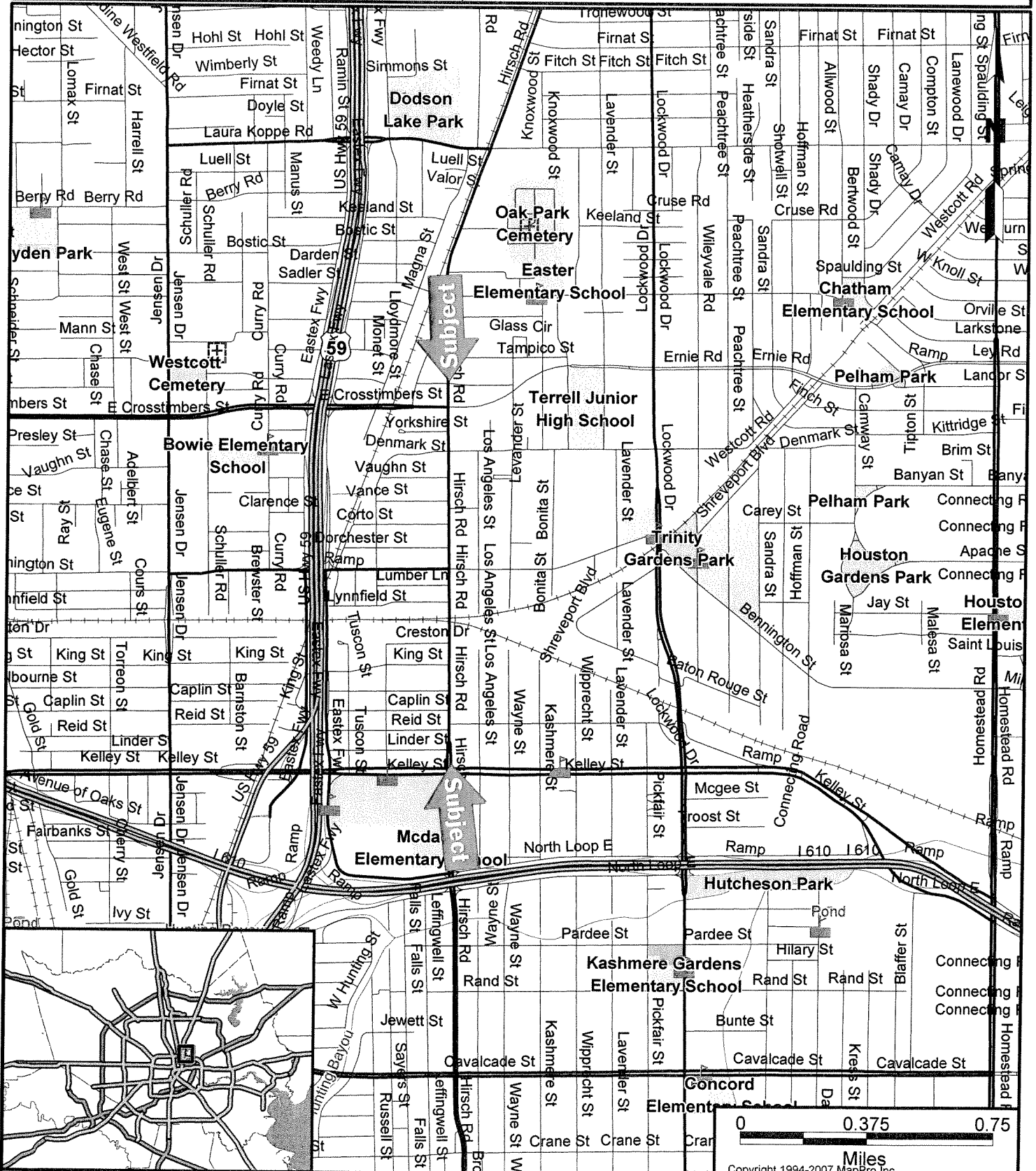
LOCATION MAP

Description: Hirsch Road Reconstruction Project (from Kelly to Crosstimbers)

WBS N-000617-0001-2 (120 Parcels)

Key Map Page 454 K and P

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



CAUTION:

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.

Prepared by City of Houston using MapPro Service. MapPro Inc., 5353 West Alabama St, Suite 303, Houston, TX 77056 (713)789-1406

Copyright 1994-2007 MapPro Inc.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by
Sliplining and Pipe Bursting Methods
WBS# R-000266-0121-4

Page
1 of 2

Agenda Item
#

31

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

10-2-08

Agenda Date

OCT 08 2008

DIRECTOR'S SIGNATURE

Michael S. Marcotte

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

Council District affected:

All

For additional information contact:

Joseph G. Majdalani, P.E.
Senior Assistant Director

Joseph Majdalani
Phone: (713) 641-9182

**Date and identification of prior authorizing
Council action:**

N/A

RECOMMENDATION: (Summary)

Accept low bid, award construction contract, and appropriate funds.

Amount and Source of Funding: \$3,445,816.00 from Water and Sewer System Consolidated
Construction Fund No. 8500. This project is eligible for low interest funding through the State
Revolving Fund (SRF), Tier III.

SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to
renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.

DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The
contract duration for this project is 540 calendar days.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Four (4) bids were received on June 19, 2008 for this project as follows:

Bidder

1. PM Construction & Rehab, L.P.
2. Troy Construction, LLC
3. North Houston Pole Line, L.P.
4. Underground Technologies, Inc.

Bid Amount

\$3,183,864.84
\$3,286,932.87
\$3,388,003.46
\$4,046,760.00

File/Project No. WW 4257-95

REQUIRED AUTHORIZATION

CUIC# 20JGM249 NDT

Finance Department

Other Authorization:

Other Authorization:

Michael S. Marcotte

Jeff Taylor
Jeff Taylor, Deputy Director
Public Utilities Division

31

| | | | |
|-------------|---|----------------------------------|------------------------|
| Date | Subject: Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0121-4 | Originator's Initials | Page 2 of 2 |
|-------------|---|----------------------------------|------------------------|

AWARD: It is recommended that this construction contract be awarded to PM Construction & Rehab, L.P. with a low bid of \$3,183,864.84.

PROJECT COST: The total cost of this project is \$3,445,816.00 to be appropriated as follows:

- Bid Amount \$3,183,864.84
- Contingencies \$159,193.24
- Project Management \$47,757.92
- Engineering Testing Services \$55,000.00

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

M/WSBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 14.00%, WBE participation of 5.00%, and SBE participation of 3.00%.

| <u>MBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|------------------------------|-------------------------|---------------------|----------------------|
| T. Gray Utility & Rehab, Co. | MH Rehab | \$127,354.59 | 4.00% |
| Deanie Hayes, Inc. | Supplies | \$191,031.89 | 6.00% |
| Chief Solutions, Inc. | Clean & TV Sewer Lines | \$127,354.59 | 4.00% |
| | TOTAL | \$445,741.07 | 14.00% |

| <u>WBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|----------------------------|-------------------------|---------------------|----------------------|
| CBL Industries, LLC | Asphalt/Paving | \$159,193.24 | 5.00% |
| | TOTAL | \$159,193.24 | 5.00% |

| <u>SBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|----------------------------|-------------------------|--------------------|----------------------|
| 5M Rope & Supply, LLC | Supplies | \$95,515.95 | 3.00% |
| | TOTAL | \$95,515.95 | 3.00% |

All known rights-of-way and easements required for this project have been acquired.

Thy RA II
MSM:JT:JGM:RK:JI:mf

cc: Marty Stein
Jeff Taylor
Susan Bandy, CPA
Velma Laws
Michael Ho, P.E.
File No. WW 4257-95

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinance granting Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

2nd Reading

32 37

FROM: (Department or other point of origin):

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

Origination Date

September 23, 2008

Agenda Date

~~OCT 01 2008~~

DIRECTOR'S SIGNATURE:

[Signature]

Council Districts affected:

OCT 08 2008

ALL

For additional information contact:

Juan Olguin
Nikki Cooper

Phone: (713) 837- 9623

Phone: (713) 837-9889

Date and identification of prior authorizing

Council Action: Ord. # 2002-526 – June 19, 2002;
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve ordinance granting Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

F & A Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve ordinance granting Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee

1. Safety Kleen, Inc.

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



REQUIRED AUTHORIZATION

Finance Director:

F&A011.A Rev. 5/11/98

TO: Mayor via City Secretary




REQUEST FOR COUNCIL ACTION

| | | | | |
|--|-----------------------------|--|-----------------------|-----------------------------------|
| SUBJECT: Motion establishing a public hearing date to consider adopting a Municipal Setting Designation ordinance for Houston Pavilions, L.P. for the Site located at 1210 San Jacinto Street. | | Category # | Page 1 of 1 | Agenda Item # 33 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 10-1-08 | | Agenda Date OCT 08 2008 |
| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | | Council District affected: I | | |
| For additional information contact: Carol A. Ellinger, P.E. <i>CM</i> Phone: (713) 837-7658 Senior Assistant Director | | Date and identification of prior authorizing Council action: 8/22/2007 – 2007-0959 | | |
| RECOMMENDATION: (Summary) Establish a public hearing date to consider adopting a Municipal Setting Designation ordinance (MSD) for Houston Pavilions, L.P. for the Site located at 1210 San Jacinto Street. | | | | |
| Amount and Source of Funding: N/A | | | | F&A Budget: |
| BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support. A public meeting was held at 9/24/2008, 6:30:00 PM, at the United Way of Greater Houston, 50 Waugh Dr. | | | | |
| HOUSTON PAVILIONS, L.P. APPLICATION: Houston Pavilions, L.P. is seeking an MSD for 4-acres of land located at 1210 San Jacinto Street (the Site). The Site was residential property until the 1920s when the first commercial buildings were constructed onsite. The most recent usage was paved parking lots used for 24-hour parking. The site is being developed into an entertainment, retail and urban office hub. Houston Pavilions is a \$170 million project encompassing almost 700,000 square feet. Houston Pavilions will include 360,000 square feet of retail space that will occupy the first two levels of the development, with entertainment venues located on the third floor. Environmental investigation activities have identified and delineated four chemicals of concern (COCs) in the soils and groundwater at the site. In March 2006, source excavation of soil was performed. | | | | |
| Houston Pavilions, L.P. is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminated groundwater. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. | | | | |
| RECOMMENDATIONS: City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation ordinance. The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than five weeks from passage of the motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date. | | | | |
| MSM:AFI:CAE P:\Planning Branch\MSD\2008-007-HP\2008-9-24 RCA - public hearing HP.doc C: Marty Stein, Waynette Chan, Gary Norman, Ceil Price | | | | |
| REQUIRED AUTHORIZATION | | CUIC ID# 20CAE26 | | |
| Other Authorization: | Other Authorization: | Other Authorization:  Andy Icken, Deputy Director Planning & Development Services Division | | |

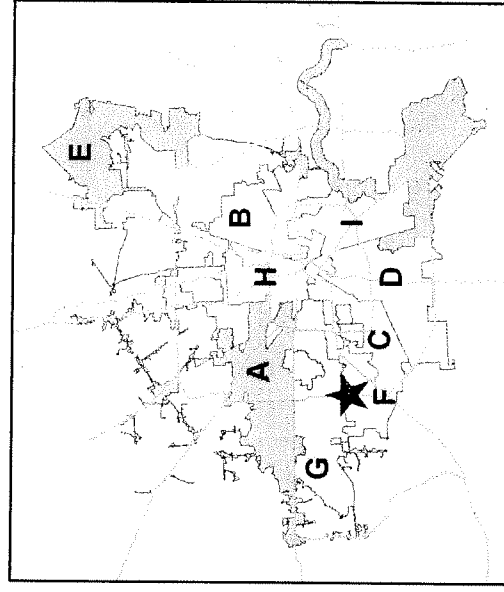
Municipal Settings Designation Application

