

**CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR – TUESDAY
OCTOBER 21, 2008 – 2:00PM**

AGENDA

3MIN

3MIN

3MIN

NON-AGENDA

3MIN

3MIN

3MIN

MS. MARY MORGAN – 1222 Wildfire – 77072 – 281-3579 – Insurance

MS. DEBORAH ALLEN – 12000 MLK, No. 2058 – 77048 – 832-292-5203 – The Millennium Year Y2K
President George Bush, Jr.

MR. WILLIAM BEAL - 4718 Boicewood – 77016 – 713-633-0126 – I am: President Ronald Reagan:
Republican Party

MS. EUGENIA BROWN – 14250 Kimberley, No. 282 – 77079 – 281-531-4377 – Evictions, Electricity:
Fraud: Bribes; Housing Code

MS. COTINA MARCELIN – 14250 Kimberly, No. 314 – 77079 – 832-752-4060 - Evictions, Electricity:
Fraud: Bribes; Housing Code

MR. LUCE ECHAVERIA – 7822 Capitol – 77012 – 713-928-3933 – Water Company is billing me \$2,520.00

MR. MARVIN HOLMES – 3211 McIlhenny – 77004 – 832-206-9383 – House not livable but landlord
still wants rent

MR. SHANE RHODES – 8111 Long Pont Rd. – 77055 – 713-582-8074 – Attention Getting Devices

MR. BOBBY RICH – 8001 W. Tidwell, No. 2005 – 77040 – 713-862-1673 – Taking property from the
elderly

PREVIOUS

1MIN.

1MIN.

1MIN.

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - 832-407-5344 – City Hall
W/HPD W/Mafia Terrorists, -, attempts – Life vs. President J. Charles – USA

1
OCT 22 2008

MOTION NO. 2008 0760

MOTION by Council Member Johnson that the Public Hearing held to determine just and reasonable Retail Water and Sewer Rates of Southern Water Corporation within the City of Houston, be recessed to October 22, 2008.

Seconded by Council Member Jones and carried.

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

PASSED AND ADOPTED this 15th day of October, 2008.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is October 21, 2008.

City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: A motion to allocate an additional \$120,000.00 to a Contract with Beck, Redden & Secrest, L.L.P. for outside litigation support services in Civil Action No. 920297 filed in the County Civil Court at Law No. 1, Harris County, Texas entitled <i>Southwestern Bell Telephone, L.P. d/b/a AT&T Texas vs. The City of Houston</i>	Category # 6	Page 1 of 2	Agenda Item # 2
--	---------------------	--------------------	-------------------------------

FROM (Department or other point of origin): Legal Department	Origination Date 10-16-08	Agenda Date OCT 22 2008
--	-------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: 	Council District affected: All
----------------------------------	--

For additional information contact: Malinda York Crouch 832.393.6462	Date and identification of prior authorizing Council action: Ordinance No. 2007-27; Dated: January 3, 2007; Motion No. 2007-1174; Dated: November 28, 2007
--	---

RECOMMENDATION: (Summary)

That Council approve a Motion allocating an additional \$120,000.00 to a contract for litigation support services between Beck, Redden & Secrest, L.L.P. and the City of Houston.

AMOUNT OF FUNDING: \$120,000.00; previous funding: \$270,000.00	FIN Budget:
---	--------------------

SOURCE OF FUNDING:	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
<input checked="" type="checkbox"/> Other (Specify)	Fund: 1001 CIP Salary Recovery Fund		

SPECIFIC EXPLANATION:

Southwestern Bell Telephone d/b/a AT&T Texas, ("AT&T") has filed three lawsuits against the City of Houston in an effort to avoid paying for relocation of its facilities. AT&T claims that certain provisions of Chapter 40 of the Code of Ordinances relating to the Utility Relocation Program establishing procedures for relocating privately-owned facilities located in the City's right-of-way are preempted by federal law and state law. Beck, Redden & Secrest was engaged as outside counsel to assist the City Attorney in defending the lawsuits.

On December 8, 2006, AT&T filed a lawsuit in federal court seeking a declaration and injunction and damages because AT&T was required to relocate its facilities by the Sharptown Drainage Project. AT&T alleged that the City's ordinance violated and is preempted by federal and state law. AT&T sought damages in the amount of \$419,741.48 plus interest and attorney fees. The City filed a motion to dismiss which was granted by the federal court. AT&T appealed to the Court of Appeals for the Fifth Circuit. On May 20, 2008, the Fifth Circuit affirmed the dismissal holding that the City's ordinance is not preempted by federal law. The Court declined to exercise jurisdiction over the state-law claims.

REQUIRED AUTHORIZATION		
FIN Director:	Other Authorization:	Other Authorization:

Date:	Subject: A motion to allocate an additional \$120,000.00 to a Contract with Beck, Redden & Secrest, L.L.P. for outside litigation support services in Civil Action No. 920297 filed in the County Civil Court at Law No. 1, Harris County, Texas entitled <i>Southwestern Bell Telephone, L.P. d/b/a AT&T Texas vs. The City of Houston</i>	Originator's Initials	Page <u>2</u> of <u>2</u>
--------------	--	------------------------------	-------------------------------------

On June 25, 2007, AT&T filed a second lawsuit in Texas state District court, again seeking declaratory and injunctive relief, this time against the Harris County Flood Control District as well as the City of Houston. AT&T requested a declaration from the Court that certain provisions of Chapter 40 of the Code of Ordinances relating to the procedures established for relocating privately-owned facilities located in the City's right-of-way and elsewhere, to accommodate public works projects are prohibited under state law. The lawsuit challenged the constitutionality of the ordinance and the City's statutory authority of the Utility Relocation Program. AT&T sought a temporary and permanent injunction that the City may not interfere with its equipment at Forest Hill Street Bridge at Brays Bayou, and require AT&T to bear the cost of relocation, or assess damages if AT&T does not relocate or move its equipment. This lawsuit is still pending.

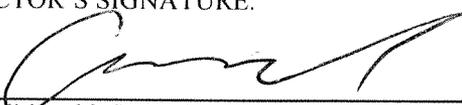
On July 2, 2008, AT&T filed a third lawsuit in Harris County Civil Court at Law Number 1, seeking damages and alleging that AT&T has a vested property right in the easements that AT&T holds in the City's right-of-way and that the City of Houston has unconstitutionally "taken" that interest without just compensation. This lawsuit relates to the state-law claims that AT&T is required to relocate its facilities at its expense in the Sharptown Area Drainage Improvements. These claims were not considered by the federal court. AT&T alleges that the City's Ordinance relating to the Utility Relocation Program requiring AT&T to relocate its facilities is an infringement of its vested property right and an unconstitutional taking.

Houston's Legal Department requests that Council approve a motion to allocate additional funding to a contract for professional legal services with Beck, Redden & Secrest, L.L.P. to provide legal services in connection with this related litigation.

REQUEST FOR COUNCIL ACTION

SUBJECT: Settlement of Lawsuit styled; <i>Jessica Fiske v. City of Houston and Ronald Revis</i> ; In 61 st Judicial District Court of Harris County, Texas; Cause No.2007-30232; L.D. #063-0700113-001		Page 1 of 2	Agenda Item # 3
---	--	----------------	------------------------------

FROM (Department or other point of origin): Legal	Origination Date 10/16/08	Agenda Date OCT 22 2008
---	-------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: 	Council District affected: General
--	--

For additional information contact: Kelly A. Dempsey Phone: 832-393-6481	Date and identification of prior authorizing Council action:
---	--

RECOMMENDATION: (Summary)

Approve the referenced settlement

Amount and Source of Funding: \$165,000.00 - Property and Casualty Fund (1004)
(Claims and Judgments)

Other (Specify)

SPECIFIC EXPLANATION:

FOR SETTLEMENT PURPOSES ONLY

Plaintiff alleges she was struck and run over by a street sweeper operated by a City of Houston employee Ronald Revis on March 22, 2007, at the intersection of Webster and Bagby, Houston, Texas. Specifically, Plaintiff was a pedestrian who alleges she was crossing the street with the approved cross walk when street sweeper operator Ronald Revis ran a red light and ran over the Plaintiff.

An independent witness, who was stopped in his vehicle at this traffic signal, confirms that our street sweeper ran the red light.

SETTLEMENT RECOMMENDATION

As a result of the accident Plaintiff suffered serious injuries. After two surgeries her medical bills total \$80,625.98. Her claim for lost wages totals \$11,200.00.

The City's exposure in this lawsuit would be the cap of the Texas Tort Claims Act which is \$250,000.00 in this case. As basis for liability could be Section 101.021(1)(A) of the Texas Tort Claims Act which waives governmental immunity when a City employee negligently operates a motor vehicle.

A settlement of \$165,000.00 is recommended in the cause with a check for \$165,000.00 to be made payable to Jessica Fiske and her attorney George Cire, Tax I.D. # 20-8210292.

REQUIRED AUTHORIZATION

Other Authorization:	Other Authorization:	Other Authorization:
----------------------	----------------------	----------------------

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work – EAS Contracting, L.P. for Miscellaneous Airfield Lighting Improvements, Generators and Generator Buildings at Ellington Field; Project No. 588 (WBS # A-000428-0001-4-01; Contract No. 60904)	Category #	Page 1 of 1	Agenda Item # 4
---	-------------------	-----------------------	---------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date October 7, 2008	Agenda Date OCT 22 2008
--	--	-----------------------------------

DIRECTOR'S SIGNATURE: <i>[Signature]</i>	Council District affected: E
---	--

For additional information contact: Eric R. Potts <i>[Signature]</i> Phone: 281-233-1999 Adil Godiwalla <i>[Signature]</i> 281-233-1934	Date and identification of prior authorizing Council action: 11/30/2005 (O) 2005-1310 08/01/2007 (O) 2007-0866
--	---

AMOUNT & SOURCE OF FUNDING: None required	Prior appropriations: CIP No. A-0428.01.03 Arpt Improvemt Fd (8011).....\$6,998,468.00 CIP No. A-0428.04.03 Arpt Improvemt Fd (8011)..... \$ 200,000.00 Total.....\$7,198,468.00
---	--

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$7,092,061.06 or 7.947 percent more than the original contract amount, accept work, and authorize final payment.

SPECIFIC EXPLANATION:
The contractor, EAS Contracting, L.P., has completed all the work required under their contract in the amount of \$6,569,969.15 for miscellaneous airfield lighting improvements, generators and generator buildings at Ellington Field. During construction the Houston Airport System inspected this project. The inspection team was led by Mr. Raymond Nutall and Mr. Ivory Davis.

The final amount of the contract, including Change Order No. 1 in the amount of \$333,662.33 and line item over runs in the amount of \$188,429.58, will be \$7,092,061.06, which is 7.947 percent more than the original contract amount. The changes and line item over runs were for unforeseen conditions that were undetermined at the time of design and that necessitated numerous electrical changes, additional fire alarms, cabling, manholes and IT facilities, as well as an upgrade to the generator to meet EPA requirements.

EAS Contracting, L.P. achieved 17.86% DBE participation on a 20.1% goal. The shortfall was due to the following reasons: (1) bid item overruns that increased the overall contract value by approximately 5% and were directly related to work performed by the prime; (2) a change order for specialized work on airfield lighting and controls that could not be performed by available DBE subcontractors; (3) deletion of approximately 25% of work under Alternate #1 that was originally intended to be performed by a DBE company; (4) a 54-day delay due to rain that required the prime, in order to prevent additional delays, to perform some of the work originally intended to be performed by DBE subcontractors. The office of Affirmative Action and Contract Compliance awarded EAS Contracting, L.P. a "Satisfactory" rating.

RMV:ERP:AG:km

- | | | | |
|--------------------------|-------------------------|---------------------|------------------------|
| cc: Ms. Marty Stein | Mr. Tom Bartlett | Ms. Monica Newhouse | Ms. Roxanne Butler |
| Mr. Anthony W. Hall, Jr. | Mr. David Arthur | Mr. Adil Godiwalla | Ms. Marlene McClinton |
| Mr. Arturo G. Michel | Ms. Kathy Elek | Mr. John Silva | Ms. Janice D. Woods |
| Ms. Velma Laws | Mr. Aleks Mraovic | Mr. Carlos Ortiz | Ms. Cynthia C. Saldana |
| Mr. Richard M. Vacar | Mr. J. Goodwille Pierre | Mr. Frank Crouch | |
| Mr. Eric R. Potts | Ms. Ellen Erenbaum | Mr. Raymond Nutall | |

REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization:	Other Authorization: <i>[Signature]</i>

**Small Business Development & Contract Compliance Division
MWDBE Participation Report
Justification for Satisfactory Rating**

Project Closeout Date: August 15th, 2008
Project # / Contract #: 588/ CIP No. A-0428, AIP No. 3-48-0290-XX
Description: Miscellaneous Airfield Lighting Improvements, Generators and Generator Building at Ellington Field
Prime Contractor: EAS Contracting, LP
Final Contract Amount: \$7,092,061.06
MWDBE Goal: 20.10%
Goal Achieved: 17.86%
Rating: Satisfactory

Summary of MWDBE Evaluation

<u>RCA MWDBE's</u>	<u>MWDBE Used</u>
<u>Airport Lighting Systems, Inc.</u>	<u>Airport Lighting Systems, Inc.</u>
<u>D.C. Services, LLC</u>	<u>D.C. Services, LLC</u>
<u>Rozco Contracting, Inc.</u>	<u>Rozco Contracting, Inc.</u>

Explanation from Prime:

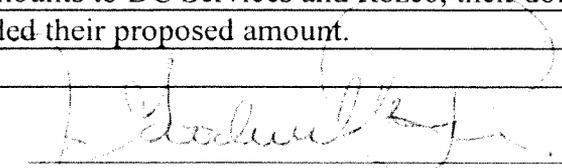
August 12th, 2008 letter from EAS documents several challenges resulting in goal shortfall. Price of telecommunciation supply's dramatically increased in price resulting in prime performing work themselves verses DC Services. Also, Rozco's scope of work was decreased.