2008-007-HP
Vicinity Map

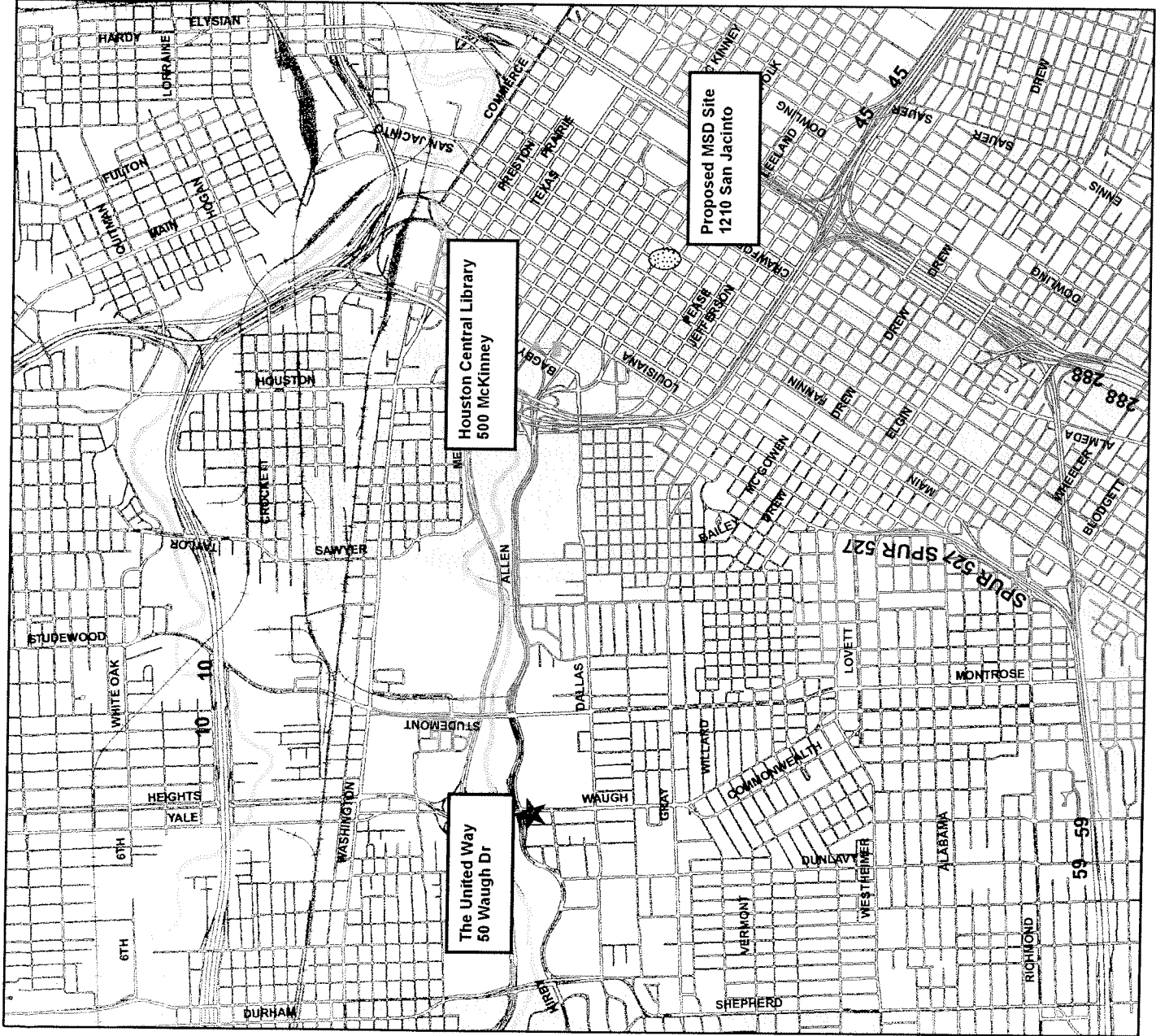
Legend

-  Railroad
-  Application Site Location
-  Waterways

Locational Map


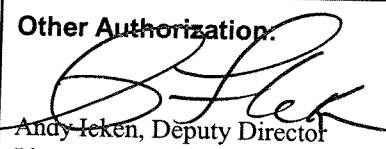


This map represents the best information available to the City.
The City does not warrant its accuracy or completeness.
Field verifications should be performed as necessary.



TO: Mayor via City Secretary




REQUEST FOR COUNCIL ACTION

| | | | | |
|--|-----------------------------|---|-----------------------|-----------------------------------|
| SUBJECT: Motion establishing a public hearing date to consider adopting a Municipal Setting Designation ordinance for InSite West Belt. L.P. for the Site located at 10651 Harwin Drive. | | Category # | Page 1 of 1 | Agenda Item # 34 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date 10-1-08 | | Agenda Date OCT 08 2008 |
| DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director | | Council District affected: F G | | |
| For additional information contact: Carol A. Ellinger, P.E. <i>CAE</i> Phone: (713) 837-7658 Senior Assistant Director | | Date and identification of prior authorizing Council action: 8/22/2007 – 2007-0959 | | |
| RECOMMENDATION: (Summary) Establish a public hearing date to consider adopting a Municipal Setting Designation ordinance (MSD) for InSite West Belt. L.P. for the Site located at 10651 Harwin Drive. | | | | |
| Amount and Source of Funding: N/A | | | | F&A Budget: |
| BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support. A public meeting was held at 9/29/2008, 6:00:00 PM, at the Robinson Westchase Library 3223 Wilcrest Drive. | | | | |
| INSITE WEST BELT. L.P.. APPLICATION: InSite West Belt. L.P. is seeking an MSD for 15-acres of land located at 10651 Harwin Drive (the Site). The Site previously had manufacturing facilities that used chlorinated hydrocarbons as cleaning solvents. The manufacturing facilities have been removed and the site is currently used as a storage and distribution center. A site investigation performed in April 2003 identified a variety of chlorinated hydrocarbons in groundwater. Subsequent investigations included the installation of permanent monitoring wells in two shallow water bearing units on the Site to delineate the extent of impact. West Belt Business Park was entered in to the TCEQ Voluntary Cleanup Program (VCP) in 2003 and was assigned VCP No. 1637. The groundwater impact has been horizontally delineated in all directions. The results of the groundwater monitoring confirm impacted groundwater has not migrated off-site and appears to be stable over the sampling history of the site. | | | | |
| InSite West Belt. L.P. is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminated groundwater. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. | | | | |
| RECOMMENDATIONS: City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation ordinance. The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than five weeks from passage of the motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date. | | | | |
| MSM:AFI:CAE C:\DOCUMENTS AND SETTINGS\IE135488\MY DOCUMENTS\MSD\GENERIC RCA - PUBLIC HEARING.DOC C: Marty Stein, Waynette Chan, Gary Norman, Ceil Price | | | | |
| REQUIRED AUTHORIZATION CUIC ID# 20CAE27 | | | | |
| Other Authorization: | Other Authorization: | Other Authorization:  Andy Iken, Deputy Director Planning & Development Services Division | | |

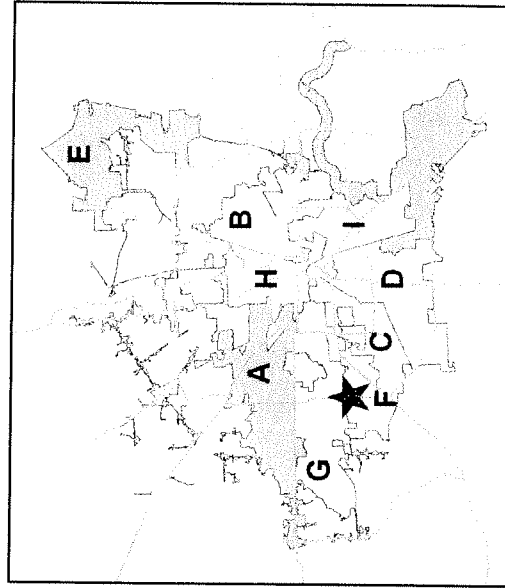
Municipal Settings Designation Application

2008-006-WBBP
Vicinity Map

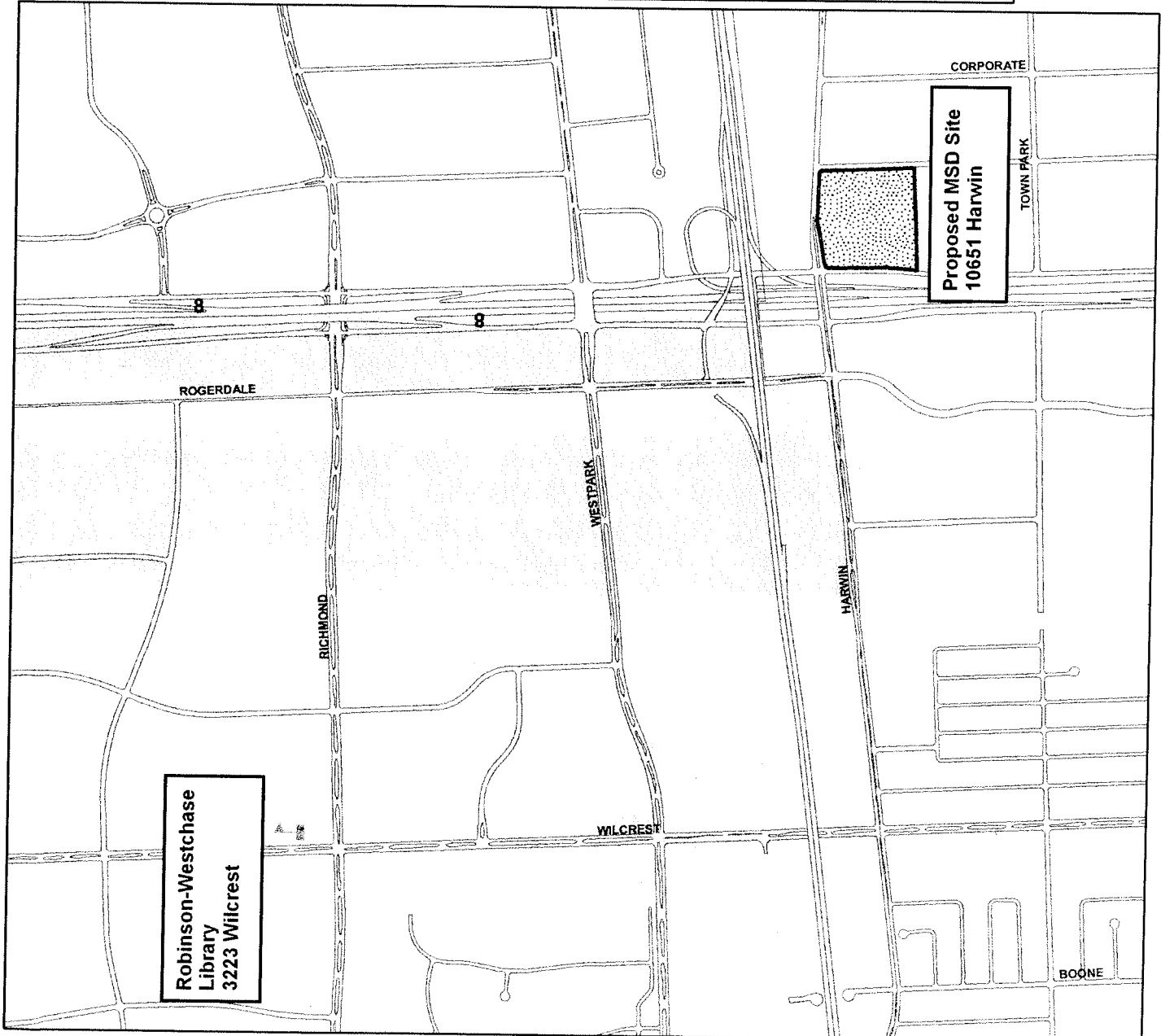
Legend

-  Railroad
-  Application Site Location
-  Waterways

Locational Map



This map represents the best information available to the City.
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Field verifications should be performed as necessary.



35

OCT 08 2008

MOTION by Council Member Green that the recommendation of the Purchasing Agent, for Purchase of Asbestos Abatement, Demolition and Site Clean-up Services for the Police Department, S19-Q23000, be adopted, and authority is hereby given to issue purchase orders as necessary to Inland Environments, Ltd., on their low exempt bid in the amount of \$123,265.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$12,326.50 for a total amount not to exceed \$135,591.50 for asbestos abatement, demolition and site clean-up services at the following locations:

Group 1

9205 Rosehaven
6713 Conley
7113 St. Augustine
7311 Amarillo Bldg. #1
7311 Amarillo Bldg. #2
7311 Amarillo Bldg. #3
7311 Amarillo Bldg. #4
3302 Folger
1501 Berry Rd.
133 Owens
6728 Avenue B

Group 2

1202-1210 75th
7820 King
7818 King
7525 E. Houston
1826 Wilburforce
2327 W. Little York
2331 W. Little York
4203 Reed
6911 Calhoun

inasmuch as it is specifically found and determined by the City Council that these exempt purchase orders are necessary to preserve and protect the public health, safety and property of the citizens of the City of Houston.

Seconded by Council Member Garcia

Council Members Lawrence, Holm and Noriega absent

Council Member Khan absent on personal business

On 10/01/2008 the above motion was tagged by Council Member Sullivan.

mla

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8005

Subject: Asbestos Abatement, Demolition, and Site Clean-up Services for the Police Department
S19-Q23000

Category #
4

Page 1 of 2

Agenda Item

35 #

FROM (Department or other point of origin):

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

Origination Date

August 29, 2008

Agenda Date

OCT 08 2008
~~OCT 01 2008~~

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

B, D, E, H, I

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 award to Inland Environments, Ltd. on its low exempt bid in the amount of \$123,265.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$12,326.50 for a total amount not to exceed \$135,591.50 for the Police Department.

Award Amount: \$135,591.50

Finance Budget

\$135,591.50 - Dangerous Building Consolidated Fund (1801)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Inland Environments, Ltd. on its low exempt bid of in the amount of \$123,265.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$12,326.50 for a total amount not to exceed \$135,591.50 for asbestos abatement, demolition, and clean-up services for the Police Department and that authorization be given to issue a purchase order as necessary. The structural integrity of these abandoned buildings is unsound; therefore, these services are needed to protect and preserve the health and safety of the residents in the areas surrounding these commercial and residential buildings.

Six certified companies approved by City Council to perform these types of services were requested to submit a bid on the projects as itemized below.