Explanation from Subcontractor:

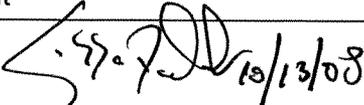
Final Comments:

Even though EAS fell short of their monetary amounts to DC Services and Rozco, their dollar amount paid to Airport Lighting Systems exceeded their proposed amount.


 Sr. Contract Compliance Supervisor


 SBDCCD Manager

Note: This form is used only when the Contractor failed to reach the MWDBE goal but is still awarded a Satisfactory rating.

SUBJECT: Appointment of two Independent Appraisers in connection with the sale of 19.756 acres of land located on Lockwood Drive at Buffalo Bayou (former North Side Sewer Treatment site).		Page 1 of 1	Agenda Item 5
FROM (Department or other point of origin): General Services Department		Origination Date 10-16-08	Agenda Date OCT 22 2008
DIRECTOR'S SIGNATURE:  Issa Z. Dadoush, P.E.		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. 2008-0664; 7/23/08	
RECOMMENDATION: Approve a motion to appoint two Independent Appraisers in connection with the sale of 19.756 acres of land located on Lockwood Drive at Buffalo Bayou (former North Side Sewer Treatment site).			
Amount and Source Of Funding: N/A		Finance Budget:	
<p>SPECIFIC EXPLANATION: On July 23, 2008, Ordinance No. 2008-0664, City Council amended Article VI, of Chapter 2 of the Code of Ordinances to provide that the City must obtain two independent appraisals when the City intends to sell or lease real property with an expected value over \$1 million.</p> <p>The General Services Department recommends that City Council approve the appointment of two independent appraisers, as listed below, to determine the fair market value of 19.756 acres of land located on Lockwood Drive at Buffalo Bayou (former North Side Sewer Treatment site).</p> <ul style="list-style-type: none"> • Stephen D. Duplantis, MAI – CB Richard Ellis, Inc. • Gerald A. Teel - The Gerald A. Teel Company, Inc. 			
<p>IZD:BC:JLN:JES:ddc</p> <p>xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby</p>			
REQUIRED AUTHORIZATION		CUIC ID# 25 JES 15	
<p>General Services Department:</p>  Forest R. Christy, Jr., Director Real Estate Division			

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8039

Subject: Purchase of Yellow Fever Vaccine from the State of Texas Building and Procurement Commission's Contract for the Health and Human Services Department
S45-Q23043-S

Category #
2

Page 1 of 1

Agenda Item
6

FROM (Department or other point of origin):

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

Origination Date

October 03, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE

[Handwritten Signature]

Council District(s) affected
All

For additional information contact:

Kathy Barton Phone: (713) 794-9998
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of yellow fever vaccine from the State of Texas Building and Procurement Commission's Contract in the total amount of \$72,192.00 for the Health and Human Services Department.

Award amount: \$72,192.00

Finance Budget

\$72,192.00 - Health Special Revenue (2002)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of yellow fever vaccine in the total amount of \$72,192.00 from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Health and Human Services Department and that authorization be given to issue a purchase order to the State contract supplier, Sanofi Pasteur, Inc. This purchase consists of 200 boxes (1,000 doses total) of injectable vials of yellow fever vaccine, which will sustain the Department for approximately one year. This vaccine will be administered at the Health Department's Adult Foreign Travel Clinic(s) to provide required immunization of citizens traveling abroad.

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

Buyer: Sandy Yen
Purchase Requisition: 10059975

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Handwritten initials]

[Handwritten initials]

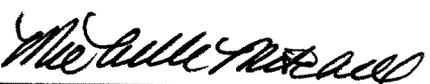
SUBJECT: Appropriate Funds and authorize Issuance of a Purchase Order to Gametime through the U.S. Communities Government Purchasing Alliance Super Neighborhood Action Plan (SNAP) Project- Bordersville Park Playground WBS No. F-000719-0001-4	Page 1 of 1	Agenda Item 7-7A
--	----------------	-----------------------------------

FROM (Department or other point of origin): General Services Department	Origination Date 10-14-08	Agenda Date OCT 22 2008
---	-------------------------------------	-----------------------------------

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: Appropriate funds and authorize issuance of a purchase order to Gametime through the U.S. Communities Government Purchasing Alliance for the Parks and Recreation Department.

Amount and Source Of Funding: \$ 83,664.00 Limited Use Roadway & Mobility Capital Fund (4034) 	Finance Budget: 
--	---

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$ 83,664.00 and authorize issuance of a purchase order to Gametime through the U.S. Communities Government Purchasing Alliance for the purchase and installation of playground equipment and associated sidewalks at Bordersville Park, for the Parks and Recreation Department.

PROJECT LOCATION: 19622 Carver Rd. (335S)

PROJECT DESCRIPTION: The project involves the purchase and installation of a modular playground unit, fall surface material, and concrete sidewalks at Bordersville Park.

IZD:HB:JLN:LJ:MS:ms 

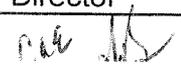
c: Marty Stein, Jacquelyn L. Nisby, Mark Ross, Dan Pederson, Susan Bandy, Preetha Thampi, Gary Norman Webb Mitchell, File 813

NDT

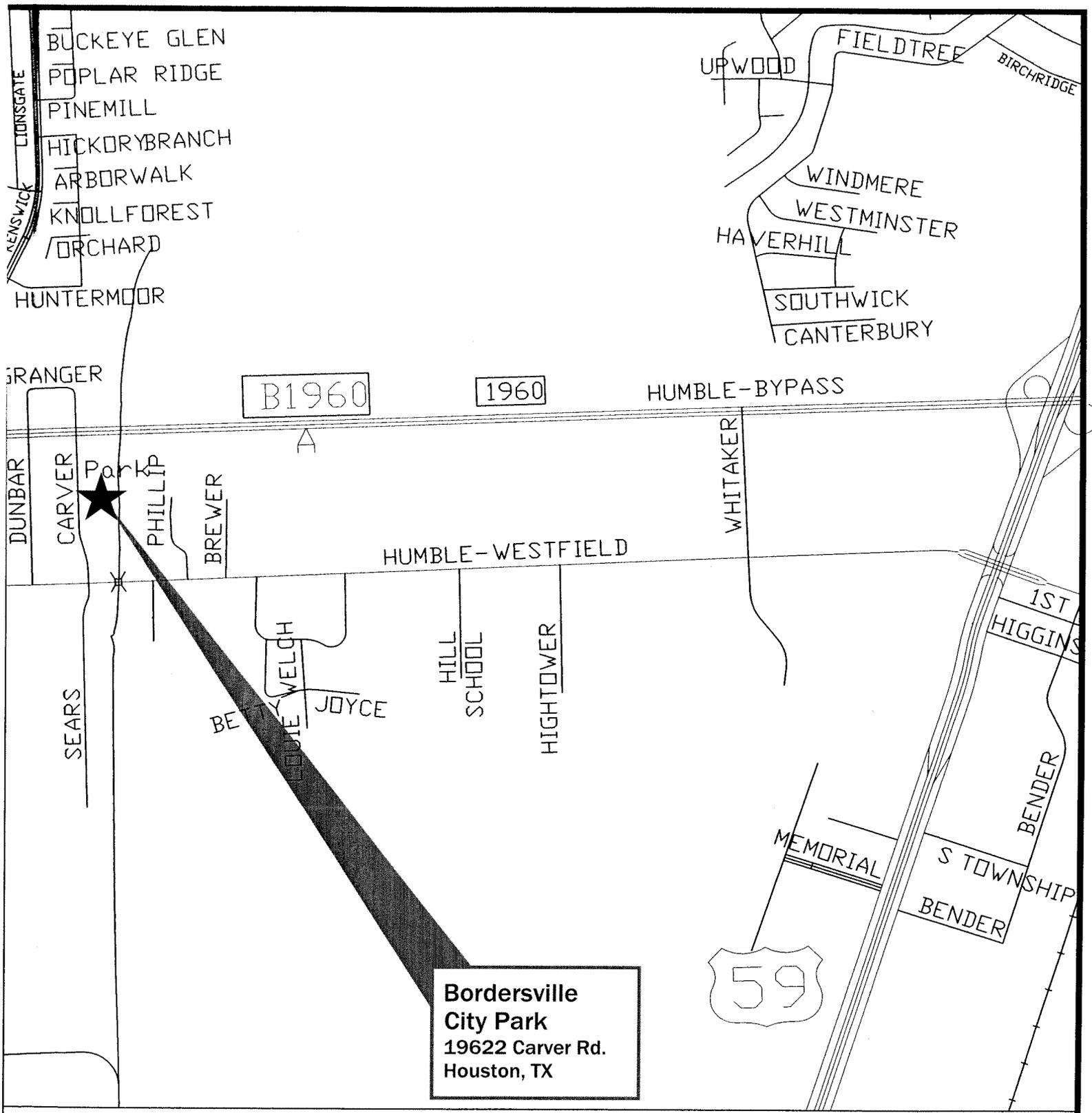
REQUIRED AUTHORIZATION

CUIC# 25PARK45

General Services Department:  Humberto Bautista Chief of Design & Construction Division	Department of Public Works and Engineering:  Michael S. Marcotte, P.E., D.E.E. Director	Parks and Recreation Department:  Joe Turner Director
---	---	--







Bordersville City Park
19622 Carver Rd.
Houston, TX

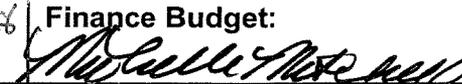
SUBJECT: Appropriate Funds and Authorize Issuance of a Purchase Order to All Play, Inc. through the Texas Local Government Purchasing Cooperative Super Neighborhood Action Plan (SNAP) Park Trail Projects WBS No. F-000719-0002-4.	Page 1 of 1	Agenda Item 8+8A
---	-----------------------	--------------------------------

FROM (Department or other point of origin): General Services Department	Origination Date 10-16-08	Agenda Date OCT 22 2008
---	-------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E.  9/29/08	Council District(s) affected: B, D and E
--	--

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 a purchase order to All Play, Inc. through the Texas Local Government Purchasing Cooperative for the Parks and Recreation Department.

Amount and Source Of Funding: \$ 433,109.72 Limited Use Roadway & Mobility Capital Fund (4034)	<i>Preetha 10/10/08</i>	Finance Budget: 
--	-------------------------	---

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$ 433,109.72 and authorize issuance of a purchase order to All Play, Inc. through the Texas Local Government Purchasing Cooperative to construct walking trails, install site furnishings and playground equipment at the following parks for the Parks and Recreation Department.

	<u>PARK</u>	<u>ADDRESS</u>	<u>COUNCIL DISTRICT</u>	
PROJECT LOCATIONS:	Houston Gardens Park	6901 Apache	(454R)	B
	Brock Park	8201 John Ralston Rd.	(456E)	B
	Southcrest Park	5842 Southmund	(534T)	D
	St. Lo. Park	7335 St. Lo Rd.	(534S)	D
	Bordersville Park	19622 Carver Rd.	(335S)	B
	Samuel Spaceway Park	12936 Samuel Lane	(496M)	E

PROJECT DESCRIPTION: These projects address various Super Neighborhood Action Plan (SNAP) requests, and include the installation of walking trails and site furnishings at Houston Gardens, Brock, Southcrest, and St. Lo Parks. Playground equipment will be relocated from Bordersville Park to Samuel Spaceway Park and a new swing unit will be installed at St. Lo Park. New playground equipment will be installed at Bordersville Park under a separate purchase order.

IZD:HB:JLN::MS:ms

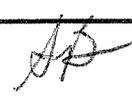
o Marty Stein, Jacquelyn L. Nisby, Mark Ross, Dan Pederson, Gary Norman, Susan Bandy, Preetha Thampi, Webb Mitchell, File 813

NDT

REQUIRED AUTHORIZATION

CUIC# 25PARK43

General Services Department:  Humberto Bautista Chief of Design & Construction Division	Department of Public Works and Engineering:  10/30/08 Michael S. Marcotte, P.E., D.E.E. Director	Parks and Recreation Department:  Joe Turner Director
---	--	--

cab 

807

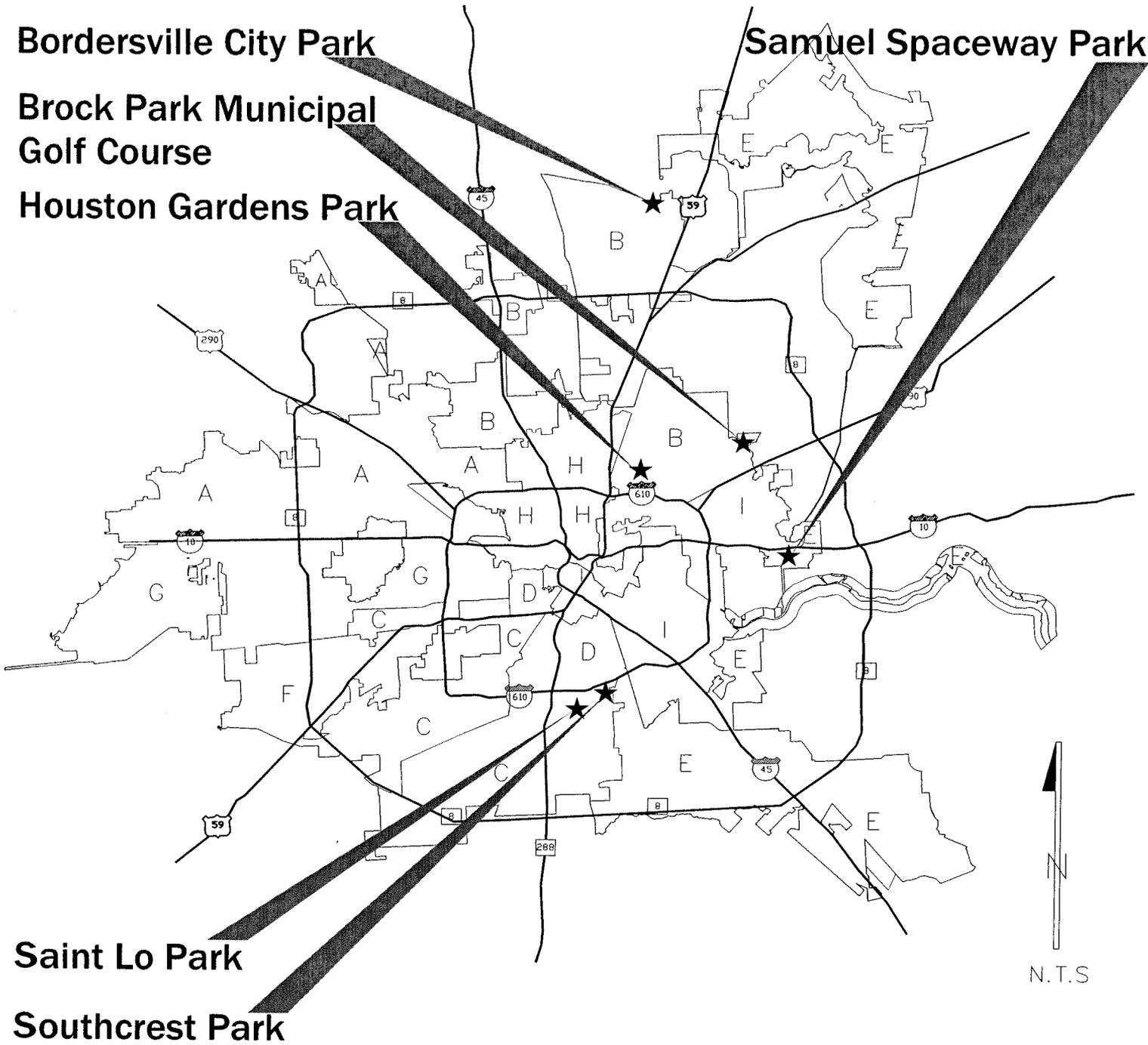
CITY OF HOUSTON
HARRIS COUNTY, TEXAS

Bordersville City Park

Samuel Spaceway Park

**Brock Park Municipal
Golf Course**

Houston Gardens Park



Saint Lo Park

Southcrest Park



- Houston Gardens Park - District "B" (454R)
- Brock Park Municipal - District "B" (456F)
Golf Course
- Southcrest Park - District "D" (534T)
- Saint Lo Park - District "D" (534S)
- Bordersville City Park - District "B" (335S)
- Samuel Spaceway Park - District "E" (496M)

VICINITY MAP

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8078

Subject: Purchase of a Maintenance and Support Agreement for Novell Software through the City's Master Agreement with the Texas Department of Information Resources (Contract No. C56844) S17-H23064

Category #
4 & 5

Page 1 of 1

Agenda Item

9

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

Origination Date
October 14, 2008

Agenda Date
OCT 22 2008

DIRECTOR'S SIGNATURE

Calvin D. Wells
10/14/08

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 the purchase of a 12-month maintenance and support agreement for Novell software in the total amount of \$415,631.40 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Awarded Amount: \$415,631.40

Finance Budget

\$415,631.40 - General Funds (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of a 12-month maintenance and support agreement for Novell software in the total amount of \$415,631.40 through the City's Master Agreement with DIR for the Houston Police Department (HPD), and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, SHI Government Solutions, Inc., a certified State of Texas Historically Underutilized Business.

This agreement will allow HPD's Information Technology (IT) personnel to keep up with software updates and upgrades, as well as, obtain required software support. This agreement will cover the maintenance of Novell's Groupwise, Identity Manager, Zenworks and Border Manager Suites.

The Department's computer infrastructure is based on 90% Novell products. The Novell GroupWise e-mail Suite is used throughout the Department and is heavily utilized for day-to-day communication with other City departments. The Novell Identity Management Suite is used to automate several tasks that otherwise would normally require a larger IT staff. The Zenworks Suite enables HPD's IT personnel to manage the Department's 3,500 desktop computers from a central location, providing fast turnaround time to the Department end-users. The Novell Border Manager Suite has allowed the Department to converge two desktop computers that were being utilized for HPD data and Internet access into one desktop. Renewing the Novell maintenance and support agreement will ensure that the Department will continue to receive the level of support required to maintain its computer environment.

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

- Access to the latest version of software, as well as, all service packs and patches
- Support 24/7, 365 days a year
- Escalation point into the Novell technical support organization, as well as, manage all critical support issues
- Master Software via download or CD to allow greater flexibility in utilizing the software
- A dedicated account team that allows regular contact with a Client Manager and Novell Technology Specialist teams

Buyer: Murdock Smith

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Murdock Smith
10/14/08

MDT

Grant

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8031

Subject: Purchase of Automobiles and Utility Vehicles through the Houston-Galveston Area Council for the Public Works & Engineering Department
S38-N23007-H

Category #
4

Page 1 of 1

Agenda Item

10

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

Origination Date
September 02, 2008

Agenda Date
OCT 22 2008

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (713) 238-5241
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of automobiles and utility vehicles through the Houston-Galveston Area Council (H-GAC) in the amount of \$357,661.36 for the Public Works & Engineering Department.

Award Amount: \$357,661.36

Finance Budget

\$357,661.36 - Building Inspection Fund (2301)

PLR 10/15/08

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of eight hybrid-electric intermediate, 4-door sedans and thirteen light-duty, 4-door, gasoline-powered utility vehicles through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$357,661.36 for the Public Works & Engineering Department, and that authorization be given to issue a purchase order to the H-GAC contractor, Philpott Motors, Ltd. These new vehicles will be used citywide by the Department's Multi-Family Habitability Section inspectors for periodic proactive inspections of multi-family properties to ensure compliance with the City's building codes.

The Department's Multi-Family Habitability Program is a new program that is being established for FY09. These new vehicles will be additions to the Department's fleet inventory and are required to provide transportation for newly-hired inspectors that will be assigned to the Multi-Family Habitability Section.

These vehicles will exceed the EPA's current emission standards for low emission vehicles. They will come with a three-year/36,000-mile warranty and the life expectancy is seven years or 100,000 miles.

Buyer: Lena Farris
PR Nos. 10058322/10058225

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:
Amulshree 10/16/08

Other Authorization:

65CDW 8031
[Signature]

10

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8023

Subject: Approve the Sole Source Purchase of Software Application and Maintenance Support Services for the Workorder Management System (Citywork) for Public Works & Engineering Department S46-E23020

Category #
4

Page 1 of 1

Agenda Item

11

FROM (Department or other point of origin):

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

Origination Date

September 17, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (713) 238-5241
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the sole source purchase from Azteca Systems, Inc. in the amount of \$110,000.00 for software application and maintenance support for the Software Application and Maintenance Support Services for "Cityworks" - (Workorder Management System) for the Public Works & Engineering Department.

Maximum Contract Amount: \$110,000.00

August 10/9/08

Finance Budget

\$110,000.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the sole source purchase from Azteca Systems, Inc. in the amount of \$110,000.00 for software application and maintenance support for the Public Works & Engineering Department's "Cityworks" system, and that authorization be given to issue a purchase order. The "CityWorks" system is used by the PWE to manage and track workorders and customer request for work to be performed by PWE throughout the City of Houston.

Aztec Systems, Inc. is the proprietary owner, developer, manufacturer, supplier, and distributor of the Enterprise-GIS Asset Maintenance Management application used to manage the "Cityworks" system and has no authorized third-party maintenance providers.

The scope of work requires the contractor to provide the software application and maintenance support for the "Cityworks" system that is used to manage a variety of municipal maintenance projects including water, wastewater, street and traffic. This system is housed at 611 Walker (2nd Floor datacenter) and is accessed by more that 500 users with the city-wide network and by more than 50 wireless users. Cityworks is one of the core systems used by PW&E and ensuring that the software application is fully maintained and supported is crucial to PW&E's operation.

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

Buyer: Eric Alexander

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Jim Chang

Cheryl Dintz

65 CDW 8023

NOT

10/30/08 (mail)

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7763

Subject: Spending Authority for Household Hazardous Waste Collection, Transportation and Disposal Services through the Houston-Galveston Area Council for Various Departments
S30-L22751

Category #
4

Page 1 of 71

Agenda Item

12

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

Origination Date
September 02, 2008

Agenda Date
OCT 22 2008

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Dan Gutierrez Phone: (713) 837-9214
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve spending authority to purchase household hazardous waste collection, transportation and disposal services through the Houston-Galveston Area Council (H-GAC) in an amount not to exceed \$1,625,000.00 for the Solid Waste Management and Public Works & Engineering Departments.

Estimated Spending Authority: \$1,625,000.00

Finance Budget

\$1,625,000.00 - Storm Water Fund (2302) *Re id 19/08*

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve spending authority to purchase household hazardous waste collection, transportation and disposal services through the Interlocal agreement for Cooperative Purchasing with H-GAC in an amount not to exceed \$1,625,000.00 for the Solid Waste Management and Public Works & Engineering Departments, and that authorization be given to issue purchase orders to the H-GAC contractor, Philip Reclamation Services, Houston, Inc. until December 31, 2013 (4.25 years). The contract started on January 1, 2008 and shall remain in effect until December 31, 2009. H-GAC has the right to extend the contract for up to three additional 12-month periods, thus the request for spending authority for four years and four months.

The scope of work requires the contractor to provide all labor, materials, equipment, tools and supervision necessary to collect, transport and dispose of household hazardous waste from the City's Environmental Service Center, located at 11500 South Post Oak, on a regularly scheduled weekly basis. The center provides a location where City of Houston residents may drop off - free of charge - materials such as paint, used motor oil, antifreeze, pesticides, bathroom cleaners and pool chemicals. Non-residents living in Harris County can obtain a voucher from Harris County Pollution Control valued at \$75.00 which allows them to drop off up to 100 lbs. of material.

M/WBE Subcontracting:

Philip Reclamation Services, Houston, Inc. has agreed to subcontract 23% to the below-named M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Pulido Trucking, L.P.	Trucking	\$373,750.00

This contract will be monitored by the Affirmative Action Division.

Buyer: Richard Morris

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization: *Michael M. Wells*

Other Authorization: *65 CDW 7763*
Ein. Larga *MD*

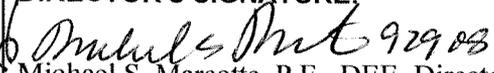
yl

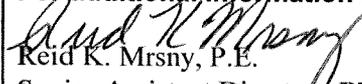
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Waiver of Local Match Participation for the Federal Off-System Bridge Program administered by the Texas Department of Transportation; WBS Nos. N-001320-0008-03; N-001320-0009-03, N-001320-0010-03.	Page 1 of 2	Agenda Item # <div style="text-align: right; font-size: 2em; font-weight: bold;">13</div>
--	-----------------------	---

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 10-1-08	Agenda Date OCT 2 2 2008
--	--	--

DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director	Council District affected: A, B, E, I <i>Eac</i>
--	---

For additional information contact:  Reid K. Mersny, P.E. Senior Assistant Director Phone: (713) 837-0452	Date and identification of prior authorizing Council action: N/A
---	--

RECOMMENDATION: (Summary)
 Approve a Resolution supporting the City of Houston's request for a Waiver of the Local Match Participation Requirements for the Federal Off-System Bridge Program.