Group 1:

| | <u>Company</u> | <u>Total Amount</u> |
|----|---------------------------|---------------------|
| 1. | Inland Environments, Ltd. | \$ 56,434.00 |
| 2. | AAR, Inc. | \$ 76,495.00 |
| 3. | CST Environmental, Inc. | \$118,240.00 |
| 4. | Abatement, Inc. | \$245,950.00 |

Group 2:

| | <u>Company</u> | <u>Total Amount</u> |
|----|-----------------------------|---------------------|
| 1. | Inland Environments, Ltd. | \$ 66,841.00 |
| 2. | Arrow Services | \$ 77,700.00 |
| 3. | Assured Environment Quality | \$ 91,925.00 |
| 4. | AAR, Inc. | \$ 99,970.00 |
| 5. | Abatement, Inc. | \$188,500.00 |

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MT

11/2/08

| | | | |
|--------------------|--|--------------------------------|-------------|
| Date: 8/29/2008 | Subject: Asbestos Abatement, Demolition, and Site Clean-up Services for the Police Department S19-Q23000 | Originator's Initials RK | Page 2 of 2 |
|--------------------|--|--------------------------------|-------------|

The scope of work requires the contractor to provide all labor, materials, equipment, supervision and transportation necessary to provide asbestos abatement, demolition and site clean-up services. The abandoned buildings listed below were determined to be dangerous and pose an imminent threat to the health and safety of citizens in the immediate areas. Due to the 10-day "waiting period" as required by the Texas Department of Health, the listed properties will take approximately 49 calendar days to complete. The school principals are notified by City inspectors of current demolitions/abatements in the area.

The City will place liens against these properties to recover all costs associated with these services. Liens are paid when the property title is transferred and there is a change in ownership.

This purchase relates to public health and safety, and is therefore exempt from the competitive bid laws.

Group 1:

| <u>Address</u> | <u>Council District</u> | <u>Nearest School</u> |
|------------------------|--------------------------------|------------------------------|
| 9205 Rosehaven | D | Reynolds Elementary |
| 6713 Conley | D | Foster Elementary |
| 7113 St. Augustine | D | Foster Elementary |
| 7311 Amarillo Bldg. #1 | E | Martinez Elementary |
| 7311 Amarillo Bldg. #2 | E | Martinez Elementary |
| 7311 Amarillo Bldg. #3 | E | Martinez Elementary |
| 7311 Amarillo Bldg. #4 | E | Martinez Elementary |
| 3302 Folger | H | Mendel Elementary |
| 1501 Berry Rd. | H | Berry Elementary |
| 132 Owens | I | MacArthur Elementary |
| 6728 Avenue B | I | Tijerina Elementary |

Group 2:

| <u>Address</u> | <u>Council District</u> | <u>Nearest School</u> |
|----------------------------|--------------------------------|------------------------------|
| 1202-1210 75 th | B | Gallegos Elementary |
| 7820 King | B | Hilliard Elementary |
| 7818 King | B | Hilliard Elementary |
| 7525 E. Houston | B | Hilliard Elementary |
| 1826 Wilburforce | B | Bethune Elementary |
| 2327 W. Little York | B | Bethune Elementary |
| 2331 W. Little York | B | Bethune Elementary |
| 4203 Reed | D | Grimes Elementary |
| 6911 Calhoun | D | Cook Elementary |

Buyer: Roy Korthals
Purchase Requisitions 10057666 and 10057632

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**SUBJECT:** Ordinance approving Amendments to Chapter 12 of the City of Houston Code of Ordinances.**Category #****Page****Agenda**

of 1 Item#

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

August 28, 2008

Agenda**Date****DIRECTOR'S SIGNATURE:****Council Districts affected:**

District I - Rodriguez

For additional information contact:

Stephen W. Lewis

Phone: 713-853-8888

**Date and identification of prior
authorizing Council Action:****RECOMMENDATION: (Summary)**

Approve an Ordinance amending Chapter 12 of the City of Houston Code of Ordinances, reflecting provisions related to operations with the Convention and Entertainment Facilities Department.

Amount of Funding:

N/A

FIN Budget:**Enterprise Fund C&E –****SPECIFIC EXPLANATION:**

The Convention & Entertainment Facilities Department seeks approval of certain amendments to Chapter 12 of the City of Houston Code of Ordinances.

Collectively, these amendments reflect operational and procedural changes designed to increase the efficiency of administering the facilities. Specific changes include some clarification of key terms, a revision of the manner in which applications for use of the facilities are processed, and the deletion of obsolete sections and definitions. We further propose to adjust facility license fees as well as the structure of those fees to more accurately reflect current market conditions and the progressively diverse utilization of facility space by licensees.

The amendments will allow the surcharge for ticketed events to be increased to a maximum of \$2.00 per ticket, although any increase affecting Theater District resident companies must be made in accordance with existing contracts established between the City and the resident companies at those facilities. The revenue derived from the ticket surcharge in the Theater District will continue to be used for primarily backstage improvements at those facilities.

And finally, we propose that the range for the non-contract parking rate for the Theater District Garage be increased to allow for rate adjustments to reflect current market rates for the Downtown area.

The Convention and Entertainment Facilities Department recommends that City Council approve the amendments to Chapter 12.

LH:dv

REQUIRED AUTHORIZATION**Finance Department****Other Authorization****Other Authorization**

PROPOSED REVISIONS TO CHAPTER 12 OF THE CODE OF ORDINANCES

Amend Sec. 12-1 (Definitions) to delete the following terms and definitions: Class I, Class II, Class III, Nonprofit organization, Occupancy, Rental fee.
Reason: Under the amendments, Classes I, II, and III have been restructured as Consumer Shows and Meetings. The term "Occupancy" is generally substituted by "licensed" for accuracy and the terms "Nonprofit Organization" and "Rental fee" have been revised as "Tax exempt rate" and "License Fee" under the proposed changes to Section 12-46.

Amend Sec. 12-1 (Definitions) to delete the following terms and definitions: Firearm, Gun show, Outdoor trade show.
Reason: As a result of previous amendments, the terms "Firearm", "Gun show" and "Outdoor trade show" are not used anywhere in Chapter 12. Thus, these definitions are unnecessary and should be deleted.

Amend Sec. 12-1 (Definitions) to add the following terms and definitions: Consumer Show, Meeting, Theater District Outdoor Venues.
Reason: The new definitions for "Consumer show" and "Meeting" are needed as part of the restructuring of rate schedules for the facilities. A definition for "Theater District Outdoor Venues" is needed to identify the outdoor venues operated by the department with greater specificity.

Amend Sec. 12-1 (Definitions) to revise the definitions for Convention, Event, Facility, Licensee, Parking Facility, Season of events, and Student event.

Reason: The revisions will clarify how these terms are used throughout Chapter 12 and are also needed as part of the restructuring of rate schedules for the facilities.

Amend Sec. 12-5(3) & 12-5(5) (Duties of the director) to delete the phrases "rental and" and replace "Rent" with "License".

Reason: The facilities are licensed, not rented.

Amend Sec. 12-5(5) (Duties of the director) to add the phrase "and other city-owned property operated and managed by the department".

Reason: This addition would allow the director to sign license agreements for use of Miller Outdoor Theatre.

Delete Sec. 12-5(7) (Duties of the director) which reads "Administer the city's residential parking permit program contained in article XVII of chapter 45 of this Code or appoint a designee to carry out such function".

Reason: This duty has been reassigned to GSD/Parking Management.

Renumber Sec. 12-5(8) (Duties of the director) as 12-5(7).

Reason: The former Section 12-5(7) has been deleted.

Amend Sec. 12-6 (Hearing) to delete the phrase "rental or".

Reason: Under the amendments, the definition of "rental fee" has been replaced with the term "license fee".

Amend Article II (Rental of Facilities) to replace "rental" with "licensing".

Reason: Under the amendments, the definition of "rental fee" has been replaced with the term "license fee".

Amend Sec. 12-21 (License Agreement) to add the phrase "and any amendments thereto for the facilities and other city-owned property operated and managed by the department".

Reason: To clarify that the director may execute amendments to facility license agreements.

Amend Sec 12-22 (General admission seating prohibited) to add the phrase "at any facility".

Reason: To clarify that general admission seating is generally prohibited at all venues.

Amend Sec 12-23 (City owned/sponsored events) to delete the words and phrases "of similar character", "unless otherwise provided by the director", "secondary to conventional uses by license agreement and shall be", "seek", "rental fee" and "whichever is less" and add "endeavor" and "lesser of the estimated license fee".

Reason: To clarify the requirements of the section.

Amend Article II, Division 2 (Rental Provisions) to replace "rental" with "licensing".

Reason: Under the amendments, the definition of "rental fee" has been replaced with the term "license fee".

Amend Sec. 12-31(a) (Application) to replace "in any form deemed acceptable" and add "for any purpose other than a convention or tradeshow" and "on a standard form in accordance with rules promulgated".

Reason: To clarify that license application forms are standardized and excuse larger events the city is actively seeking to host (e.g., Microsoft conventions) from the application process.

Amend Sec. 12-31(a) (Application) to delete "Without limitation, the director may require the submission of a non-refundable application processing fee, which shall not be

PROPOSED REVISIONS TO CHAPTER 12 OF THE CODE OF ORDINANCES

applied toward any rental fees, to defray costs of processing the application”.

Reason: This change was recommended by the legal department; as no license application processing fee is charged, this reference is unnecessary.

Amend Sec. 12-31(b)(4) and (b)(5) (Application) to add “of this Code”.

Reason: These housekeeping changes were recommended by the legal department for clarity.

Amend Sec. 12-31(c) (Application) to replace “one” with “a single” and “a season of events or a run of” with “one or more”.

Reason: To clarify that separate applications are not required of licensees scheduling multiple events.

Amend Sec. 12-32(b)(2) (Advance booking periods) to add the term “first”.

Reason: For accuracy, as the majority of events at the facility last more than one day.

Amend Sec. 12-33 (Risk index; damage deposit) to replace “Risk index; damage” with “Contract” and the phrase “in the application” with “by the applicant”.

Reason: In practice, the method of determining the deposit is more quantitative than an assessment of risk and the most frequent deductions from deposits are for routine costs such as equipment rental. The change from “application” to “applicant” is for clarification purposes.

Amend Sec. 12-33(a) (Risk index; damage deposit) to delete “+3E” from the deposit indicator formula.

Reason: Originally, there were five factors to consider in processing a license application. Under these amendments, the criterion relating to the applicant’s history of meeting financial obligations with the department has been merged into the assessment of the applicant’s credit (due to the fact that many applicants have not licensed a department facility previously). As a result, a fifth factor in the license application review process is no longer needed.

Amend Sec. 12-33(a)(1) (Risk index; damage deposit) to make housekeeping changes, expand subsections (a) & (b), and add a new subsection (c).

Reason: Out of concern for the safety of persons and property, the proposed amendments will generalize the criteria that may be considered when evaluating the probability of damage or injury during the applicant’s event. A new subsection (c) is added to permit consideration of high-risk events (e.g., concerts and sporting events) as part of that assessment.

Delete Sec. 12-33(a)(1)(c), (d), and (e) (Risk index; damage deposit)

Reason: Due to the generalization of the criteria that may be considered during the probability of damage or injury assessment under the amendments, these subsections are no longer needed.

Amend Sec. 12-33(a)(2) (Risk index; damage deposit) to make housekeeping changes, generalize, and delete the default rating.

Reason: Expanding the “compliance” criterion to include all applicable law governing any facility the applicant has occupied will result in a more accurate and empirical assessment of potential licensees. A default rating is unnecessary due to the proposed expansion of what factors may be considered.

Delete Sec. 12-33(a)(3) (Risk index; damage deposit)

Reason: These criteria have been incorporated into the credit evaluation portion of the license application equation.

Renumber Sec. 12-33(a)(4) (Risk index; damage deposit) as 12-33(a)(3) and **Amend** to make certain housekeeping changes and include a numerical scale.

Reason: The former Section 12-33(a)(3) has been deleted. The proposed changes will generalize the criteria that may be considered and include a scale to match the other portions of the formula.

Amend Sec. 12-33(b) (Risk index; damage deposit) to adjust the ranges of potential scores to 0-10, 11-20, 21-35, 36-50, 51-60, 61-65, and 66-70 and add the figures \$0 and \$6,000 to the associated list of deposit amounts.

Reason: The proposed changes are needed to reflect changes under the amendments to the deposit indicator formula and to provide a more consistent and empirical distribution of potential scores.

Add Sec. 12-33(c) (Risk index; damage deposit) to read “If additional information about an applicant comes to the attention of the director prior to the event, then the director may add to the deposit an amount necessary to cover costs reasonably expected to be incurred during the event”.

Reason: To allow a pre-event adjustment in the amount of the deposit required from licensees to cover actual costs. A licensee could, for example, change the floor plan for their event (increasing their need for equipment such as tables and chairs) or elect to sell tickets for their event (thereby incurring a ticket surcharge). This change will ensure that payment is secured up front and reduce the administrative burden of collecting payment after the event.

Amend Sec. 12-34(a) & (b) (Priority of events; challenge) to limit the applicability of the section to Jones Hall and Wortham Theater Center.

PROPOSED REVISIONS TO CHAPTER 12 OF THE CODE OF ORDINANCES

Reason: The challenge process is not needed at other facilities. Specifically, a greater degree of flexibility is needed at the George R. Brown Convention Center to accommodate large conventions likely to provide significant economic benefit to the City. Multiple requests for use of smaller venues, such as Root Memorial Square, is quite rare.

Amend Sec. 12-34(b) & (b)(1) (Priority of events; challenge) to replace two occurrences of the word “rental” with “license”.

Reason: Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

Amend Sec. 12-35 (Transition to licensee status) to replace the word “rental” with “license”.

Reason: Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

Amend Sec. 12-36(d) (Cancellation by director) to replace the word “rental” with “license”.

Reason: Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

Delete Sec. 12-37 (Cancellation by licensee – Refund)

Reason: As written, this section entitles any licensee who cancels their agreement to a refund if their space is resold; it neglects important details and scenarios, such as a deadline for cancellation, an existing default by a licensee, and the issue of charges already incurred by the licensee prior to cancellation. Accordingly, we believe these issues need to be addressed with a far greater degree of specificity and are best covered in the license agreement.