Amount and Source of Funding:
 N/A

PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program (BRINSAP) is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets not located on the designated state highway system. This Resolution will support a request for a waiver of the local match requirements of the Program in return for the City agreeing to perform structural improvement work on other deficient bridges within the City's roadway system.

PREVIOUS HISTORY AND SCOPE: Under Minute Order No. 110479 dated March 30, 2006, the Texas Transportation Commission approved the reconstruction of the following three bridges under the Federal Off-System Bridge Program, hereinafter, referred to as "Participation-Waived" Projects.

Bridge	NBI Structure No.	TxDOT CSJ No.	WBS No.	Key Map No.	Council District	Estimated City's Cost Participation
Market Street Bridge Eastbound at Hunting Bayou	12-102-0-B42473-001	0912-71-078	N-001320-0008-3	496 K, L	E	\$72,358
Market Street Bridge Westbound at Hunting Bayou	12-102-0-B42473-002	0912-71-079	N-001320-0009-3	496 K, L	E	\$72,358
Patterson Road Bridge at Langham Creek	12-102-0-B50313-198	0912-72-209	N-001320-0010-3	448 P	A	\$60,500

REQUIRED AUTHORIZATION CUIC ID # 20TAA23

Finance Department:	Other Authorization:	Other Authorization:
----------------------------	-----------------------------	-----------------------------

Under this Program, the usual fund participation ratio for projects is 80 percent federal, 10 percent state and 10 percent local government. The Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent local government match requirement may be waived on these projects if the local government performs an equivalent dollar amount of structural improvement work on other deficient bridges within its jurisdiction (Equivalent-Match Projects). The City of Houston has included in the FY 2009-2013 Capital Improvement Plan \$6,093,000.00 for the Bridge Rehabilitation/Replacement Program (N-0845). Based on field investigations, Public Works & Engineering has identified the following three bridges as appropriate candidates for replacement under this Program.

<i>Location</i>	<i>NBI Structure No.</i>	<i>Key Map No.</i>	<i>Council District</i>	<i>School Bus Route</i>	<i>Estimated Cost</i>
8400 Flintridge	12-102-B24585-397	455 G	B	Yes	\$75,000.00
7100 San Angelo	N/A	494 H	I	Yes	\$80,000.00
1100 Mitchell	N/A	413 Q	B	Yes	\$80,000.00

The total estimated cost for the proposed City's Equivalent-Match Projects is \$235,000.00. The local match participation required for the reconstruction of the three Participation-Waived bridges in the BRINSAP is \$205,216.00.

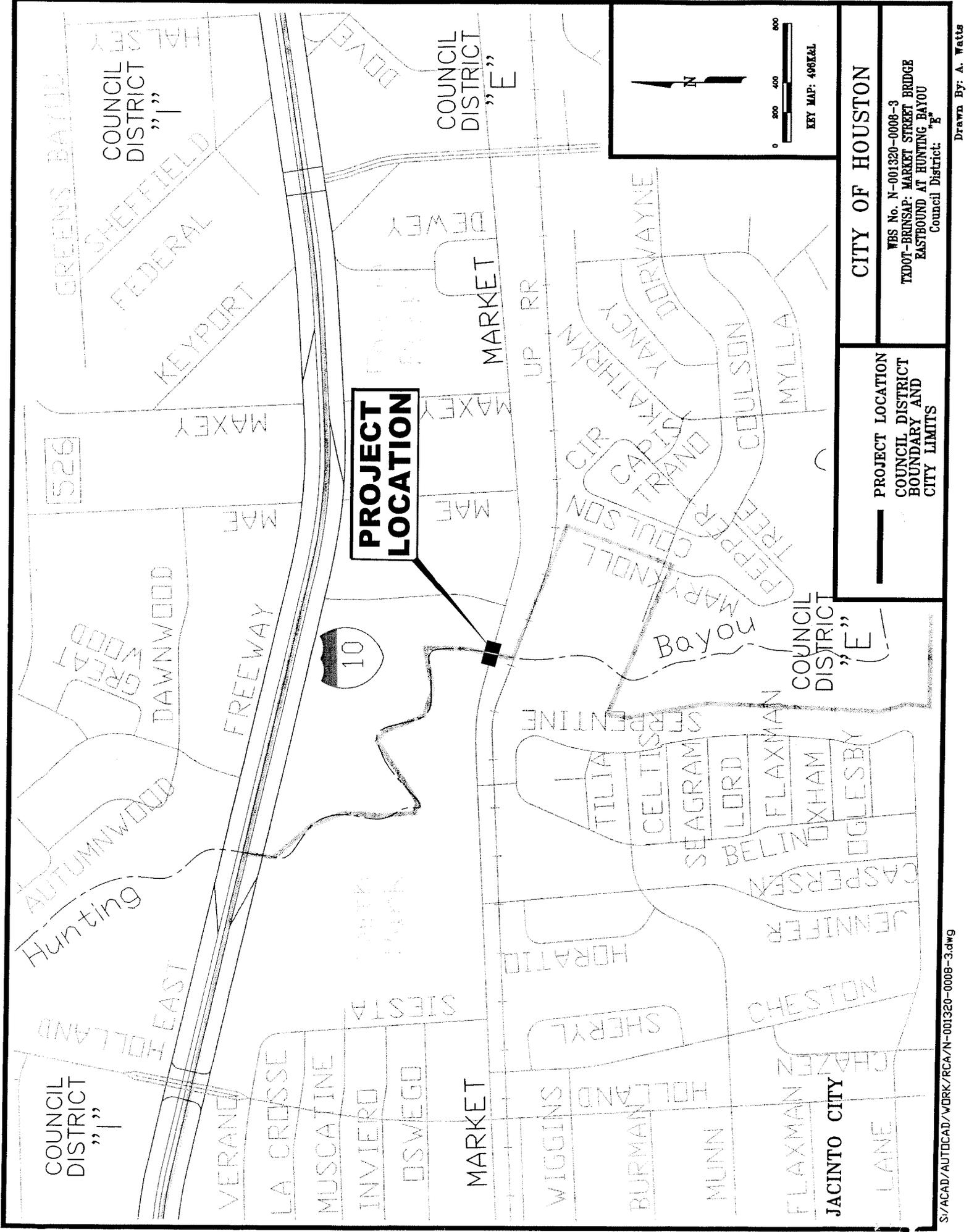
This resolution requests the State's consideration of waiving the local match participation on the three Participation-Waived Off-System Bridges by utilizing funds expended in the Bridge Rehabilitation/Replacement Program under the City's Capital Improvement Plan.

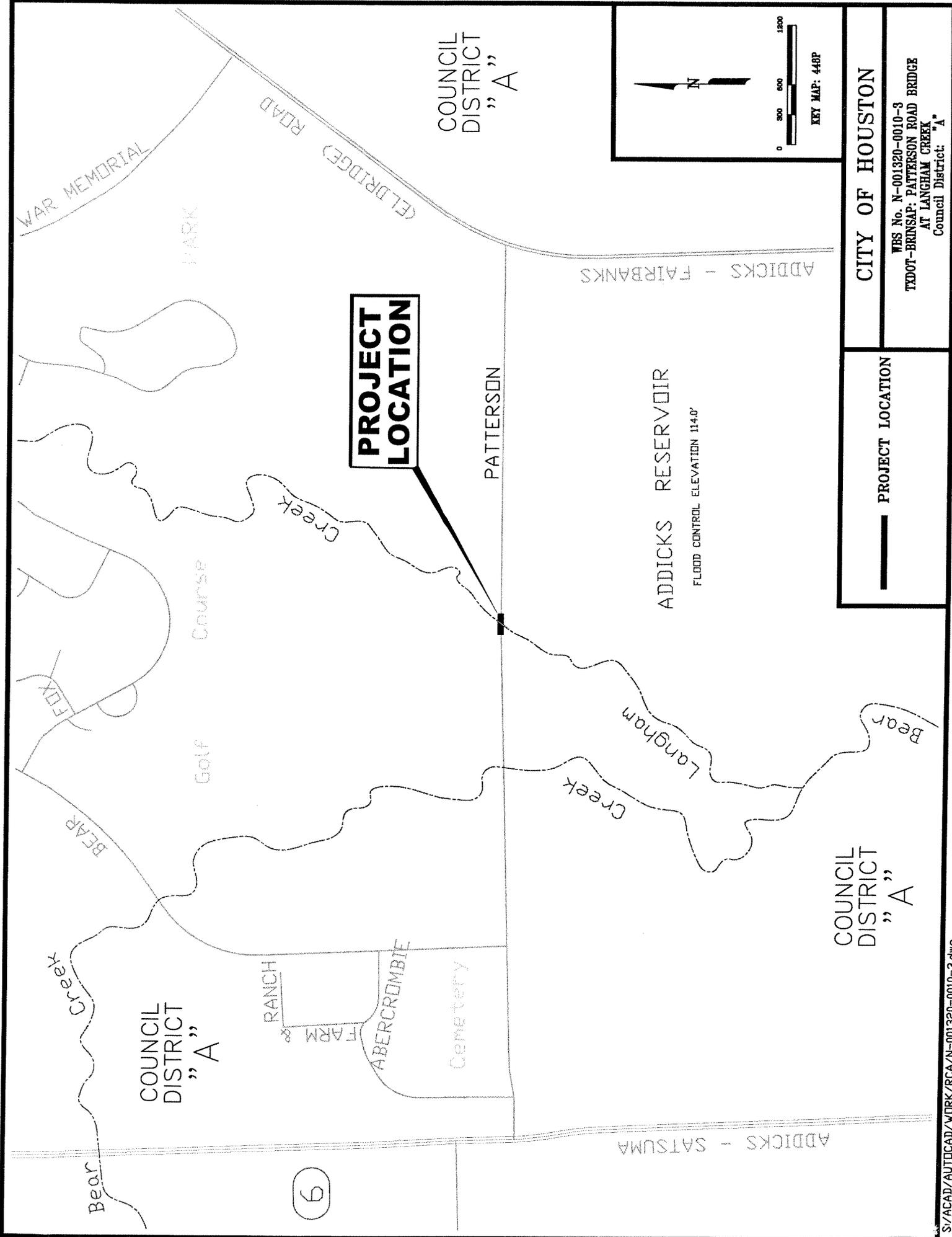
ACTION RECOMMENDED: It is recommended that Council approve a resolution supporting the waiver of local match participation requirements for the Federal Off-System Bridge Program.

MSM:RKM:TAA:kdt

S:\constr\A-SB-DIV\Design\TxDOT\Projects\91271079\RCA\Resolution1 RCA.DOC

- c: Marty Stein
 Susan Bandy
 Velma Laws
 Craig Foster
 File – TxDOT – Market Street Bridge Eastbound at Hunting Bayou
 TxDOT – Market Street Bridge Westbound at Hunting Bayou
 TxDOT – Patterson Road Bridge at Langham Creek





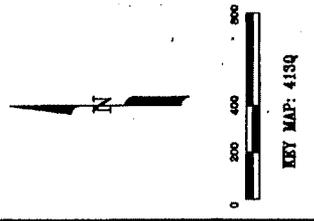
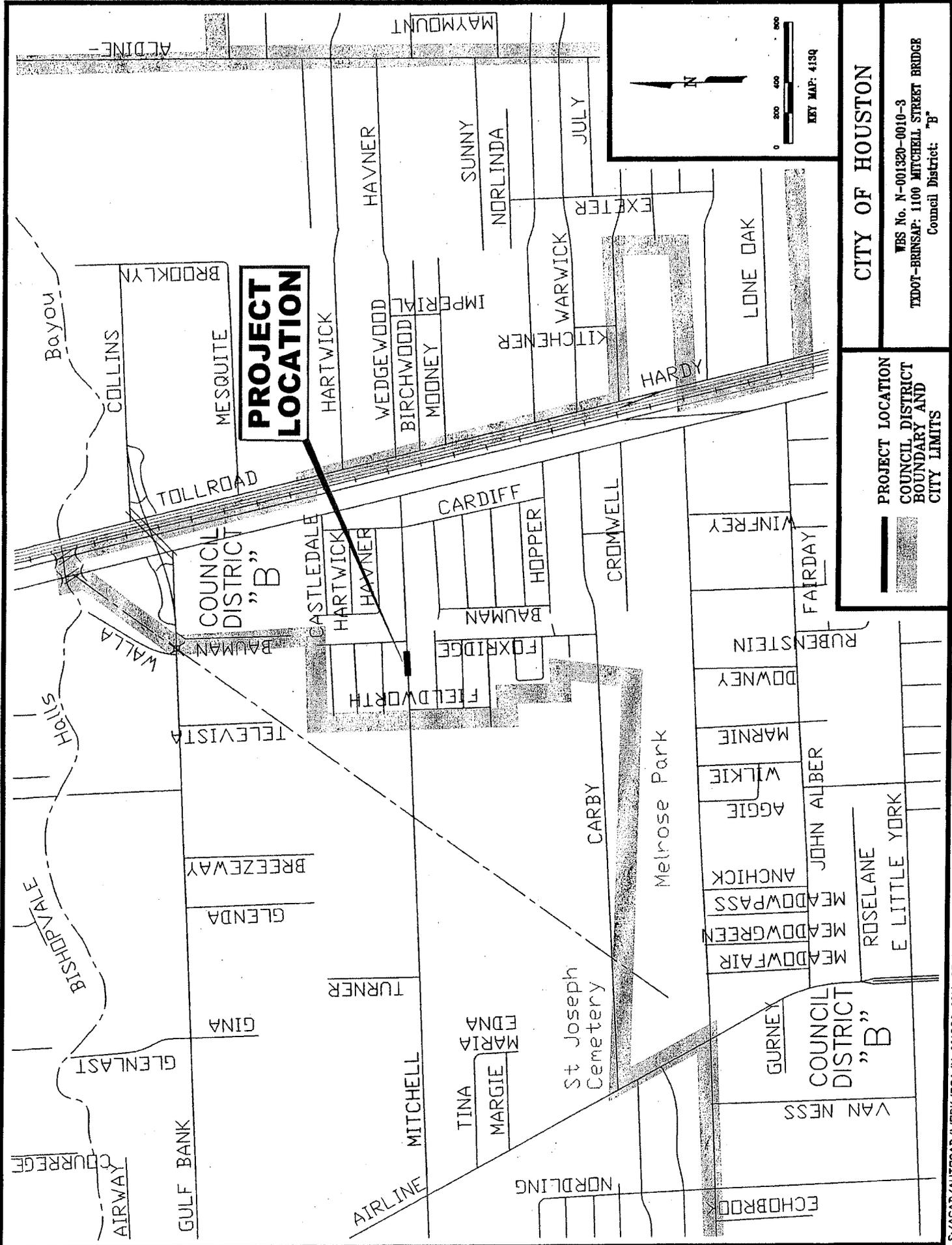
PROJECT LOCATION

— PROJECT LOCATION

CITY OF HOUSTON
 VBS No. N-001320-0010-3
 TxDOT-BRINSAP: PATTERSON ROAD BRIDGE
 AT LANGHAM CREEK
 Council District: "A"

Drawn By: A. Watts

S:\ACAD\AUTOCAD\WORK\RCA\N-001320-0010-3.dwg



CITY OF HOUSTON

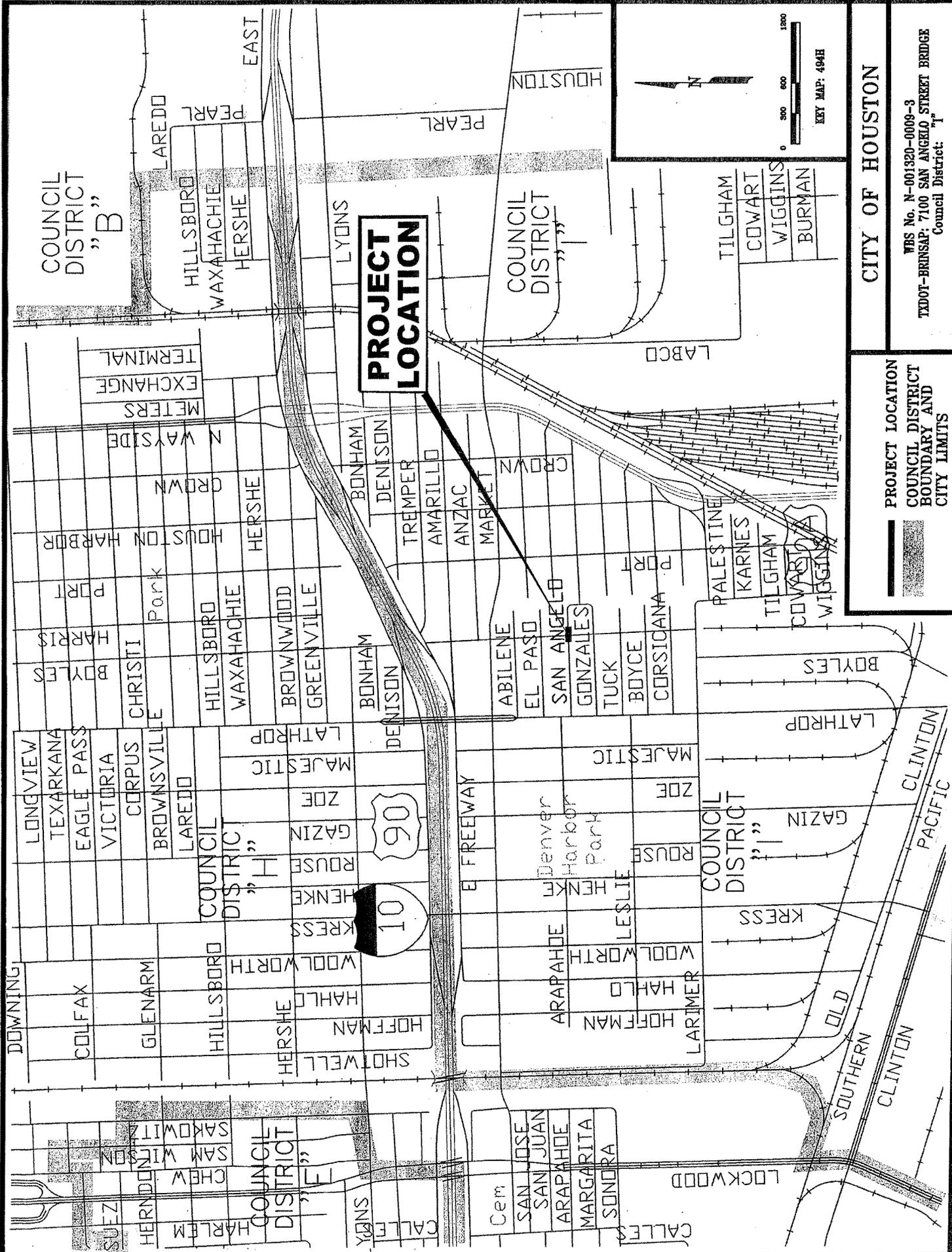
PROJECT LOCATION

COUNCIL DISTRICT BOUNDARY AND CITY LIMITS

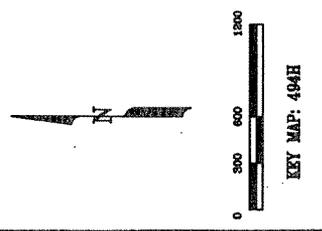
VBS No. N-001320-0010-3
 TxDOT-BRNSAP: 1100 MITCHELL STREET BRIDGE
 Council District: "B"

S:\ACAD\AUTOCAD\WORK\RCA\N-001320-0010-3B.dwg

Drawn By: A. Watta



PROJECT LOCATION

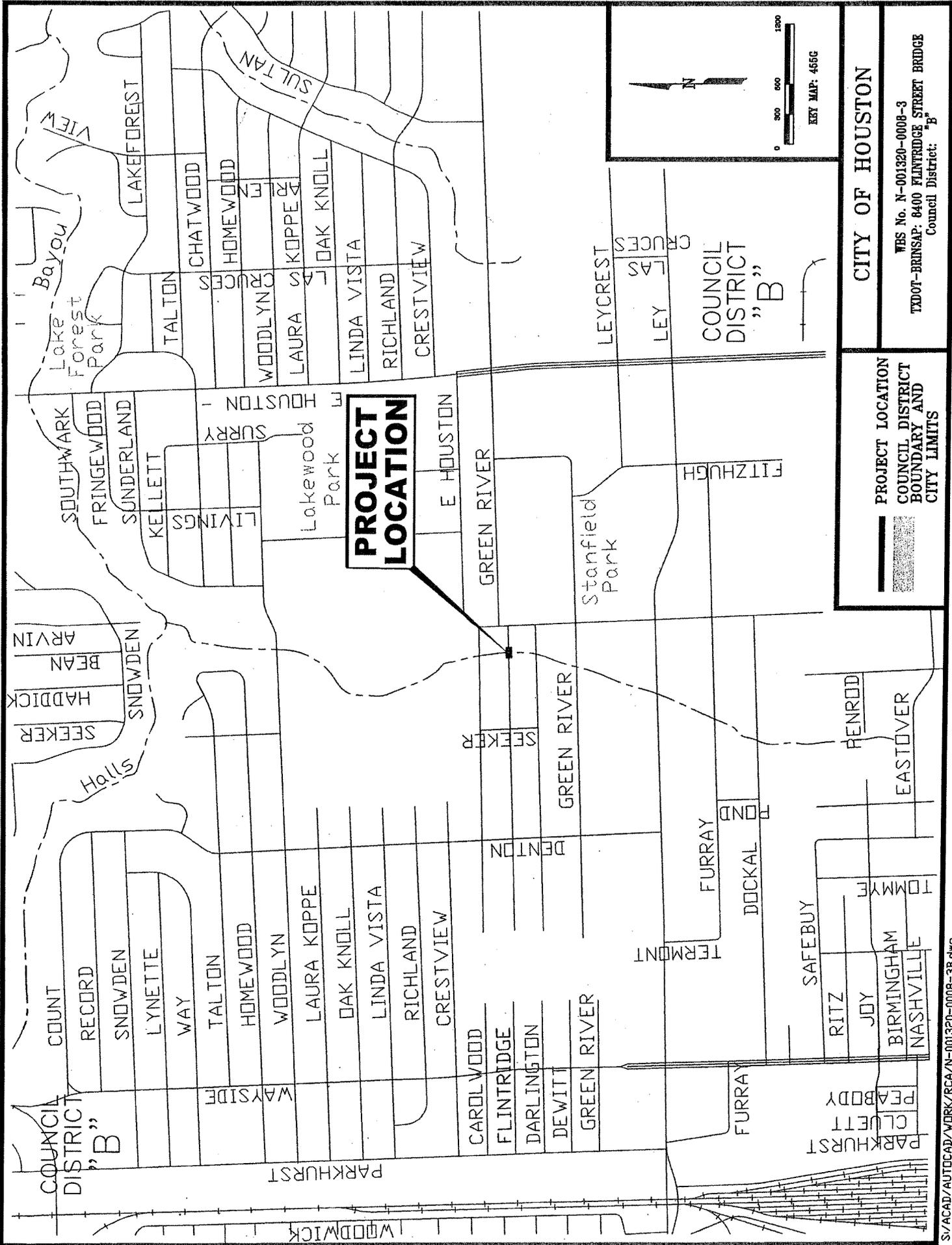


CITY OF HOUSTON
 WBS No. N-001320-0009-3
 TxDOT-BRINSAP: 7100 SAN ANGELO STREET BRIDGE
 Council District: "I"

PROJECT LOCATION
COUNCIL DISTRICT
BOUNDARY AND
CITY LIMITS

Drawn By: A. Watts

S:\ACAD\AUTOCAD\WORK\RCA\N-001320-0009-3.dwg



CITY OF HOUSTON

MBS No. N-001320-0008-3
 TXDOT-BRISAP: 8400 FLINTRIDGE STREET BRIDGE
 Council District: "B"

PROJECT LOCATION
COUNCIL DISTRICT
BOUNDARY AND
CITY LIMITS

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Tax Year 2008, with the adoption of an overall Property Tax Rate of \$.63875/\$100 of Assessed Value.

Category #	Page 1 of <u>1</u>	Agenda Item# <i>14 + 14A</i>
-------------------	---------------------------	--

FROM: (Department or other point of origin):
Michelle Mitchell, Director
Finance Department

Origination Date October 15, 2008	Agenda Date OCT 22 2008
---	-----------------------------------

DIRECTOR'S SIGNATURE:
Michelle Mitchell

Council Districts affected:
All

For additional information contact:
Douglas Seckel, Deputy Director
Sylvia Shaw, Division Manager

Phone: 713-837-9880
Phone: 713-221-0131

Date and identification of prior authorizing Council Action:
November 7, 2007 Motion No. 2007 1115
November 7, 2007 Ordinance No. 2007-1249

RECOMMENDATION: (Summary) That City Council adopt an overall tax rate, based on the FY2009 Budget approved by City Council. It is recommended that City Council adopt a tax rate for Maintenance and Operations of \$.455688/\$100 of assessed value and a tax rate for the Interest and Sinking Fund of \$.183062/\$100 of assessed value.

Amount of Funding: Not Applicable	Finance Budget:
---	------------------------

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

SPECIFIC EXPLANATION:

The proposed overall tax rate of \$.63875/\$100 of assessed value must be apportioned between Maintenance and Operations (M&O) and Interest and Sinking Fund (I&S). The M&O rate is \$.455688/\$100 of assessed value and the I&S rate is \$.183062/\$100 of assessed value which, when combined, equal the total tax rate of \$.63875/\$100 of assessed value.

Therefore, it is recommended that City Council adopt a Tax Year 2008 tax rate for Maintenance and Operations of \$.455688/\$100 of assessed value and a tax rate for the Interest and Sinking Fund of \$.183062/\$100 of assessed value.