Delete Sec. 12-38 (Same – Change of Date)

Reason: This section is no longer necessary, as the director’s ability to execute amendments to license agreements has been added to Section 12-21.

Delete Sec. 12-40 (Director’s reservations for the George R. Brown Convention Center)

Reason: The temporary reservation process is no longer needed at the George R. Brown Convention Center. A greater degree of flexibility is called for in order to accommodate large conventions likely to provide significant economic benefit to the City.

Amend Article II, Division 3 (Rental Rates for Facilities) to replace “rental” with “licensing”.

Reason: Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

Amend Sec. 12-46 (Definitions) to delete the terms “Additional Time”, “Function space” and “Rental charge”.

Reason: Under the proposed amendments, the terms are no longer used in Chapter 12. The issue of additional time (i.e., holdover) will be addressed in facility license agreements. References to “Function Space” have been replaced with “non-exhibit space” and “Rental charge” revised as “License fee”.

Amend Sec. 12-46 (Definitions) to add the following terms and definitions: License fee, Net square footage, and Tax-exempt rate.

Reason: The terms “License fee” and “Tax exempt rate” replace “Rental charge” and “Non profit organization”, which will be deleted under these amendments. A definition for “Net square footage” is needed to clarify the manner in which licensees are charged for exhibit space.

Amend Sec. 12-46 (Definitions) to revise the definitions for “Day” and “Exhibit Space”.

Reason: The proposed revision to the term “Day” recognizes that not all events take place within a twenty-four hour period; in practice, the majority end by 11:59 p.m. and some licensees desire to move in prior to 6:00 a.m. The changes to “Exhibit space charge” reflects an adjustment to the range based on current market conditions and clarifies that the fee is imposed on a per-event basis (as opposed to a per day charge).

Amend Sec. 12-47(a) (Ticket Surcharge) to set the amount of the surcharge up to two dollars per ticket.

Reason: To reflect current market conditions for use of similar facilities for ticketed events.

Number the second paragraph of Sec. 12-33(a)(4) (Ticket Surcharge) as 12-47(c).

Reason: To clarify that these sections apply to all facilities.

Number the third paragraph of Sec. 12-33(a)(4) (Ticket Surcharge) as 12-47(d).

Reason: To clarify that these sections apply to all facilities

Amend Sec. 12-48 to delete “rates are made negotiable” and to clarify when rates are negotiable.

Reason: References to negotiable rates in other sections have been centralized in Section 12-48 and the criteria for negotiation have been defined with greater specificity.

Amend Sec. 12-49 (Rates for other areas) to replace “Rates”, “rental charge” and “rented”.

Reason: Under the amendments, the definition of “rental fee” has been replaced with the term “license fee”.

PROPOSED REVISIONS TO CHAPTER 12 OF THE CODE OF ORDINANCES

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| Amend Sec. 12-50 (Occupancy of the Jesse H. Jones Hall for the Performing Arts) to replace "Occupancy", "Rental charges" and "rental rates". Reason: Under the amendments, the definition of "rental fee" has been replaced with the term "license fee" and the term "Occupancy" substituted by "licensing". |
| Amend Sec. 12-50 (Occupancy of the Jesse H. Jones Hall for the Performing Arts) to delete references to Class I, Class II, and Additional Time and adjust the applicable rates for licensing these facilities. Reason: The "Class I" general rate and "Class II" category for tax exempt licensees are no longer used due to the rate structure changes under the proposed amendments. Accordingly, they will be relabeled as "License fee" and "Tax-Exempt rate". The rates for use of the facilities have been adjusted due to changes in the Consumer Price Index as well as to reflect current market conditions. |
| Amend Sec. 12-52 (Occupancy of the Gus S. Wortham Theater Center) to replace "Occupancy" with "Licensing" and "rental charges" with "License fees". Reason: Under the amendments, the definition of "rental fee" has been replaced with the term "license fee" and the term "Occupancy" substituted by "licensing". |
| Amend Sec. 12-52(a) and 12-52(b) (Occupancy of the Gus S. Wortham Theater Center) to delete references to Class I, Class II, and Additional Time and adjust the applicable rates. Reason: Just like Section 12-50, the "Class I" and "Class II" categories are replaced with "License fee" and "Tax-Exempt rate", respectively. The rates for use of the Wortham theaters have also been adjusted due to changes in the Consumer Price Index as well as to reflect current market conditions. |
| Amend Sec. 12-53 (Occupancy of the George R. Brown Convention Center) to replace "Occupancy" with "Licensing". Reason: Under the amendments, the term "occupancy" has been replaced by "licensing". |
| Amend Sec. 12-53(a) (Occupancy of the George R. Brown Convention Center) to adjust rates and the structure of license fees. Reason: A key goal of the proposed amendments is to more accurately reflect the manner in which facility space is and can be used. Accordingly, subcategories are added to specify how license fees are to be calculated for exhibit space, non-exhibit space and non-event days (e.g., move in and move out). References to "corporate meeting" are to be deleted, as fees for all meetings will be incorporated into the amended Section 12-53(c). License fees for conventions and trade shows have been adjusted to reflect current market conditions. |
| Amend Sec. 12-53(b) (Occupancy of the George R. Brown Convention Center) to adjust rates and the structure of license fees. Reason: As amended, this section replaces the former "Class I" with "Consumer show" as part of the overall restructuring of rate categories. Like Section 12-53(a), subcategories are added to specify how license fees are to be calculated for exhibit space, non-exhibit space and non-event days (e.g., move in and move out). This section, however, will add a special rate category for tax exempt licensees. License fees have been adjusted to reflect current market conditions. |
| Delete Sec. 12-53(c) Reason: The "Class II" category for tax exempt licensees is no longer used separately under the proposed amendments. Instead, this special rate category will be incorporated into other portions of Section 12-53 based on the purpose for which the facility space is used (i.e., a consumer show or meeting). |
| Renumber Sec. 12-53(d) as 12-53(c) and Amend to adjust rates and the structure of license fees. Reason: The former Section 12-53(c) has been deleted. As part of the restructuring of rate categories, "Class III" meal function events will be replaced with a catch-all category for meetings (i.e., any event other than a convention, trade show, or consumer show). Like Section 12-53(b), a special rate category for tax exempt licensees will be added and license fees have been adjusted to reflect current market conditions. |
| Delete Sec. 12-54 (Additional Time) Reason: Under the proposed amendments, the term "additional time" is no longer used in Chapter 12. A set charge assessed to licensees who occupy a facility for an extended period of time (beyond their license agreement) was intended to dissuade them from doing so, but the amount is often minimal to licensees who have licensed large portions of the facilities. Thus, we believe that the issue of holdover should be addressed in the license agreements for the facilities and tied to a set percentage of the license fee. |
| Amend Sec. 12-63 (Noncontract Parking) to adjust the applicable rate for the Theater District Garage. Reason: Under the proposed amendments, the rate for noncontract parking will be adjusted from \$8.31 to \$13.86 to reflect current market conditions. |

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CHAPTER 12 CONVENTION AND ENTERTAINMENT FACILITIES

ARTICLE I. IN GENERAL

Sec. 12-1. Definitions.

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

Applicant means a person who applies to the department for occupancy of a facility.

Approved applicant means an applicant whose application for use of a facility has been considered and approved by the director, but who is not yet a licensee as herein defined.

~~*Class I event* means an event, other than a seated meal or a convention, trade show or corporate meeting, sponsored by any group other than a nonprofit organization.~~

~~*Class II event* means an event, other than a seated meal or a convention, trade show or corporate meeting, sponsored solely by a nonprofit organization.~~

~~*Class III event* means a seated meal, other than a seated meal that is conducted as part of a convention, trade show or corporate meeting.~~

Consumer show means an event, other than a convention, trade show or meeting, that is generally open to the public and usually requires an entrance fee.

~~*Convention, or trade show or corporate meeting* means a gathering that is conducted at the George R. Brown Convention Center of the members of an organization, or the practitioners of a specific trade or the employees of a specific corporation:~~

- (1) That is generally held at sites located in the United States or other countries on a regularly scheduled basis; and
- (2) Whose site is generally selected by competitive bid; and
- (3) Whose attendees patrons will, based upon the director's projection, occupy the requisite number of 400 or more traceable hotel sleeping rooms in accordance with rules promulgated by the director. ~~for two or more nights in any one or more buildings located~~

~~within the corporate limits of the city where the public may obtain sleeping accommodations for a consideration in excess of \$2.00 per day. The term "building" includes hotels, motels, tourist homes, tourist houses, tourist courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for consideration, but excludes hospitals, sanitariums and nursing homes.~~

Department means the convention and entertainment facilities department.

Director means the director of the department, or any person designated by the director to perform any of the director's functions.

Event means the particular any-type of function or activity for which a facility may will be occupied, as described in the license agreement.

Facility means the Jesse H. Jones Hall for the Performing Arts, the Gus S. Wortham Theater Center, or the George R. Brown Convention Center, or the Theater District Outdoor Venues or any part or parts thereof.

~~*Firearm* means any device designed, made, or adapted to expel a projectile through a barrel or cylinder by using the energy generated by an explosion or burning substance or pressurized air or gas or any device readily convertible to that use.~~

General admission or festival seating means ticketed, seated events in which seating is unassigned and available only on a first come, first served basis.

~~*Gun show* means any event at which firearms are displayed and are available for purchase by members of the public. The term does not include an "outdoor trade show," as defined below.~~

Holiday means any day designated by city council as a holiday to be observed by the general closure of city offices.

Licensee means an approved applicant who has entered into a license agreement and has submitted any required deposit(s) or paid the license rental fee provided that the term shall not include any person whose license agreement has been terminated or cancelled.

Meeting means an event other than a convention, trade show, or consumer show.

~~*Nonprofit organization* means an entity organized for religious or not-for-profit purposes that holds a determination letter from the Internal Revenue~~

~~Service that it is exempt from taxes under section 501(a) of the Internal Revenue Code of 1986, as amended, by virtue of section 501(c)(3); a church or a convention or association of churches within the meaning of section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1986 as amended; or an entity listed in Internal Revenue Service Publication No. 72, Cumulative List of Organizations Described in Section 170(c) of the Internal Revenue Code of 1986, as amended. The term also includes the State of Texas and the United States of America and their agencies and political subdivisions.~~

~~Occupancy means that the licensee, his agent, employee, contractor, subcontractor, or any patron of the licensee's event, is physically present within the facility.~~

~~Outdoor trade show means a convention, trade show or corporate meeting, as defined herein, that consists of a national or state association convention primarily involving the display of products by business entities engaged in the shooting, hunting or outdoor sports industries, that is open to industry representatives and the media, and that is not open to the general public; provided that no firearms or ammunition shall be made available for retail purchase and that any firearms that may be made available for retail purchase and any firearms or ammunition that may be displayed shall have been deactivated and rendered incapable of being fired.~~

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

~~Properties means the facilities and the parking facilities.~~

~~Rental fee means the total of all charges prescribed in this chapter for the use or occupancy of a facility.~~

~~Run of events means two or more consecutive events sponsored or promoted by the same person, occurring in the same facility, and consisting of the same subject matter, for which patrons must purchase separate tickets.~~

~~Season of events means a series of events during any period between September 1 to August 31, for which multiple tickets are sold at one price for the series, entitling the purchaser to admission to at least four distinct events in the series over a period of at least six months, as determined by the director, provided that the season of events shall be advertised as such, and all of the events shall occur in the same facility.~~

Student event means an event at a venue other than the George R. Brown Convention Center ~~other than a seated meal or a convention, trade show or corporate meeting~~ held on a regularly scheduled school day between the hours of 8:00 a.m. and 12:00 noon, or between the hours of 9:00 a.m. and 1:00 p.m., or between the hours of 10:00 a.m. and 2:00 p.m., at which at least 90 percent of the ~~patrons~~ attendees are enrolled in elementary, junior high, or senior high schools.

Theater District Outdoor Venues means Jones Plaza, Sesquicentennial Parks I and II, Ray C. Fish Plaza, Root Memorial Square, or the Sabine-to-Bagby Promenade, or any part or parts thereof.

Sec. 12-2. Department created.

There is hereby created the convention and entertainment facilities department of the city.

Sec. 12-3. Director.

The office of director of the convention and entertainment facilities department is hereby created. The director shall be head of the department and shall be appointed by the mayor and confirmed by the city council.

Sec. 12-4. Former name; references.

To the extent that this Code or any other ordinance or any motion, resolution, contract or other document devolves duties upon the former civic center department or upon the employees or director thereof, then such references shall be construed to mean the convention and entertainment facilities department and the employees and director thereof.

Sec. 12-5. Duties of the director.

The director shall perform all duties and responsibilities as are required of him by law and such other functions, duties and powers as may be assigned to him by the mayor. Without limiting the foregoing duties, functions, powers and responsibilities, the director shall:

- (1) Be executive head of the department and have control, supervision and authority over all officers and employees therein in the performance of the duties of the department.
- (2) Direct, control and manage the properties, including the grounds surrounding them, and any other premises placed under his control by the mayor, and direct the improvement and maintenance thereof.