During its 2005 session, the 79th Texas Legislature adopted Senate Bill 18, which is now incorporated in Section 26.05(b) of the Tax Code. The law now requires that if a governing body intends to set a tax rate exceeding the Effective Tax Rate, it must adopt a motion to that effect, made in the specific form prescribed in the new statutory provision. Because the City Charter requires that City Council set the tax rate by ordinance, Council will need to take two actions to set the rate: 1) adopt the ordinance setting the tax rate, and 2) adopt a motion conforming to the requirements of Sec. 26.05(b) of the State Tax Code.

Because the City must adopt a tax rate within 60 days of receiving the certified tax roll, this action may not be tagged.

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

REQUIRED AUTHORIZATION

Other Authorization:	Other Authorization:	Other Authorization:
-----------------------------	-----------------------------	-----------------------------

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8100

Subject: Ordinance Approving a System Purchase Agreement for the Public Safety Radio System Project for the Information Technology Department WBS: X-687000-0001-1

Category #
4

Page 1 of 3

Agenda Item

15

FROM (Department or other point of origin):

Richard Lewis
Chief Information Officer
Information Technology

Origination Date

October 17, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE

Richard Lewis

Council District(s) affected
All

For additional information contact:

Tom Sorley Phone: (832) 393-9611
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt an ordinance approving a System Purchase Agreement (SPA) with Motorola, Inc., establishing a maximum contract amount of \$132.3 million, which includes partnership options described below, and providing initial funding in the amount of \$15,873,346.00 for both the SPA and other project expenses to be incurred by the City.

Total Initial Funding: \$15,873,346

Finance Budget

\$2,879,890.00 - Police Consolidated Construction Fund (4504)

\$12,993,456.00 - Grant Funds - UASI, LETPP, PSIC (5030) COPS Tech (5000)

SPECIFIC EXPLANATION:

The City's current Public Safety Radio system was deployed in the 1980s and is at the end of its economic and useful life. Recently the Federal Communications Commission initiated a process of allocation of new frequencies in the 700 MHz spectrum to provide public safety agencies additional capacity for critical public safety communications. The City participated in this process and will receive an adequate allocation to satisfy its requirements.

At the same time, the radio communications industry developed new standards, working with the American National Standards Institute (ANSI) for radio interoperability referred to as the P-25 Standards. These standards provide significantly improved communications between agencies, particularly within urban regions.

PROCUREMENT PROCESS:

In the summer of 2006, Mayor White instructed the IT department to pursue a nationwide search for a qualified radio executive to lead this effort. During the course of 2007 a team was formed, system requirements were developed, market preparations were conducted through a Request of Information/Interest that resulted in demonstrations for the City's Team by three different firms. As a result, a Request for Proposals was published in August of 2007. Proposals were received on Dec. 7, 2007.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State bid laws. One-Hundred Fifty Six perspective bidders downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from Motorola, Inc. and MA-COM, Inc. / Tyco Electronics. The evaluation committee consisted of eight evaluators. The proposals were evaluated based upon the following technical criteria:

- System Design – Guaranteed Radio Coverage and System Capacity
- System Design – Reliability, Fault Tolerance, Redundancy, Fall-Back Modes of Operations
- System Features and Functional Requirements
- Installation Management, Maintenance and Support
- Qualifications and Experience with Similar Projects

REQUIRED AUTHORIZATION

NOT

Finance Department:

Other Authorization:

Galvin D. Wells

Other Authorization:

Date: 10/17/2008	Subject: Ordinance Approving a System Purchase Agreement for the Public Safety Radio System Project for the Information Technology Department WBS: X-687000-0001-1	Originator's Initials FR	Page 2 of 2
---------------------	--	--------------------------------	-------------

The technical evaluation process was conducted between January and June 2008 when the final technical evaluations were complete. The technical evaluations were extremely close and both proposers were judged to be well qualified to perform this work. As a result, both firms were invited to participate in contract negotiations that occurred beginning in July.

KEY DEAL TERMS:

Each firm was treated equally during the negotiations process. Standard terms were developed and discussed with each firm beginning in late July and continuing until October 10, 2008. These terms included system pricing, collateralization of Seller guarantees through performance and payment bonds and an unconditional Letter of Credit (LOC), system infrastructure requirements, quantities of radios, price guarantees for future purchases, milestone and payment schedules, site conditions and issues, system testing and acceptance, terminations and remedies, etc.

As a result of this process, both vendors were asked to provide any material exceptions to the standard contract terms and none were received. Both vendors were also allowed to improve their pricing by submitting revised pricing before 8:00 PM on Thursday, October 9, 2008. Both vendors responded and Motorola's response was lower, by almost \$7 million.

BASE CONTRACT AND OPTIONS:

The significant elements of base cost in the SPA are the infrastructure (\$76 million) and subscriber radios that involve a range of cost because there are options related to the availability of digital radios currently offered by Motorola and radios that will be available in the near future, which have the capability to use both 450 MHz analog and 700/800 MHz digital modes.

Options that have been included in the SPA include:

1. "Hard to cover areas", i.e. Galleria, Downtown Tunnels and Reliant Park at a cost of \$5.8 million, which would involve contributions of funds by area Tax Increment Redevelopment Authorities (TIRZ's).
2. Additional City talk paths that would allow for partnerships with entities such as Harris County, METRO, and various ISDs, at a cost of \$9.9 million, with funding to be provided by potential partners.
3. An option for CenterPoint Energy to participate in the project, provided a waiver is approved by the FCC, and funding of \$8.8 million or in-kind services are provided.

IMPLEMENTATION PROCESS:

Soon after the countersignature process occurs, the City and Motorola will begin the design phase of the project, which is projected to take approximately nine months. During this phase the City's requirements will be defined with greater specificity. In addition, other entities will be invited to participate in the joint use of this system. Initial discussions with these entities have already occurred. The Administration hopes that this results in one joint-use system for the Houston Region that provides significant economies of scale for each jurisdiction.

Date: 10/17/2008	Subject: Ordinance Approving a System Purchase Agreement for the Public Safety Radio System Project for the Information Technology Department WBS: X-687000-0001-1	Originator's Initials FR	Page 3 of 3
---------------------	--	--------------------------------	-------------

M/WBE SUBCONTRACTING:

This RFP was issued as a goal-oriented contract with 11% M/WBE participation level. Motorola, Inc. has designated the below named companies as its certified M/WBE subcontractors:

<u>Subcontractor</u>	<u>Type of Work</u>	<u>Amount</u>
Access Data Supply Inc	Warehousing	\$ 450,000.00
Consolidated Telecom Serv	Shelter Site Dev	\$12,000,000.00

The Affirmative Action Division will monitor this contract.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement with 2550 North Loop West LP at 2550 North Loop West for the Radio Communications Division of the Information Technology Department WBS No. X-687000-0001-1-06-01	Page 1 of 1	Agenda Item 15A
--	-----------------------	--------------------------------------

FROM (Department or other point of origin): General Services Department	Origination Date 10-17-08	Agenda Date OCT 22 2008
---	-------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: <i>Issa Z. Dadoush</i> Issa Z. Dadoush, P.E.	Council District affected: A
--	-------------------------------------

For additional information contact: Jacquelyn L. Nisby 832-393-8023	Date and identification of prior authorizing council action:
---	---

RECOMMENDATION: Approve and authorize a Lease Agreement with 2550 North Loop West LP for leased space at 2550 North Loop West for the Radio Communications Division of the Information Technology Department and appropriate funds.

Amount and Source Of Funding: Police Consolidated Construction Fund (4504) \$ 676,759.50 Rent \$ 96,422.48 Estimated operating expenses \$ 773,181.98 Total cost for Initial Base Term	Finance Budget: <i>Michelle Mitchell</i>
---	--

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve and authorize a Lease Agreement with 2550 North Loop West LP for 7,647 square feet of leased space at 2550 North Loop West for the Radio Communications Division of the Information Technology Department (IT). IT will utilize this space to house the City and contract personnel responsible for the City's Radio Replacement Project. The selected contractor will pay their proportional share of the rent and operating expenses. The proposed Lease Agreement provides for a five-year lease term with one five-year renewal option at the current market rate. The base rental rates are as follows:

Year	Monthly Payment
Years 1 - 3	\$11,151.88 (\$17.50 psf per year/\$1.45 psf per month)
Years 4 - 5	\$11,470.50 (\$18.00 psf per year/\$1.50 psf per month)

The Landlord will build out the leased space to meet the requirements of IT. Construction costs are estimated at \$78,170.60 (\$10.22 psf). The Landlord will contribute a tenant improvement allowance of \$114,705.00 (\$15.00 psf) toward construction costs.

The new lease will commence on the date the Certificate of Occupancy is signed by the City acknowledging that the Landlord has substantially completed the improvements. The monthly rental for the new lease term will begin upon the Occupancy Date.

The Landlord is responsible for maintaining the building and IT is responsible for paying its proportionate share of its costs as well as taxes, insurance and utilities, which is estimated at \$96,422.48 for the initial five year term.

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Tom Sorley

REQUIRED AUTHORIZATION

CUIC ID# 25 RB 30

General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division	Information Technology Department: <i>Richard F. Lewis</i> Richard F. Lewis Director
--	--

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8099

Subject: Approve an Ordinance Authorizing a Contract between the City and Miller & Van Eaton P.L.L.C. for Legal Services for the Information Technology Department, and Appropriate Funds WBS: X-687000-0001-1-06

Category #
9

Page 1 of 1

Agenda Item

156

FROM (Department or other point of origin):

Richard Lewis
Chief Information Officer
Information Technology

Origination Date

October 17, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE



Council District(s) affected
All

For additional information contact:

Tom Sorley Phone: (832) 393-9611
Frank Rodriguez Phone: (832) 393-9610

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing a contract between the City and Miller & Van Eaton P.L.L.C. for legal services for the Information Technology Department, and appropriate funds.

Award Amount: \$100,000.00

Finance Budget

\$100,000.00 - Police Consolidated Construction Fund (4504)

SPECIFIC EXPLANATION:

The Information Technology Department requests the approval of an ordinance appropriating \$100,000 from the Police Consolidated Construction Fund and authorizing a contract between the City and Miller & Van Eaton P.L.L.C. ("the Firm") for legal services.

The Firm has represented the City in various matters for several years including the legal work for negotiation and development of the 700 MHz System Procurement Agreement. The proposed ordinance authorizes a contract between the City and the Firm to provide the following (1) assist in the City staff efforts to negotiate contract terms and draft an Interlocal Cooperation Agreement between City and Harris County; (2) assist City staff efforts to negotiate contract terms and draft agreement with CenterPoint Energy; (3) draft a "Master Interlocal Agreement" for the City to contract with other political subdivisions of the State of Texas; (4) prepare a Waiver Request from the Federal Communications Commission for the City to contract with CenterPoint Energy; (5) assist the Mayor and City Council as requested by the City Attorney in regard to the City's Public Safety Radio System Contract. In addition, the City Attorney may authorize additional tasks related to Trunked Radio System and other related issues. Specific tasks will be authorized in advance by the City Attorney.

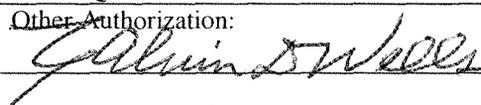
The Firm's expertise in the area of the law related to radio system contracts will be of great benefit to City in the development of the negotiation strategy, execution, and reaching agreement on the interlocal agreements that can be executed by the parties.

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:



Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinance approving a Contract with the Bay Area Houston Economic Partnership for professional services related to tourism and economic development programs on behalf of the Convention & Entertainment Facilities Department and Houston Airport System.

Category #	Page 1 of 1	Agenda Item# 16
-------------------	-----------------------	----------------------------------

FROM: (Department or other point of origin):
Dawn Ullrich, Director, Convention and Entertainment Facilities Department
Richard Vacar, Director, Houston Airport System

Origination Date September 30, 2008	Agenda Date OCT 22 2008
---	-----------------------------------

DIRECTOR'S SIGNATURE:
Dawn Ullrich

Council Districts affected:
All

For additional information contact:
Stephen W. Lewis
Saba Abashawl
Phone: 713-853-8888
281-233-1829

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve a three year Contract for professional services with the Bay Area Houston Economic Partnership to facilitate tourism and economic development on behalf of the Convention & Entertainment Facilities Department and Houston Airport System.

Amount of Funding:
Maximum Contract Amount: \$300,000 (3 years) (FY09: \$50,000)

FIN: Budget:

\$25,000 Civic Center Facility Revenue Fund (8601)
\$25,000 HAS Revenue Fund (8001)

SPECIFIC EXPLANATION:

Bay Area Houston Economic Partnership (BAHEP) is a non-profit organization founded in 1983 with the goal of expanding and diversifying the local economy. It is primarily funded by membership consisting of area governmental entities and the Clear Lake and Houston business community. BAHEP has been under contract with the City since 1999 to provide services to enhance Houston's tourism and economic development. Funding under the proposed contract is to be provided one-half from the Convention and Entertainment Facilities Department and one-half from the Houston Airport System and will be effective October 1, 2008.