- (3) Promulgate and enforce or cause to be enforced administrative rules and regulations governing the use, control and operation of the properties and any other premises placed under his control, including, without limitation, rules regarding the acceptance, review and approval of applications for occupancy, and the ~~rental and use~~ of the properties. The rules and regulations shall not be inconsistent with applicable state, federal or local laws, rules and regulations. A copy of the rules and regulations shall be maintained for public inspection in the offices of the director and the city secretary.
- (4) Accept, review and approve applications for use of the properties, including the grounds surrounding them.
- (5) License~~Rent~~ the facilities and other city-owned property operated and managed by the department utilizing license agreements.
- (6) Manage all facilities and operations for ~~public~~ parking assigned to the department.
- (7) ~~Administer the city's residential parking permit program contained in article XVII of chapter 45 of this Code or appoint a designee to carry out such function.~~
- (8) ~~Serve, or designate a person within his department to serve, as an ex-officio member of the public parking commission authorized by article III of this chapter.~~

Sec. 12-6. Hearing.

Any interested person who is aggrieved by a decision made under this chapter regarding the ~~rental or use~~ of the facilities or the parking facilities by the director may request a hearing by filing in writing a request for the hearing in the office of the director within ten days of the person's receipt of notice of the decision upon which the hearing is requested. The hearing shall be conducted informally by an impartial hearing officer under rules promulgated by the director. In addition to the appellant, any other person who has a direct interest in the matter shall be notified and, upon request, shall also be allowed to participate as a party to the proceeding. The director shall cause the hearing to be conducted and a written decision to be rendered within 20 days from the date of receipt of the request, unless an extension of time is granted by the hearing officer for cause. The decision of the hearing officer shall be final.

Sec. 12-7. Compliance with law required.

(a) All licensees and other users of any of the properties, and their officers, agents and employees, shall comply with the applicable provisions of this Code, the

Construction Code, the Fire Code, state and federal law, and the rules and regulations promulgated by the director.

(b) The director, all other employees of the department and members of the City of Houston Police Department are hereby individually and severally authorized and directed for and on behalf of the city to notify any person who fails or refuses to comply with any applicable provision of law or of departmental rules and regulations to depart from any city property or building under the control of the department. Any such person who upon such notice fails to depart from any such property or building shall be subject to prosecution under section 30.05 of the Texas Penal Code for criminal trespass in addition to prosecution for any other crime that he may have committed thereupon.

Secs. 12-8--12-20. Reserved.

ARTICLE II. LICENSINGRENTAL OF FACILITIES

DIVISION 1. IN GENERAL

Sec. 12-21. License agreement.

The director, for the mayor and on behalf of the city, may execute written license agreements and any amendments thereto for the facilities and other city-owned property operated and managed by the department upon standard forms, including such terms, conditions and stipulations as the city attorney may approve.

Sec. 12-22. General admission seating prohibited.

General admission seating or festival seating is not permitted at any facility except upon express written permission of the director and shall be authorized only if the director determines that use of general admission will not result in a significant chance of injury to persons or damage to property. Except where permission for general admission seating or festival seating has been granted, the licensee shall issue a fixed number of tickets, each specifying the location of the attendee's seat by the seat number, the row in which the attendee's seat is located, and the section in which the row is located, which may not exceed the maximum seating capacity of the facility. The director may request that any licensee provide a certified ticket manifest to demonstrate compliance with this section.

Sec. 12-23. City owned/sponsored events.

The director may provide by rule for the use of the properties for city sponsored not-for-profit events, events hosted by the department, events hosted by other city departments and other events ~~of similar character that are determined by the director or the city council to merit an occupancy on terms other than are as generally provided in this chapter. Any such use shall be consistent with applicable laws and any covenants governing the city's use of the facility. Unless otherwise provided by the director, s~~Such uses shall be ~~secondary to conventional uses by license agreement and shall be~~

subject to cancellation by the director if the director determines the cancellation to be in the best interest of the city. In establishing fees for such uses, the director shall endeavor to recover the lesser of the estimated license fee or rental rate for such occupancy or the city's operating costs for the occupancy; provided, whichever is less. ~~However, that~~ the director may sponsor an event at no charge, if, in his reasoned judgment, the event will generate direct or indirect business for the department and the department is clearly identified as a sponsor for the event.

~~Sec. 12-24. Reserved.~~

Editor's note: ~~Ord. No. 03-1174, § 2, adopted December 3, 2003, repealed § 12-24 in its entirety. Formerly, said section pertained to use of facilities for gun shows and derived from Ord. No. 96-50, § 3, 1-17-96, Ord. No. 96-1379, § 2, 12-18-96.~~

~~Secs. 12-25 to 12-30. Reserved.~~

DIVISION 2. LICENSE RENTAL PROVISIONS

Sec. 12-31. Application.

(a) Any person who desires to occupy or have occupancy of any of the facilities for any purpose other than a convention or trade show shall make application to the director in any form deemed acceptable or on a standard form in accordance with rules promulgated by the director, which shall require the provision of any information reasonably required by the director to make any determination necessary under this chapter or the rules and regulations promulgated hereunder. ~~Without limitation, the director may require the submission of a non-refundable application processing fee, which shall not be applied toward any rental fees, to defray any costs of processing the application.~~

(b) The director shall review and approve an application unless:

- (1) The application is incomplete or any statement or information included therein is found to be materially false or intentionally misleading;
- (2) The applicant is in default of a license agreement;
- (3) The facility requested is unavailable upon the date or dates requested;
- (4) Based upon the provisions of section 12-33 of this Code, the director has determined that the applicant is not entitled to occupy the facility requested;
- (5) Based upon the schedule set forth in section 12-32 of this Code, the application was not timely submitted;

- (6) The applicant has for any other reason failed to demonstrate compliance with the terms of this chapter and applicable rules and regulations; or
- (7) The proposed event will, in the director's determination, conflict either physically or practically with an event previously scheduled in the facility.

(c) In accordance with the director's rules and regulations, a single one application may be made for one or more ~~a season of events or a run of events~~, and applications may be made for alternate dates for the same event.

(d) If the application is approved, the director shall notify the approved applicant and advise the approved applicant of the requirements for entering into a license agreement and becoming a licensee.

(e) If the application is denied, the director shall so notify the applicant in writing of the reasons therefor. If the director determines that the reasons for the denial are curable, he shall allow the applicant to amend and resubmit the application, without payment of an additional application fee.

Sec. 12-32. Advance booking periods.

(a) An application for an event of any type at the George R. Brown Convention Center may be submitted no sooner than the time prescribed in the applicable rules of the director.

(b) For facilities other than the George R. Brown Convention Center:

- (1) An application for a season of events, for a run of events in a season of events or for a run of events that is not part of a season of events may be submitted no sooner than the time prescribed in the applicable rules of the director.
- (2) An application for any other event may be submitted no more than 450 days before the first proposed date of the event.

Sec. 12-33. Contract Risk index; ~~damage deposit~~.

(a) Based upon information provided by the applicant ~~in the application~~, information obtained from operators of other facilities, information obtained from other sources that are believed to be credible, and information contained in records of the department, the director shall use the following formula and table to determine the license agreement ~~damage~~ contract deposit that the applicant shall be required to furnish:

$$\text{Deposit Indicator} = 57A + 36B + 54C + 3D + 3E$$

In the above formula:

(1) "A" represents the probability risk of damage to a facility occasioned by acts of the applicant, his agents, employees, contractors, subcontractors, and patrons-attendees at the event. The director shall assign a numerical rating of the probability of damage to a facility from 04 to 5, with 5 being the highest to the risk of damage. A rating of 1 represents the lowest risk of damage to the facility. In making the determination as to the numerical rating that the event should receive, the director shall consider:

- a. Damage to the facilities or injury to persons that has resulted from the same event or similar events in the past at the facilities.
- b. Reports of Ddamage to the facilities or injury to persons that has resulted from the owners or operators of other same event or similar events in the past at other venuesfacilities the applicant has occupied in the United States.
- c. Whether the event will consist primarily of a concert, sporting event, or other activity associated with an elevated degree of risk.
- c. ~~Damage to the facilities or injury to persons that resulted from other events sponsored or promoted by the applicant in the past at the facilities.~~
- d. ~~Damage to the facilities or injury to persons that has resulted from other events sponsored or promoted by applicant in the past at other facilities in the United States.~~
- e. ~~The probability that patrons at the event will engage in any of the following activities in the facilities:~~
 1. ~~Spitting, except in the restrooms.~~
 2. ~~Fighting.~~
 3. ~~Smoking in areas other than those designated as areas where smoking is permitted.~~
 4. ~~Drinking in areas other than those designated as areas where drinking is permitted.~~
 5. ~~Eating in areas other than those designated as areas where eating is permitted.~~

- 6. ~~Possessing weapons or controlled substances on their persons.~~
- 7. ~~Standing on seats.~~
- 8. ~~Defacing the facilities.~~
- 9. ~~Rushing the stage.~~

(2) ~~"B"~~ represents the applicant's compliance history. The director shall assign a numerical rating from 04 to 5 to the applicant's history of compliance with the applicable law, including but not limited to ordinances, rules, regulations and policies governing the any facilityies the applicant has previously occupied, particularly those ordinances, rules, regulations and policies that relate to the health and safety of the public or to the condition of the facilities. A rating of 04 represents consistent compliance with applicable lawsuch ordinances, rules, regulations and policies. ~~An applicant who has never occupied one or more of the facilities shall be given an initial rating of 3.~~

~~(3) C represents the applicant's history of meeting his financial obligations with the department. The director shall rate such history on a scale from 1 to 5. A rating of 1 represents the lowest risk of failure in meeting such financial obligations. In making a determination as to the rating of the applicant's history of meeting his financial obligations with the department, the director shall examine the records of the department for the three years prior to the date of the application. The director, in the course of such an examination, shall consider:~~

- ~~a. Whether the applicant has met his financial obligations to the city with regard to rental fees; and~~
- ~~b. Whether the applicant has met his financial obligations to the city with regard to any other charges that the city has assessed.~~

~~Applicants who have never occupied any facility shall be given an initial rating of 3.~~

(3) ~~D~~"C" represents the applicant's credit rating which ~~the~~ director shall rate the applicant's credit rating on a scale of 04 to 5. A rating of 04 represents the best credit rating. In making a determination as to the rating that the applicant's credit rating should receive, the director shall consider one or more of the following:

- a. Financial Reports from the owners or operators of other facilities that the applicant has occupied.

- b. The applicant's history of meeting financial obligations with the department.
 - c. Financial reports or disclosures filed with a federal regulatory agency within the six month period preceding the submission of the application.
 - d. A report from at least one of the banks in which the applicant maintains a checking and/or savings account.
- (4) E“D” represents the probability of incurring additional charges, including but not limited to equipment rental, in the form of charges for additional time, charges for the use of equipment of any type, or charges for use of additional square footage. The director shall assign a numerical rating on a scale of 0 to 5. A rating of 0 represents the lowest probability of incurring additional charges.

(b) The deposit indicator shall be applied to the following table to compute the amount of the damage deposit.

| Deposit Indicator | Amount of Deposit |
|-------------------|-------------------|
| 0-10 | \$0.00 |
| 11-20 19-26 | \$1,000.00 |
| 21-35 27-40 | \$2,000.00 |
| 36-50 41-60 | \$4,000.00 |
| 51-60 | \$6,000.00 |
| 61-65 70 | \$8,000.00 |
| 66-70 71-80 | \$10,000.00 |

If the deposit indicator is greater than 870, the director may determine that the applicant is not entitled to occupy the facility or may require a license agreement damage deposit in an amount greater than the amounts in the table above.

(c) If additional information about an applicant comes to the attention of the director prior to an event, then the director may adjust the amount of the deposit to cover costs reasonably expected to be incurred during the event.

Sec. 12-34. Priority of events; challenge.

(a) Applications for use and occupancy of the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center shall be processed on a first-come-first-served basis and . A an amended application shall be treated as a new application for purposes of determining priority, if the amendment causes a change of any date or time of occupancy of a the requested facility.

(b) Where an applicant for use and occupancy of the Jesse H. Jones Hall for the Performing Arts or the Gus S. Wortham Theater Center submits an application that is subject to approval in all respects but for the fact that there is already an approved applicant for use of any the requested facility at the same time, then the first approved applicant's requested liscenserental shall be challenged as follows:

- (1) The director shall cancel the first approved applicant's requested liscenserental, if the director determines that the second applicant's proposed use will result in at least as much revenue to the department and will result in greater economic benefit to the community, provided that the second applicant, within ten days of notice from the director, proceeds to take the steps necessary to become a licensee for the purposes proposed in his application.
- (2) If the director determines that the economic circumstances specified in item (1) do not exist, then the director shall notify the first approved applicant that his right of occupancy has been challenged and that he must take the steps necessary to become a licensee for the purposes proposed in his application. Challenges shall be conducted in accordance with rules promulgated for that purpose by the director.

Sec. 12-35. Transition to licensee status.

In order to become a licensee, an approved applicant must post any required damage deposit, provide proof of insurance in the amount required under regulations established by the director and pay or make a deposit toward the liscenserental fee in accordance with the rules promulgated by the director; then the approved applicant and the department shall execute a license agreement.

Sec. 12-36. Cancellation by director.

(a) The director may cancel an approved application in accordance with rules promulgated for that purpose in the event that the approved applicant fails to timely take any action that is necessary to become a licensee. In lieu of cancellation, the director may apply other remedies that are consistent with the terms of the director's rules and the license agreement.

(b) The director shall cancel any license agreement if the event being promoted or sponsored by the licensee has been declared obscene within the community of Houston, Texas, by a court of competent jurisdiction. The director may cancel a license agreement or order an event closed if injury or damage to the facilities or the licensees or patrons thereof is imminent.