In collaboration with the Greater Houston Partnership Economic Development Division and the Greater Houston Convention & Visitors Bureau, BAHEP will seek to expand the existing tourism industry and continue targeted efforts to coordinate projects such as the Clear Lake/NASA Convention & Visitors Bureau, development of new visitor attractions, and international marketing of the City of Houston.

BAHEP will pursue a targeted industry recruitment strategy, focusing on technology companies, aerospace design, program integration and high end manufacturing business that are good targets for future expansion at Ellington Field. BAHEP will work with the Houston Airport System to maximize development opportunities to promote and bring new, viable growth to Ellington and will assist with preserving parts of Ellington as a viable military operation.

BAHEP will also focus on job retention and creation by striving to retain the existing aerospace jobs and preserve the funding levels for the Johnson Space Center and its programs. BAHEP will nurture a technology outreach program by which a network of engineers and scientists provide small business owners with free technical assistance.

The contract includes a 15% goal for MWBE participation.

The Convention & Entertainment Facilities Department and Houston Airport System recommend approval of this three year contract with BAHEP as described above.

LH:dv

REQUIRED AUTHORIZATION

NDT

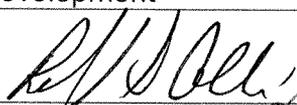
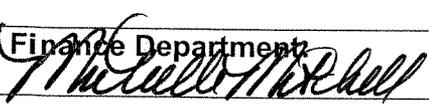
Finance Department

Houston Airport System *Jim Kae*
Jan

Other Authorization

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

HC008-115

SUBJECT: An ordinance approving and authorizing a Grant Agreement between the City of Houston and Tejano Center for Community Concerns to pay for a Design and Project Management Fees Contract associated with the renovation and expansion of the Raul Yzaguirre School for Success.		Category #	Page 1 of 1	Agenda Item # 17
FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development		Origination Date 09/17/08	Agenda Date OCT 22 2008	
DIRECTOR'S SIGNATURE: 		Council District affected: District I		
For additional information contact: Gayve Anklesaria Phone: 713-868-8466 		Date and identification of prior authorizing Council action: 1/17/07 2007-0081 5/30/07 2007-0604		
RECOMMENDATION: (Summary) An ordinance authorizing the Grant Agreement between the City of Houston and Tejano Center for Community Concerns to pay for a Design and Professional Management Fees Contract is recommended.				
Amount of Funding: \$500,000.00			Finance Budget:	
SOURCE OF FUNDING <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) Community Development Block Grant (CDBG) Fund 5000				
SPECIFIC EXPLANATION: <p>The Tejano Center for Community Concerns (TCCC) located at 2950 Broadway, Houston Texas 77017, is a non-profit organization dedicated to improving the lives of the Low to Moderate income children and families in Houston's Greater East End. Founded in 1992, TCCC was granted a charter for the Raul Yzaguirre School for Success by the Texas State Board of Education in 1996. This 650 student PreK-12th Charter School sends 85% - 100% of its graduates on to institutions of higher learning. The average drop-out rate at Raul Yzaguirre over the last four years has been 1.4%, and in 2008 the Texas Education Agency recognized RYSS as an exemplary best practice for successful dropout prevention strategies. Additionally, the Adult Basic Education Program enrolls 750 students per year. The TCCC annual budget of \$14.4 million also supports an Affordable Housing Program—the Agency has developed and rehabbed 131 single family units to-date and recently opened the Nueva Vida Sr. apartments (66-units) on its campus at 2950 Broadway, which is currently 100% leased. TCCC also operates a Children's Emergency Shelter, a Foster Home program, and a Youth Empowerment Program.</p> <p>The renovations to the existing 1950's & 1970's era buildings and the new construction on the 7.5 acre campus is projected to cost \$21 million. This will allow the school to increase the number of full time students to 950. Construction will include education space, administrative offices, a gymnasium and a parking garage. TCCC has received development funding from the Local Initiatives Support Corporation, Walton Family Fund, and Raza Development Fund totaling \$600,000 in support of the project. Construction and mortgage financing has been arranged.</p> <p>Approval of this Ordinance is recommended.</p>				
RS:DG:hb xc: City Attorney Mayor's Office City Secretary Finance Department				
REQUIRED AUTHORIZATION				
Finance Department: 		Other Authorization:		Other Authorization: NOT

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve an ordinance approving an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment and Reinvestment Zone Number Five and the Memorial Heights Redevelopment Authority.

Category #

Page
1 of 1

Agenda Item#

18

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

September 23, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE:

Michelle Mitchell
Finance Department

Council Districts affected:

A, D, G, H

For additional information contact:

Robert Fiederlein

Phone: (832)393-8091

Date and identification of prior authorizing

Council Action: Ord. 2008-785, 9/3/08

RECOMMENDATION: (Summary)

That City Council approve an ordinance approving an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment and Reinvestment Zone Number Five and the Memorial Heights Redevelopment.

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

On September 3, 2008, the City Council approved an Operating Budget and FY2009-2013 Capital Improvement Plan (CIP) for Tax Increment and Reinvestment Zone Number Five / Memorial Heights Redevelopment Authority that included a debt issuance of \$3.5 million. These funds are to be utilized to design and construct the capital projects detailed in the Zone's approved CIP.

By this agreement, the City of Houston will issue Certificates of Obligation to provide \$3.5 million in funds to the Zone. The agreement further details the Zone's obligation to repay the City over the remaining life of the Zone and the mechanism for the repayment. Annual payments will be included in the Zone's City Council-approved Operating Budget and a payment will be made prior to September 1 of each year until the obligation is retired. A multi-year analysis of the Zone's finances indicates a capacity to repay the debt with interest prior to the end of the Zone's life (December 31, 2016).

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Michelle Mitchell

Other Authorization:

[Signature]

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve an ordinance approving an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston and City of Houston Tax Increment and Reinvestment Zone Number Ten (Lake Houston Zone)

Category #

Page
1 of 1

Agenda Item#

19

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

September 23, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE:

Michelle Mitchell
Finance Department

Council Districts affected:

E

For additional information contact:

Robert Fiederlein

Phone: (832)393-8091

Date and identification of prior authorizing

Council Action: Ord. 2008-339, 4/23/08

RECOMMENDATION: (Summary) That City Council approve an ordinance approving an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston and City of Houston Tax Increment and Reinvestment Zone Number Ten. (Lake Houston Zone)

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

On April 23, 2008, the City Council approved an Operating Budget and FY2009-2013 Capital Improvement Plan (CIP) for Tax Increment and Reinvestment Zone Number Ten. These funds are to be utilized to design and construct the capital projects detailed in the Zone's approved CIP.

By this agreement, the City of Houston will issue Certificates of Obligation to provide \$7.5 million in funds to the Zone. The agreement further details the Zone's obligation to repay the City over the remaining life of the Zone and the mechanism for the repayment. Annual payments will be included in the Zone's City Council-approved Operating Budget and a payment will be made prior to September 1 of each year until the obligation is retired. A multi-year analysis of the Zone's finances indicates a capacity to repay the debt with interest prior to the end of the Zone's life (December 31, 2027).

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Tom McCreary

Other Authorization:

[Signature]

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve an ordinance approving an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment and Reinvestment Zone Number Thirteen and the Old Sixth Ward Redevelopment Authority.

Category #

Page
1 of 1

Agenda Item#

20

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

September 23, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Finance Department

Council Districts affected:

H

For additional information contact:

Robert Fiederlein

Phone: (832)393-8091

Date and identification of prior authorizing

Council Action: Ord. 2008-572, 6/25/08

RECOMMENDATION: (Summary)

That City Council approve an ordinance approving an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment and Reinvestment Zone Number Thirteen and the Old Sixth Ward Redevelopment Authority.

Amount of Funding: No Funding Required

Finance Budget: /

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

On June 25, 2008, the City Council approved an Operating Budget and FY2009-2013 Capital Improvement Plan (CIP) for Tax Increment and Reinvestment Zone Number Thirteen / Old Sixth Ward Redevelopment Authority that included a debt issuance of \$3.05 million. These funds are to be utilized to design and construct the capital projects detailed in the Zone's approved CIP.

By this agreement, the City of Houston will issue Certificates of Obligation to provide \$3.05 million in funds to the Zone. The agreement further details the Zone's obligation to repay the City over the remaining life of the Zone and the mechanism for the repayment. Annual payments will be included in the Zone's City Council-approved Operating Budget and a payment will be made prior to September 1 of each year until the obligation is retired. A multi-year analysis of the Zone's finances indicates a capacity to repay the debt with interest prior to the end of the Zone's life (December 31, 2028).

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Tom P. Weraff

Other Authorization:

[Signature]

21 Revised

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve an ordinance approving an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment and Reinvestment Zone Number Fifteen and the East Downtown Redevelopment Authority.

Category #

Page 1 of 1

Agenda Item#

21 R

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

September 23, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE:

Michelle Mitchell
Finance Department

Council Districts affected:

1

For additional information contact:

Robert Fiederlein

Phone: (832)393-8091

Date and identification of prior authorizing

Council Action: Ord. 2007-1441, 12/12/07; Ord. 2008-192, 3/5/08

RECOMMENDATION: (Summary) That City Council approve an ordinance approving an Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment and Reinvestment Zone Number Fifteen and the East Downtown Redevelopment Authority.

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

[] General Fund [] Grant Fund [] Enterprise Fund
[] Other (Specify)

SPECIFIC EXPLANATION:

On December 12, 2007, the City Council approved an annexation of additional territory to Tax Increment and Reinvestment Zone Number Fifteen. Subsequently, on March 5, 2008, City Council approved an amended Zone Project Plan and Zone Financing Plan that added the potential construction of a major public destination facility to the Plan in a six-block area bounded by Texas Avenue, Walker Avenue, Hutchins Street and Dowling Street. The Plan explicitly allows the Zone and City to use any available legal authority to facilitate the purchase and assembly of this property.

By this agreement, the City of Houston will issue Certificates of Obligation in a amount not to exceed \$12.1 million and Public Improvement Refunding Bonds in an amount not to exceed \$15.9 million to provide funds to the Zone to reimburse the city for the purchase of blocks 203, 204, 205, 218 and 219; to purchase block 220 from the Combined Utility System; to purchase the street right-of-ways within the six block area; and to payoff two outstanding developer reimbursement agreements. The agreement further details the Zone's obligation to repay the City over the remaining life of the Zone and the mechanism for the repayment. Annual payments will be included in the Zone's City Council-approved Operating Budget and a payment will be made prior to September 1 of each year until the obligation is retired. A multi-year analysis of the Zone's finances indicates a capacity to repay the debt with interest prior to the end of the Zone's life (December 31, 2029).

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Tom M...

[Signature]

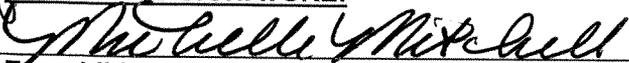
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve an Ordinance Awarding a Contract for Cost Allocation Services for the Development of Annual Cost Allocation Plans for the Finance Department	Category #	Page 1 of	Agenda Item# 22
---	-------------------	------------------	--------------------------------------

FROM: (Department or other point of origin) Michelle Mitchell, Director Finance Department	Origination Date September 26, 2008	Agenda Date OCT 22 2008
---	---	--

DIRECTOR'S SIGNATURE: 	Council Districts affected: All
--	--

For additional information contact: Phone: Regina Dickson (713) 837-9665 or Phone: Douglas Seckel (713) 837-9880	Date and identification of prior authorizing Council Action:
---	---

RECOMMENDATION: (Summary)
Approve an ordinance awarding a multi-year contract to the best respondent Maximus Financial Services, Inc. in an amount not to exceed \$298,461 for the development of annual Cost Allocation Plans in compliance with federal accounting regulations for the Finance Department.

Amount of Funding: Maximum Contract Amount: \$298,461	Finance Budget:
\$298,461 General Fund (1000)	

SPECIFIC EXPLANATION:
The Finance Department is requesting that City Council approve an ordinance awarding a three-year contract, with two one-year options to Maximus Financial Services, Inc. in an amount not to exceed \$298,461 for the development of annual Cost Allocation Plans for the Finance Department. These services are necessary to maintain compliance with Federal grant regulations. The Director of Finance has the option to terminate this Agreement at any time by giving 30-day written notice to Contractor.

The Scope of Work requires the contractor to develop the cost allocation plan for the City in two phases: Phase I – Contractor shall research and gather materials necessary to develop the Plan. Phase II – Contractor shall use the cost identified in Phase I to develop, submit and enhance the City's ability to recover costs under various Federal programs.

A Request for Qualifications and Proposals (RFQP) was prepared and advertised on the City of Houston Strategic Purchasing Division's website from July 25, 2008 to August 8, 2008. Eighteen (18) prospective bidders downloaded the solicitation document from SPD's e-bidding website and two firms responded to the RFQP. The selection criteria were based on the demonstrated competence and qualifications of the proposers.

The following firm is recommended for award: Maximus Financial Services, Inc.