(c) The director may cancel an event or order a licensee to close if the licensee does not use and occupy a facility or any specific portion thereof for the purpose described in the applicable license agreement.

(d) The director may cancel a license agreement upon any failure of the licensee to observe any of the terms of the license agreement or upon failure of the licensee to make payment(s) of his license~~rental~~ fee in a timely manner.

(e) Where additional information about a licensee comes to the attention of the director, the director may reassess the licensee's damage deposit determination under section 12-33 of this Code. Based upon the reassessment and consistent with section 12-33, the director may cancel the license agreement or require that the deposit amount be adjusted.

~~Sec. 12-37. Cancellation by licensee--Refund.~~

~~(a) A licensee may cancel his license agreement by delivering to the director written notification of the cancellation, which shall be effective upon the date the director receives the written notification.~~

~~(b) The provisions of this subsection are applicable to a cancelling licensee other than one who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code. The cancelling licensee shall be entitled to a refund of the rental fee for each definite date that the director resells. If the director is unable to resell a definite date previously held by a cancelling licensee, the cancelling licensee shall owe the city the amount of liquidated damages provided for in the cancelling licensee's license agreement.~~

~~(c) A cancelling licensee who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code shall not be entitled to a refund.~~

~~Sec. 12-38. Same--Change of date.~~

~~(a) A cancelling licensee who has obtained his license agreement by virtue of the provisions of subsection (b) of section 12-34 of this Code shall not be entitled to the amendment or reformation of the license agreement to provide for use or occupancy at a different time.~~

~~(b) This subsection applies to cancelling licensees other than those who are subject to subsection (a), above. The director shall promulgate rules under which license agreements may be amended or reformed to provide for use or occupancy at different times. For purposes of priority, a request to amend or reform shall have the same status as an original application for occupancy under section 12-34 of this Code.~~

Secs. 12-37--12-38. Reserved.

Sec. 12-39. Refund for unused space or time.

No refund will be made to a licensee if the licensee does not use all of the space or time contracted for pursuant to the license agreement or for the purpose described in the license agreement.

~~Sec. 12-40. Director's reservations for the George R. Brown Convention Center.~~

~~For conventions, trade shows, and corporate meetings, the director may place a temporary reservation on the George R. Brown Convention Center for a date or dates certain requested by a potential licensee to accommodate the potential licensee's planning and scheduling of the event. The director shall not extend such a temporary reservation unless he has substantial reason to believe that the potential licensee has serious intentions to utilize the facility and will be able to qualify to obtain a license agreement. During the period of a temporary reservation, the potential licensee shall have the same rights and privileges and shall be treated in all respects as an approved applicant. The director need not receive an application from the potential licensee in order to grant a temporary reservation. The potential licensee's right of occupancy may be challenged in the same manner as provided in section 12-34(b) of this Code.~~

Secs. 12-4140--12-45. Reserved.

DIVISION 3. LICENSE FEESRENTAL RATES FOR FACILITIES

Sec. 12-46. Definitions.

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

~~Additional time~~ means the period of time during which a licensee occupies a facility ~~in excess of the hours specified in his license agreement.~~

Day, unless otherwise specified in the license agreement, with respect to occupancy of the George R. Brown Convention Center, means the period of time from 6:00 a.m. to 115:59 ap.m. and, with respect to all other facilities, means the period of time from 8:00 a.m. to 2:00 a.m.

Event period means:

- (1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;
- (2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or

- (3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m. during which a licensee conducts an event in a facility.

~~*Exhibit space charge* means the license fee for exhibit space, which may be set at a per-event rate of \$0.5065 to \$2.001.25 per net square foot multiplied by the total exhibit space in square feet.~~

~~*Function space* means the Meeting Rooms, the Ballroom or the General Assembly Hall in the George R. Brown Convention Center, or any portion or combination thereof.~~

Gross ticket sales means that total dollar amount received from all tickets sold for all of a licensee's events, excluding any and all applicable taxes.

Hour means a period of time greater than 30 minutes and less than 61 minutes.

License fee means the sum of all charges prescribed in this chapter for the use or occupancy of a facility.

Net square footage means the total area of exhibit space, excluding registration, concession, lounge, aisle and cross-aisle areas.

Non-event day means a day on which the event for which the facility is occupied is not being conducted but during which the licensee requires access to the facility in order to set up or break down for the event or perform other incidental activities.

Non-event period means:

- (1) Any period of six consecutive hours between the hours of 6:00 a.m. and 4:00 p.m.;
- (2) Any period of eight consecutive hours between the hours of 8:00 a.m. and 8:00 p.m.; or
- (3) The period of ten consecutive hours between the hours of 4:00 p.m. and 2:00 a.m. during which a licensee does not actually conduct an event but requires access to the facility in order to set up, break down, or perform other incidental activities relating to an event.

~~*Rental charge* means the total rate per day or per session multiplied by the number of days or sessions the facility is occupied, as determined by the applicable rent table.~~

Tax-exempt rate means the license fee charged for non-exhibit space to the United States government, State of Texas, their agencies and political subdivisions and organizations that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; provided that the applicant must demonstrate to the sole satisfaction of the director that the applicant has a material role in the production of the event for which the facility is being licensed. For example, the director will review the following criteria to make his determination: if the applicant is (i) financially at risk for the staging and production of the event; (ii) executes contracts with the artists, production companies, and other event service providers that may be required; (iii) exercises significant control over the marketing campaign for the event including, but not limited to, placing the advertising with various mediums; and (iv) exercises significant control over ticket pricing and expenses. An applicant whose role is primarily signing the license agreement in exchange for payment to allow another organization the benefit of a reduced license fee shall not qualify for the tax-exempt rate.

Sec. 12-47. Ticket surcharge.

(a) In addition to the rental fees specified in this division for occupancy of the George R. Brown Convention Center, there is imposed a surcharge of not less than \$1.00 nor more than \$2.00 per ticket for each event, as determined by the director on the basis of the needs of the facility for maintenance, operation, and improvements. The proceeds of the ticket surcharge for the George R. Brown Convention Center shall be deposited in the department's operating fund and shall be utilized for any lawful purpose relating to maintenance, operation or improvement of the George R. Brown Convention Center as directed by the city council. ~~that shall be payable in the following amounts for each event to which an admission fee of \$5.00 or more per ticket is imposed:~~

| | |
|--------|--|
| \$1.00 | Upon each admission ticket sold at a face value of \$10.00 or more. |
| \$0.50 | Upon each admission ticket sold at a face value of at least \$5.00 but less than \$10.00. |

(b) Surcharges within the same range and based on the same factors as those provided in subsection (a) of this section for the George R. Brown Convention Center are also imposed for occupancy of the Jesse H. Jones Hall for the Performing Arts and the Gus S. Wortham Theater Center in accordance with contractual provisions established between the city and operating companies using those facilities. If any one or more of the agreements with the operating companies expires or is terminated, the director shall implement the surcharge in accordance with rules that the director may prescribe for any facility for which no agreement has been reached. Proceeds from the surcharge, whether imposed contractually or by the director, shall be retained and utilized for backstage operation and maintenance, theatrical equipment and depreciable

capital improvements of the respective facilities and in accordance with the contract with the operating company, if a contract exists.

(c) As used herein, the term "ticket" includes all forms of entry control utilized to impose a fee of any sort for admission to an event with the exception of registration fees for a convention, entry charges for seated meal functions a class III event or fees charged for other functions of like character, where admission is typically by registration as determined by the director in his sole discretion. The surcharge shall be imposed in accordance with rules adopted by the director. In addition to any other deposits, the director may require a deposit for the anticipated surcharge and may require the licensee to use serially numbered tickets to ensure an accurate accounting of the surcharge. To the extent that the amount of the surcharge is subject to any tax or fee imposed by law, the licensee shall ensure that entry charges are adjusted or take whatever other action may be required to ensure that the director receives the full amount of the surcharge fee (\$1.00 or \$0.50, as applicable).

(d) The financial officers of the city shall be given access to box office records, ticket receipts and all other documents reasonably required to verify the licensee's accounting of the surcharge. The proceeds of the ticket surcharge for the George R. Brown Convention Center shall be deposited in the department's operating fund and shall be utilized for any lawful purpose relating to maintenance, operation or improvement of the George R. Brown Convention Center as directed by the city council.

~~(b) Surcharges that are equivalent to those provided in subsection (a) for the George R. Brown Convention Center are also imposed for occupancy of the Jesse H. Jones Hall for the Performing Arts and the Gus S. Wortham Theater Center in accordance with contractual provisions established between the city and operating companies using those facilities. If any one or more of the agreements with the operating companies expires or terminates, the director shall implement the surcharge in accordance with rules that the director may prescribe for any facility for which no agreement has been reached. Proceeds from the surcharge, whether imposed contractually or by the director, shall be retained and utilized for backstage operation and maintenance, theatrical equipment and depreciable capital improvements of the respective facilities and in accordance with the contract with the operating company, if a contract exists.~~

Sec. 12-48. Negotiation of rates.

Whenever in this division rates are made negotiable, a single figure license fee is stated, that amount, or the higher amount in a range of license fees, shall represent be the maximum license fee a licensee may be charged rate, and t The director may, however, set or agree to lower the license fee under Sections sections 12-50 or 12-52 (other than the tax-exempt rate) or any license fee under Section section 12-53 rate, taking into account the following factors, provided that if the figures stated indicate a range of rates, the director shall not accept less than the minimum stated figure. will endeavor to recover the established license fee for such occupancy:

- (1) Level and degree of competition with other comparable facilities;
- (2) Anticipated hotel occupancy tax revenues to the city;
- (3) Estimated food and beverage expenditure by the licensee and/or attendees at the facility;
- (4) Anticipated fees for concession (food and beverage, telecommunications, utilities, services, audio-visual services, exhibitor booth cleaning, parking and other,) related fees and other incidental revenues to the department; and
- (5) Economic benefit to the community.

Sec. 12-49. License fees Rates for other areas.

All other areas of the properties not assigned a license fee rental charge by ordinance may be licensed ~~rented~~ at rates negotiated by the director if he concludes that such occupancy will not interfere with other scheduled events and will not interfere with the maintenance of such areas.

Sec. 12-50. Occupancy Licensing of the Jesse H. Jones Hall for the Performing Arts.

License fees ~~Rental~~ charges for occupancy of the Jesse H. Jones Hall for the Performing Arts shall be as follows:

**LICENSE RENTAL TABLE 12-50
FOR THE
JESSE H. JONES HALL FOR THE PERFORMING ARTS**

| Category | Class-I License Fee | Class-II Tax-Exempt Rate |
|---|--|-------------------------------|
| Per <u>event</u> day (for one presentation, performance or occurrence of one event) | 10 percent of gross ticket sales, subject to minimum of \$3,700.00 and maximum of \$57,000.00 | \$2,300.00 <u>2,871.00</u> |
| Per event period (for one presentation, performance or occurrence of one event) | \$5,075.00 10 percent of gross ticket sales, subject to minimum of \$2,700.00 and maximum of \$5,000.00 | 1,700.00 <u>\$2,122.00</u> |
| Per student event | 1,100.00 <u>\$1,922.00</u> | 750.00 <u>\$935.00</u> |
| Per non-event day | 1,500.00 <u>\$3,144.00</u> | 1,100.00 <u>\$1,373.00</u> |

| | | |
|---------------------------------------|---------------------------------------|--|
| Per non-event period | 1,091.00 <u>\$2,304.00</u> | 818.00 <u>\$1,022.00</u> |
| Additional events in same time period | N/A | N/A |
| Additional time, per hour | 325.00 | 325.00 |
| Holiday premium | 1 1/2 times regular rate | 1 1/2 times regular rate |

All license fees~~rental rates~~ that are expressed in dollar amounts in the foregoing license~~rental~~ table are for license agreements executed through and including July 31, 2009~~0~~. On August 1, 2000, the rates shall increase by four percent. On August 1 of each year thereafter, the rates shall increase by an amount equal to the percentage increase in the Consumer Price Index - All Urban Consumers for Houston-Galveston (CPI-U) for the preceding calendar year, provided that (i) if the CPI-U has not increased or if the amount of the percentage increase is less than one percent, then the license fees~~rental rates~~ shall nevertheless be increased by one percent, and (ii) further provided that if the CPI-U has increased by more than three percent, then the license fees~~rental rates~~ shall nevertheless be increased by only three percent. The director shall annually calculate the effective license fees~~rates~~ and make them available in his office upon request for public inspection. Each license agreement shall be subject to the license fees~~rental rate~~ that are~~is~~ in effect at the time of the execution of the license agreement pursuant to section 12-35 of this Code.

Sec. 12-51. Reserved.

Editor's note: Ord. No. 03-1174, § 9, adopted December 3, 2003, repealed § 12-51 in its entirety. Formerly, said section pertained to occupancy of the Music Hall and derived from Ord. No. 96-50, § 3, 1-17-96.

Sec. 12-52. Occupancy Licensing of the Gus S. Wortham Theater Center.

(a) Alice and George Brown Theater. License fees~~Rental charges~~ for occupancy of the Alice and George Brown Theater shall be as follows:

LICENSERENTAL TABLE 12-52(a)
FOR THE
ALICE AND GEORGE BROWN THEATER

| Category | Class-I <u>License Fee</u> | Class-II <u>Tax-Exempt Rate</u> |
|---|---|---|
| Per <u>event</u> day (for one presentation, performance or occurrence of one event) | 10 percent of gross ticket sales, subject to minimum of \$3,700.00 and maximum of \$57,000.00 | \$2,871.00 <u>\$2,300.00</u> |
| Per event period (for one presentation, performance or occurrence of one | \$5,075.00 10 percent of gross ticket sales, | \$2,122.00 <u>\$1,700.00</u> |

| | | |
|---------------------------------------|--|--------------------------------|
| event) | subject to minimum of \$2,700.00 and maximum of \$5,000.00 | |
| Per student event | \$1,922.00 1,100.00 | \$935.00 750.00 |
| Per non-event day | \$3,144.00 1,500.00 | \$1,373.00 1,100.00 |
| Per non-event period | \$2,304.00 1,091.00 | \$1,022.00 818.00 |
| Additional events in same time period | N/A | N/A |
| Additional time, per hour | 325.00 | 325.00 |
| Holiday premium | 1 1/2 times regular rate | 1 1/2 times regular rate |

(b) Lillie and Roy Cullen Theater. License fees~~Rental charges~~ for occupancy of the Lillie and Roy Cullen Theater shall be as follows:

**LICENSERENTAL TABLE 12-52(b)
FOR THE
LILLIE AND ROY CULLEN THEATER**

| Category | Class-I <u>License Fee</u> | Class-II <u>Tax-Exempt Rate</u> |
|---|--------------------------------|---------------------------------|
| Per <u>event</u> day (for one presentation, performance or occurrence of one event) | \$2,246.00 1,800.00 | \$1,874.00 1,500.00 |
| Per event period (for one presentation, performance or occurrence of one event) | \$1,997.00 1,600.00 | \$1,499.00 1,200.00 |
| Per student event | \$873.00 700.00 | \$873.00 700.00 |
| Per non-event day | \$1,248.00 1,000.00 | \$1,248.00 1,000.00 |
| Per non-event period | \$624.00 500.00 | \$624.00 500.00 |
| Additional events in same time period | 1/2 regular rate | 1/2 regular rate |
| Additional time, per hour | 325.00 | 325.00 |
| Holiday premium | 1 1/2 times regular rate | 1 1/2 times regular rate |

All license fees~~rental rates~~ that are expressed in dollar amounts in the foregoing license~~rental~~ table are for license agreements executed through and including July 31, 2009. On August 1, 2000, the rates shall increase by four percent. On August 1 of each year thereafter, the license fees~~rates~~ shall increase by an amount equal to the percentage increase in the Consumer Price Index - All Urban Consumers for Houston-Galveston (CPI-U) for the preceding calendar year, provided that (i) if the CPI-U has not increased or if the amount of the percentage increase is less than one percent, then the license fees~~rental rates~~ shall nevertheless be increased by one percent, and (ii) further provided that if the CPI-U has increased by more than three percent, then the license fees~~rental rates~~ shall nevertheless be increased by only three percent. The director shall annually calculate the effective license fees~~rates~~ and make them available in his office upon request for public inspection. Each license agreement shall be subject to the license fees~~rental rate~~ that are~~is~~ in effect at the time of the execution of the license agreement pursuant to section 12-35 of this Code.

Sec. 12-53. OccupancyLicensing of the George R. Brown Convention Center.

(a) ~~Convention, or trade show or corporate meeting.~~ For a convention, or trade show or corporate meeting, license feescharges shall be determined are as follows:

(1) Exhibit Space. For event days including exhibit space, the license fee shall be the product of the applicable exhibit space charge multiplied by the greater of the projected net square footage, as determined by the director, or the actual net square footage used.

(2) Non-Exhibit Space. For event days not including exhibit space, the license fee shall be determined as set forth in License Table 12-53(a).

(3) Non-Event Days. For non-event days, the license fee shall be one half of the amount set forth in License Table 12-53(a); provided, however, that a licensee whose event includes exhibit space shall be allowed one and one-half complimentary non-event days per event day up to a maximum of five complimentary non-event days.

(1) ~~Rental charges.~~ Rental charges shall be the greater of:

a. ~~Total rental charge, determined as set forth in Rental Table 12-53(a); or~~

b. ~~Total exhibit space charge, if applicable., where the net square footage is determined as follows:~~

(i) ~~For a single exhibit hall, net square footage shall be equal to a minimum of 25 percent of the gross square feet.~~

(ii) ~~For multiple exhibit halls, net square footage shall be equal to a minimum of 35 percent of the combined gross square feet.~~

**LICENSERENTAL TABLE 12-53(a)
FOR CONVENTIONS OR, TRADE SHOWS
OR CORPORATE MEETINGS**

| Space | License FeeRate per Event Day |
|-----------------------------------|----------------------------------|
| Each Exhibit Hall | \$5,000 1,600.00.00 |
| Any one Ballroom Section | \$2,000 1,200.00 |
| Any two Ballroom Sections | \$4,000 1,500.00 |
| All Any three Ballroom Sections | \$5,000 2,000.00 |
| Any one General Assembly Section | \$2,000 1,200.00 |
| Any two General Assembly Sections | \$3,000 1,500.00 |

| | |
|---|-----------------------------|
| All Any-three General Assembly Sections | \$5,000 2,000.00 |
| Each Balcony Section | \$750 500.00 |
| Each Meeting Room Section | \$250 200.00 |

(2) ~~Some rates negotiable.~~ Rates for non-exhibit and function space are negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.

(3) ~~Additional charge for non-event days.~~

a. ~~With exhibits.~~ The licensee shall be allowed one and one-half complimentary non-event days per event day up to a maximum of five complimentary non-event days; additional non-event days shall be charged at the established rate per day.

b. ~~Without exhibits (general session or poster session) or for function space.~~ Non-event days shall be charged at one-half the established rate per day.

(b) Consumer show/lass-I event. For a Consumer show/lass-I event, the license feescharges shall be determined are as follows:

(1) Exhibit Space. For exhibit space event days, the license fee shall be the product of the applicable exhibit space charge multiplied by the greater of the projected net square footage as determined by the director, or the actual net square footage used; provided, however that the license fee shall not be less than the amount determined as set forth in License Table 12-53(b).

(2) Non-Exhibit Space. For non-exhibit space event days, the license fee shall be determined as set forth in License Table 12-53(b).

(3) Tax Exempt Rate. The tax-exempt license fee for non-exhibit space events days shall be determined as set forth in License Table 12-53(b).

(4) Non-Event Days. For non-event days, the license fee shall be one half of the amount set forth in License Table 12-53(b); provided, however, that a licensee whose event includes exhibit space shall be allowed one complimentary non-event day per event day up to a maximum of five complimentary non-event days.

(1) ~~Rental charges.~~ Rental charges shall be the greater of:

a. ~~Total rental charge, determined as set forth in Rental Table 12-53(b);~~

b. ~~_____~~ Total exhibit space charge, if applicable; or

c. ~~_____~~ Ten percent of gross ticket sales.

**LICENSE RENTAL TABLE 12-53(b)
FOR CONSUMER SHOWS AND EVENTS**

| Space | License Fee Rate per Event Day | Tax-Exempt Rate per Event Day |
|--|-----------------------------------|-------------------------------------|
| Each Exhibit Hall | \$7,000 5,000.00 | \$5,000.00 |
| Any one Ballroom Section | \$3,000 2,000.00 | \$2,500.00 |
| Any two Ballroom Sections | \$3,500 2,500.00 | \$3,000.00 |
| All Any three Ballroom Sections | \$4,000 3,000.00 | \$3,500.00 |
| Any one General Assembly Section | \$2,500 2,000.00 | \$2,000.00 |
| Any two General Assembly Sections | \$3,500 2,500.00 | \$2,500.00 |
| All Any three General Assembly Sections | \$5,000 3,000.00 | \$3,000.00 |
| Each Balcony Section | \$750 500.00 | \$500.00 |
| Each Meeting Room Section | \$250 200.00 | \$200.00 |

(2) ~~Some rates negotiable.~~ If the licensee is renting one or more Exhibit Halls, the rental rates for function space shall be negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.

(3) ~~Additional charge for non-event days.~~

a. ~~With exhibits.~~ The licensee shall be allowed one complimentary non-event day per event day up to a maximum of five complimentary non-event days; additional non-event days shall be charged at one-half the established rate per day.

b. ~~Without exhibits (general session or poster session) or for function space.~~ Non-event days shall be charged at one-half the established rate per day.

(c) ~~Class II event.~~ For a Class II event, charges are as follows:

(1) ~~Rental charges.~~ Rental charges shall be the greater of:

a. ~~Total rental charge, determined as set forth in Rental Table 12-53(c);~~
~~or~~

b. ~~Ten percent of gross ticket sales.~~

**RENTAL TABLE 12-53(c)
FOR CLASS II EVENTS**

| Space | Rate per Day |
|-------------------------------------|--------------|
| Each Exhibit Hall | \$3,000.00 |
| Any one Ballroom Section | 2,000.00 |
| Any two Ballroom Sections | 2,500.00 |
| Any three Ballroom Sections | 3,000.00 |
| Any one General Assembly Section | 2,000.00 |
| Any two General Assembly Sections | 2,500.00 |
| Any three General Assembly Sections | 3,000.00 |
| Each Balcony Section | 500.00 |
| Each Meeting Room Section | 150.00 |

(2) ~~Some rates negotiable.~~ If a licensee is renting one or more Exhibit Halls, the rental rates for function space shall be negotiable. Consideration will be given to increased food and beverage, audio-visual, and utilities usage.

(3) ~~Additional charge for non-event days.~~ All non-event days shall be charged at one half the established rate per day.

(cd) ~~Meetings, Class III event.~~ License fees ~~F~~for a meeting a Class III event, charges are ~~shall be determined~~ as follows:

(1) ~~License fees~~Rental charges. ~~Rental charges~~The license fee for a meeting shall be determined as ~~are set forth in License~~Rental Table 12-53(cd).

(2) Tax Exempt Rate. The tax-exempt license fee for a meeting shall be determined as set forth in License Table 12-53(c).

(3) Non-Event Days. For non-event days, the license fee shall be one half of the amount set forth in License Table 12-53(c).

LICENSE RENTAL TABLE 12-53(cd)
FOR MEETINGS CLASS III EVENTS

| Space | Rate per Event Day | Tax-Exempt Rate per Event Day |
|--|-----------------------------|-------------------------------|
| Each Exhibit Hall | \$5,000 1,500.00 | \$3,500.00 |
| Any one Ballroom Section | \$1,000 500.00 | \$500.00 |
| Any two Ballroom Sections | \$1,500 600.00 | \$750.00 |
| All Any three Ballroom Sections | \$2,000 750.00 | \$1,000.00 |
| Each Balcony Section | \$750 500.00 | \$500.00 |
| Each Meeting Room Section | \$250 100.00 | \$200.00 |

(3) ~~All rates negotiable.~~ Consideration will be given to increased food and beverage, audio-visual and utilities usage.

~~(4) Additional charge for non-event days. All non-event days shall be charged at one-half the established rate per day.~~

~~Sec. 12-54. Additional time.~~

~~Under no circumstances will a licensee be allowed to occupy a facility in excess of the hours specified in the license agreement, unless the director consents to such occupancy and the licensee pays the prescribed charge for the additional time.~~

~~Secs. 12-545--12-60. Reserved.~~

DIVISION 4. PARKING RATES FOR PARKING FACILITIES

Sec. 12-61. Parking in the parking facilities.

Rates for use of the parking facilities shall be as provided in this division.

Sec. 12-62. Contract parking.

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

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

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

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

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

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

Sec. 12-63. Noncontract parking.

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

(1) For the Theater District Garage:

- a. At any time Monday through Friday, from 6:00 a.m. to 5:00 p.m., users shall be charged a rate to be established by the director between a minimum of \$1.39, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$5.54, plus any applicable sales tax, per day, and a maximum of \$2.77, plus any applicable sales tax, for each hour or fraction thereof, not to exceed \$13.86~~8.34~~, plus any applicable sales tax, per day, per vehicle. In addition to the foregoing hourly rates, the director is authorized to establish special flat rates for parking in connection with events held during the foregoing hours and adjusted hours, if necessary. In determining whether to offer the special daytime event rate, the director shall take into consideration the event start time and the expected vehicle volume.
- b. At any time Monday through Friday, from 5:00 p.m. to 6:00 a.m. and all day on Saturdays and Sundays, users shall be charged an amount not to exceed \$6.45, plus applicable sales tax, per day, per vehicle.

- (2) For the various George R. Brown Convention Center surface lots operated by the department, users shall be charged an amount not to exceed \$13.86, plus any applicable sales tax, per 24-hour period, or any portion thereof, per vehicle. The director is authorized to set aside a number of parking spaces for use of the event operator's vehicles; the privilege of such use is to be included without additional charge in the license agreement for occupancy of the George R. Brown Convention Center. Notwithstanding the foregoing rates, there shall be no charge to department employees assigned by the director to park in these lots.