M/WBE Subcontractor:

This request for qualification was issued as a goal-oriented contract with a M/WBE participation level. **Maximus Financial Services, Inc.** has designated the below-named company as its certified M/WBE subcontractor with a 13% participation level:

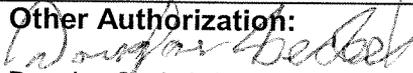
<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percent</u>
Mir Fox & Rodriguez, P.C.	Cost Allocation Services	\$6,660	13.0%

The Affirmative Action Department will monitor this contract. The requested spending authority is as follows:

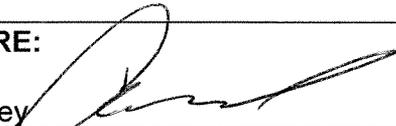
FY2009	OUT YEARS	TOTAL
\$ 56,537	\$ 241,924	\$ 298,461

REQUIRED AUTHORIZATION

NDT

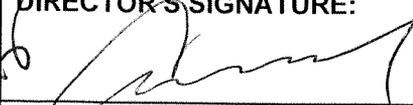
Finance Director:	Other Authorization:  Douglas Seckel, Deputy Director, Finance Dept., Accounting and Internal Control Division	Other Authorization:
--------------------------	--	-----------------------------

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance Approving and Authorizing a Contract for Legal Services between the City of Houston and the firm of Sabine and Morrison, Randal R. Morrison, Attorney at Law, for Legal Services		Page 1 of 1	Agenda Item # 23
FROM (Department or other point of origin): Legal Department		Origination Date: October 17, 2008	Agenda Date: OCT 22 2008
DIRECTOR'S SIGNATURE: Arturo Michel, City Attorney 		Council District affected: All	
For additional information contact: Larry Schenk, Sr. Assistant City Attorney, General Counsel Division Phone: 832-393-6447		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Adopt an ordinance authorizing a contract between the City of Houston and the firm of Sabine and Morrison, Randal R. Morrison, Attorney at Law, for legal services			
Amount and source of funding: Maximum Contract Amount: \$200,000 (Initial allocation: \$100,000) Property and Casualty Fund (1004)			Finance Dept.
EXPLANATION: The Legal Department, General Counsel Division, requests the approval of an ordinance authorizing a contract between the City of Houston and the firm of Sabine and Morrison, Randal R. Morrison, Attorney at Law, for legal services. Mr. Morrison assists the City of Houston as a legal consultant on sign regulation and public forum issues. The proposed ordinance authorizes a contract between the City and Randal R. Morrison to provide advice on and to review various provisions of sign related draft ordinances, as well as general advice on current and proposed changes to the sign ordinance and the attention getting device ordinance. Mr. Morrison's expertise in the area of the law related to sign regulations has been, and will continue to be, of great benefit to the City in the development of the sign ordinance, as well as assisting with several major items of pending litigation. The City Attorney recommends the adoption of the proposed ordinance authorizing a contract between the City of Houston and Randal R. Morrison.			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

SUBJECT: An Ordinance approving and authorizing a contract with Campbell & Chadwick, P.C. for Expert Witness Services in <i>George Rodriguez v. City of Houston, et al.</i> ; H-06-2650; U.S. District Court for the Southern District of Texas; L.D. No. 062-0600986-001	Page 1 of 1	Agenda Item # 24

FROM (Department or other point of origin): Legal Department	Origination Date 10-16-08	Agenda Date OCT 22 2008
--	---	---------------------------------------

DIRECTOR'S SIGNATURE: 	Council District affected: ALL
--	--

For additional information contact: Robert Cambrice Phone: 832.393.6476	Date and identification of prior authorizing Council action:
---	--

RECOMMENDATION: (Summary)

That Council approve and authorize an Ordinance authorizing a contract for Expert Witness Services between the City of Houston and Campbell & Chadwick, P.C.

Amount and Source of Funding:

\$65,000.00 - Current Allocation
 \$95,000.00 - Maximum Contract Amount
 Fund 1004 - Property and Casualty Fund

SPECIFIC EXPLANATION:

George Rodriguez was convicted of aggravated sexual assault and aggravated kidnapping in 1987. Pursuant to a writ of habeas corpus, he was released from prison in 2004. Subsequent to his release he sued the City of Houston for wrongful conviction.

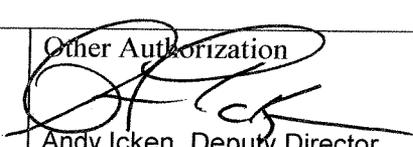
Mr. Rodriguez alleges he was denied a fair trial because mistakes and misconduct by Houston Police Officers in conducting an investigation into the crimes for which he was convicted. He also claims he was denied a fair trial because of mistakes and misconduct in the Houston Police Department's Crime Laboratory.

The firm of Campbell & Chadwick, P.C. has the experience and resources needed to complement the City's litigation strategies in this cause. The contract is to help the City prepare a defense to claims of wrongful conviction.

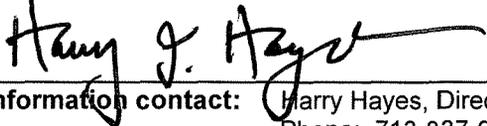
The City Attorney requests that City Council pass the Ordinance approving a contract between the City of Houston and Campbell & Chadwick, P.C.

REQUIRED AUTHORIZATION		
Other Authorization:	Other Authorization:	Other Authorization:

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

SUBJECT: Ordinance appropriating \$300,000 from the Hurricane Katrina Aid & Recovery Fund to the General Fund fund balance; appropriating that amount from the General Fund fund balance to be transferred to the Housing & Community Development Department's General Fund expenditure budget to fund relocation services for residents of apartment and condominium projects that are ordered vacated by the Building Official.		Page 1 of 1	Agenda Item # 25
FROM (Department or other point of origin): Finance Department		Origination Date October 16, 2008	Agenda Date OCT 22 2008
DIRECTOR'S SIGNATURE:  Michelle Mitchell		Council District affected: All	
For additional information contact: Richard Celli, Director, HCDD Phone: 713-868-8305		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary) Adopt Ordinance appropriating \$300,000 from the Hurricane Katrina Aid & Recovery Fund to the General Fund fund balance; appropriating that amount from the General Fund fund balance to be transferred to the Housing & Community Development Department's General Fund expenditure budget to fund relocation services for residents of apartment and condominium projects that are ordered vacated by the Building Official			
Amount and Source of Funding: \$300,000 - Hurricane Katrina Recovery Fund (5030)		Finance Budget:	
SPECIFIC EXPLANATION: <p>The City of Houston's Multi-Family Habitability Initiative targets the problem of commercial, multi-family residential properties that are in serious violation of the life safety provisions of the Building and Fire Codes. As the Department of Public Works and Engineering enhances its inspection program, it has been necessary to order the closure of some of these properties. In such cases, the Housing and Community Development Department (HCDD) has administered a variety of relocation services to the displaced families.</p> <p>Each vacate order has unique circumstances that may require different services. These may include needs assessment, social service support, on-site tenant/owner application assistance, counseling services, small grants for utility deposits, apartment relocation services, small no-interest revolving loan programs, as well as other services. The proposed appropriation will provide a source of funding for these activities as they are needed. HCDD will create a plan and budget for each relocation incident and will procure services using existing contracts or by purchase order from vendors and service providers who best meet the needs of the residents. Individual expenditures in excess of \$50,000 will require Council approval.</p>			
Other Authorization Richard S. Celli, Director Housing and Community Development		Other Authorization  Andy Icken, Deputy Director Public Works & Engineering	

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance making certain findings and providing assurances to the United States of America in connection with any removal by the City of disaster-generated debris from private property in the public interest		Page 1 of 1	Agenda Item # 25-1
FROM (Department or other point of origin): Solid Waste Management Department		Origination Date October 17, 2008	Agenda Date OCT 22 2008
DIRECTOR'S SIGNATURE: Harry Hayes 		Council District affected: All	
For additional information contact: Harry Hayes, Director Phone: 713-837-9103 Robert Johnson, Legal Phone: 832-393-6284		Date and identification of prior authorizing Council action: N/A	
RECOMMENDATION: (Summary) Adopt Ordinance making certain findings and providing assurances to the United States of America in connection with any removal by the City of disaster-generated debris from private property in the public interest.			
Amount and Source of Funding: None		Finance Budget:	
SPECIFIC EXPLANATION: On September 13, 2008, the President of the United States declared Hurricane Ike as a major disaster for the State of Texas. The President determined Harris, Montgomery, and Fort Bend Counties to be areas adversely affected, and authorized federal assistance for debris removal in those counties. Although removal of disaster-generated debris, including trees, branches, personal property, and building material, from private property following a disaster is generally the responsibility of the property owner, the City recognizes that it is in the public interest to enter private property to remove such debris. The City defines "public interest" as necessary to: eliminate immediate threats to life, public health, and safety; eliminate immediate threats of significant damage to improved property; or ensure and expedite the economic recovery of the City to the benefit of the community-at-large. The regulations providing for FEMA reimbursement for this activity require that the City find that it is in the public interest and hold harmless the federal government. It is recommended that the City hold harmless, to the extent allowed by law, the federal government, its agents, employees, and contractors for any claims arising from the City's removal of such debris.			
Other Authorization		Other Authorization	

City of Houston, Texas Ordinance No. _____

AN ORDINANCE MAKING CERTAIN FINDINGS AND PROVIDING ASSURANCES TO THE UNITED STATES OF AMERICA IN CONNECTION WITH ANY REMOVAL BY THE CITY OF DISASTER-GENERATED DEBRIS FROM PRIVATE PROPERTY IN THE PUBLIC INTEREST; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, the City of Houston (“City”) recognizes that major disasters such as hurricanes or floods may deposit enormous quantities of disaster-generated debris on private property, which is defined as land and structures, including the contents within the structures, that are built on land owned by non-governmental entities; and

WHEREAS, the City considers “disaster-generated debris” to be any material, including trees, branches, personal property, and building material directly deposited by the disaster; and

WHEREAS, following a major disaster, the City recognizes that it is in the public interest to enter private property to remove disaster-generated debris to: eliminate immediate threats to life, public health, and safety; eliminate immediate threats of significant damage to improved property; or ensure and expedite the economic recovery of the City to the benefit of the community-at-large; and

WHEREAS, the City has current contracts for emergency disaster-generated debris removal services that allow the Director of the City’s Solid Waste Management Department to direct contractors to enter onto private property for the purpose of removing disaster-generated debris to protect the public interest if the debris poses an immediate threat to public health and safety, interferes with prescribed removal operations, or is necessary to allow contractors to perform assigned tasks; and

WHEREAS, in the removal of disaster-generated debris from private property the City intends to comply with all federal mandates and guidelines, including but not limited to Sections 403(a)(3)(A), 403(a)(3)(E), 407 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 44 CFR §§ 206.224, 206.225 and 206.226, and Federal Emergency Management Agency Debris Management Guide (FEMA-325) and Disaster Assistance Policies 9523.4 and 9523.13; and

WHEREAS, the City requires private property owners who give the City unconditional authority to remove disaster-generated debris from their properties to indemnify and hold harmless both the federal government and the City for any claim arising from the City’s removal of such debris; and

WHEREAS, the City desires to indemnify and hold harmless, to the extent allowed by law, the United States of America, its agents, employees, and contractors, for any claim arising from the City's removal of disaster-generated debris from private property; and

WHEREAS, Article 11, section 5 of the Texas Constitution provides, in part, that "no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least two per cent thereon"; and

WHEREAS, the Supreme Court of Texas has held that an indemnity agreement is a debt within the meaning of Article 11, section 5 of the Texas Constitution,

NOW THEREFORE,

* * * *

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

Section 1. The City Council hereby adopts as true the findings set out in the preamble of this ordinance.

Section 2. The City Council hereby determines that the City's removal of disaster-generated debris from private property is in the public interest; that is, it is necessary to: eliminate immediate threats to life, public health, and safety; eliminate immediate threats of significant damage to improved property; or ensure and expedite the economic recovery of the City to the benefit of the community-at-large.

Section 3. The City Council hereby indemnifies and holds harmless, to the extent allowed by law, United States of America, its agents, employees and contractors, for any claim arising from the City's removal of disaster-generated debris from private property. During each year while there is any liability by reason of any claim arising from the City's removal of disaster-generated debris from private property, including the calendar year 2008, the City of Houston, Texas, shall compute and ascertain the rate and amount of ad valorem tax, based on the latest approved tax rolls of Harris, Montgomery and Fort Bend Counties, Texas, with full allowances being made for tax delinquencies and costs of tax collection, which will be sufficient to raise and produce the money required to pay any sums which may be or become due during any such year, in no instance to be less than two (2%) per cent of such obligation, together with all interest thereon, because of the obligation assumed under this section of this ordinance. To the extent that any liability exists by reason of the obligation undertaken by this section of this ordinance which liability cannot be satisfied by appropriations from current available funds, said rate and amount of ad valorem tax is hereby ordered to be levied and is hereby levied against all taxable property within the City's jurisdiction for each year while any liability exists by reason of the obligation undertaken by this section of this ordinance, and said ad

valorem tax shall be assessed and collected each such year until all of the obligations herein incurred shall have been discharged and all liability hereunder discharged.

Section 4. There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 