- (3) For the Margaret Westerman City Hall Annex Parking Garage when operated by the department for event parking, users shall be charged an amount not to exceed \$4.62, plus applicable sales tax, per day, per vehicle.
- (4) For Lot C, being that parking lot bounded by Memorial Drive, West Capitol, Buffalo Bayou, and Interstate 45:
 - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day.
 - b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.
- (5) For Lot H, being that parking lot bounded by Memorial Drive, Interstate 45, and Sabine Street:
 - a. Monday through Friday, from 6:00 a.m. to 5:00 p.m., or any fraction thereof: Not more than \$2.77, plus any applicable sales tax, per day, provided that no fee shall be imposed for persons serving as jurors in the municipal courts.
 - b. Special events parking, Monday through Friday, from 5:00 p.m. to 6:00 a.m., with allowances for show times scheduled outside that period, and all day Saturday, Sunday, and holidays, or any fraction thereof: Not less than \$1.85, nor more than \$2.77, plus any applicable sales tax, per day.
- (6) For the municipal courts parking lot, being that parking lot bounded by Lubbock, Reisner, West Capitol, and Houston Avenue:
 - a. Monday through Saturday, from 6:30 a.m. to 10:30 p.m., or any fraction thereof: \$3.00, which includes any applicable sales tax, for the first hour or any fraction thereof, and \$1.00, which includes any applicable sales tax, for each additional hour or fraction thereof with a maximum fee of \$10.00, which includes any applicable sales tax; the maximum fee shall also be imposed for users who lose their time-in ticket.
 - b. Special events parking for all day Saturday, Sunday or designated city holiday, or any fraction thereof: \$2.50, which includes any applicable sales tax, per day.

- c. Municipal courts employees working evening or night time shifts: \$0.50, which includes any applicable sales tax, per work shift.

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

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

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

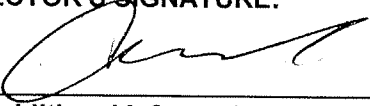
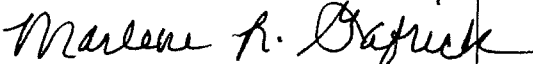
Sec. 12-64. Rate adjustments by director.

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

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

~~Secs. 12-65--12-100. Reserved.~~

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

| | | | |
|--|---|---|---|
| SUBJECT: Proposed Contract for Legal Services between the City of Houston and the law firm of Olson and Olson, L.L.P. | | Page 1 of 1 | Agenda Item # 37 24 |
| FROM (Department or other point of origin): Legal Department | | Origination Date 9/19/2008 | Agenda Date OCT 0 1 2008 OCT 0 8 2008 |
| DIRECTOR'S SIGNATURE:  | | Council District affected: C, D, G, H, I | |
| For additional information contact: Deborah McAbee Phone: (832) 393-6321 | | Date and identification of prior authorizing Council action: 11/1/2006 Ord. No. 2006-1098 | |
| RECOMMENDATION: (Summary) That Council adopt an ordinance approving a Contract with the Law Firm of Olson and Olson, L.L.P. to provide Legal Services relating to the preparation of development ordinance changes in connection with the Urban Corridor Planning process. | | | |
| Amount and Source of Funding: \$60,000.00 Maximum Contract Amount General Fund (1000) | | | |
| SPECIFIC EXPLANATION: <p>The proposed contract provides that Olson and Olson, L.L.P. (Firm), a Houston law firm, will assist the Legal Department and the Planning and Development Department in the preparation of development ordinance changes necessary to implement the Urban Corridor Planning process. The City, in conjunction with METRO, is undertaking Phase III of the Urban Corridor Planning process, a City initiative focused on areas along existing and proposed high-capacity transit systems that are part of METRO Solutions Phase 2. One of the outcomes of this planning process is the development of proposed changes to City development ordinances that will facilitate achievement of the planning goals.</p> <p>The Firm specializes in municipal law. The lawyers assigned to this matter, John Hightower and Scott Bounds, have extensive experience in drafting municipal ordinances. This experience will provide critical support to City land use attorneys. The Firm is currently engaged under a \$23,890 purchase order by the Planning Department to advise in the completion of the Urban Corridor Plans and the preliminary steps of drafting development regulations. The Planning Department has included \$60,000 in its FY 2009 budget for the continuation of these legal services.</p> <p>All legal services and expenses provided by the Firm under the contract are at a maximum amount of \$60,000. The contracted hourly rates are \$295 and \$ 275 for Mr. Hightower and Mr. Bounds, respectively.</p> <p>The Legal Department requests that Council approve this request to retain the Firm to provide legal services on the Urban Corridor Planning process and authorize approval and execution of the proposed agreement with the Firm</p> | | | |
| REQUIRED AUTHORIZATION | | | |
| Other Authorization: | Other Authorization:  | Other Authorization: | |

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8003

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Forensic DNA Consulting Services for the Houston Police Department.
S29-T22741

Category #
4

Page 1 of 1 Agenda Item

38 26

FROM (Department or other point of origin):

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

Origination Date

September 04, 2008

Agenda Date

OCT 08 2008
OCT 01 2008

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Joseph Fenninger Phone: (713) 308-1708
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Dr. Charlotte J. Word and Dr. Robin W. Cotton in an amount not to exceed \$1,250,000.00 for forensic DNA consulting services for the Houston Police Department

Maximum Contract Amount: \$1,250,000.00

Finance Budget

\$1,250,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to Dr. Charlotte J. Word and Dr. Robin W. Cotton in an amount not to exceed \$1,250,000.00 for forensic DNA consulting services for the Houston Police Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all transportation, labor and supervision necessary to assist the crime lab in performing technical forensic reviews of all DNA work, mentor Biology Section's supervisors in the technical review process, assist in performing and analyzing recommended validation studies, review the training program, and provide guidance in improving the comprehensibility of DNA reports in the biology section. This scope of work will be in compliance with the HPD Crime Lab and Property Room Independent Investigator's Recommendations.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State bid laws. Seven perspective bidders downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from Dr. Charlotte J. Word and Dr. Robin W. Cotton, The Bode Technology Group and The National Institute of Forensic Science Operations. The Evaluation committee consisted of four evaluators. The proposals were evaluated based upon the following criteria:

- Expertise, Experience & Qualifications
- Conformance to the RFP Requirements
- Financial Strength

Dr. Charlotte J. Word and Dr. Robin W. Cotton received the highest overall score.

Buyer: Douglas Moore

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

Estimated Spending Authority

| Department | FY09 | Out Years | Total |
|------------|--------------|----------------|----------------|
| Police | \$225,000.00 | \$1,025,000.00 | \$1,250,000.00 |

REQUIRED AUTHORIZATION

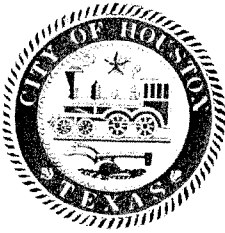
Finance Department:

Other Authorization:

Other Authorization:

MT

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CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

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

From: Douglas Moore

Date: January 15, 2008

Subject: MWBE Participation Form

I am requesting a waiver of the MWBE Goal: Yes ☒ No ☐ Type of Solicitation: Bid ☐ Proposal ☒
I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes ☒ No ☐
I am requesting a revision of the MWBE Goal: Yes ☐ No ☒ Original Goal: _____ New Goal: _____

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

Solicitation Number: S29-T22741

Estimated Dollar Amount: \$500,000.00

Anticipated Advertisement Date: 1/25/2008

Solicitation Due Date: 2/15/2008

Goal On Last Contract: 0%

Was Goal met: Yes ☒ No ☐

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

Name and Intent of this Solicitation:
Forensic DNA Consulting Services

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

The M/WBE goal should be waived for the Forensic DNA Consulting Services proposal. The requested services require that each individual consultant be certified by the National DNA Index System as an approved user from an accredited American Society of Crime Laboratory Directors (ASCLD-LAB) lab. The selected individual will be approved by the FBI, due to the chain of custody for the DNA results is crucial and are admissible in court. To conclude, due to each consultant being independently analyzed to perform the required services, there are no opportunities for subcontracting the services to both M/WBE subs nor Non-M/WBE subs. Therefore, a zero 0% M/WBE goal is being requested.

Concurrence:

Douglas Moore
SPD Initiator



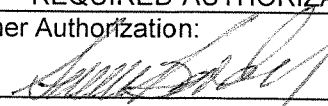
Robert Gallegos
Robert Gallegos, Deputy Assistant Director
*Affirmative Action

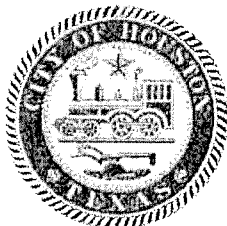
Kevin M. Coleman
Division Manager
Kevin M. Coleman
Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | | |
|---|---|--|--|-----------------------------|
| Subject: Approve an Amending Ordinance to Increase the Maximum Contract Spending Authority for Radio Automated Meter Reading System (AMR) Contract with Itron, Inc. for Public Works & Engineering Department. S-000956-0002-5 | | Category 1,4 & 5 | Page 1 of 1 39 | Agenda Item 35 |
| FROM (Department or other point of origin): Michael S. Marcotte, P.E., DEE Director Public Works and Engineering Department | | Origination Date 09/04/08 | Agenda Date OCT 01 2008 OCT 08 2008 | |
| DIRECTOR'S SIGNATURE:  9/28/08 | | Council District affected: All | | |
| For additional information contact: David Guernsey Phone: (713) 238-5241 | | Date and Identification of prior authorizing Council action: Ord. #98-0575, Ord. #01-1181 Ord. #03-0581, Ord. #06-1071 | | |
| RECOMMENDATION: (Summary) Approve an amending ordinance increasing the maximum contract spending authority from \$46,992,750.00 to \$50,492,750.00 for the Radio Automated Meter Reading System (AMR) with Itron, Inc. for Public Works & Engineering Department and allocating funds. | | | | |
| Spending Authority Increase: \$3,500,000.00 | | | F&A Budget:  9/23/08 | |
| SOURCE OF FUNDING: 8305 Combined Utility System General Purpose Fund | | | | |
| SPECIFIC EXPLANATION: The Public Works and Engineering Department recommends that City Council approve an ordinance authorizing an increase in spending authority from \$46,992,750.00 to \$50,492,750.00 under the contract with Itron, Inc. for Radio Automated Meter Reading System Encoder, Receiver, Transmitter (ERT) modules for the Public Works & Engineering Department. The meter reading system is composed of a meter including a register and the ERT. It is important to note that the City's water meters have consistently over time functioned as designed to record water usage accurately. On July 15, 1998, City Council awarded by Ordinance No. 98-575, a five year contract in the amount of \$25,510,709.00. Ordinance No. 01-1181 increased the spending authority to \$31,454,629.00. Ordinance No. 03-581 increased the spending authority to \$42,004,629.00 and extended the term from August 19, 2003 to August 18, 2008. Ordinance No. 06-1071 increased the spending authority to \$46,992,750.00 and extended the contract term to August 17, 2009. Total expenditures to date including pending deliveries are \$46,674,187.42. The amending ordinance will provide the final installment schedule to complete the correction phase of the ERT upgrade/change-out project to ensure a maintainable automated meter reading system. The third contract amendment focused on replacing 121,000 known non-responsive 1 st generation ERT modules out of the approximately 440,000 ERT modules currently in use. During the upgrade/change-out project it was estimated that an additional 85,000 2 nd generation ERT modules were non-responsive and would have to be replaced. With the original warranty of only one year plus two months for installation lag time, PWE was responsible for the material and labor cost associated with removal and replacement of all non-responsive ERTs. However, since Houston was the first large city to install an inground automatic metering system and because of some of the issues we have encountered with the first two generations of the ERTs, Itron Inc. agreed to provide most of the labor for the replacement of 183,000 ERT modules. The City of Houston will provide labor to replace the remaining 23,000 ERT modules. In addition to providing installation labor, Itron Inc. has discounted the unit price of the modules from approximately \$64 to \$41.15 and provided a twenty year warranty on the new modules. During the project Itron also provided manual meter reading services at no additional cost to the City resulting in a net savings on labor, equipment and materials of over \$11.5 million. It is requested that City Council approve an increase in spending authority in the amount of \$3,500,000.00 to meet the projected completion date/contract end date of August 2009. This contract was awarded with a 0.6% M/WBE participation level and the contractor is currently achieving 0.24%. The Affirmative Action Division has determined that the contractor has used the MWBE firm to the fullest extent possible on this contract. | | | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Department: | Other Authorization:  | 20KFL28 | NDT | |



CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence
Affirmative Action and
Contract Compliance
Division

To: Karen LeBack
Assistant Director
Public Works & Engineering

From: Velma Laws
Director

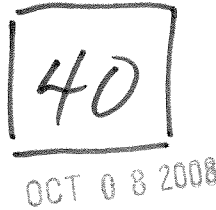
Date: September 4, 2008

Subject: **Purchase and Installation of an
Automated Meter Reading System
OA Number 460007289/C39273**

I am approving the Good Faith Efforts for Itron Incorporated on the above-referenced contract. Itron achieved .24% on a .6% goal. Historically, this contract has had a zero goal. However, we recognized an opportunity for a delivery firm. The MWBE firm was used to the fullest extent possible on this contract. Although .6% may seem like a minimal goal, the total contract value is \$45,011,155. The .24% achieved represents a significant amount of work for a small business.

If you have any questions or need any additional information, please contact Robert Gallegos at 713.837.9005 or via e-mail at robert.gallegos@cityofhouston.net.

09/08:06



MOTION NO. 2008 0733

MOTION by Council Member Lawrence that the following item be postponed for one week:

Item 39 - Ordinance amending Ordinance No. 2007-315 to increase the maximum contract amount for an Animal Shelter Feeding Services Agreement between the City of Houston and Hill's Pet Nutrition, Inc., - \$60,000.00 - General Fund

Seconded by Council Member Sullivan and carried.

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

Council Member Khan absent on personal business

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

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

City Secretary

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
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40 39 78

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:

Stephen L. Williams

Council District affected:
ALL

~~SEP 24 2008~~

OCT 08 2008

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: ☒ General Fund ☐ Grant Fund ☐ Enterprise Fund ☐ 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: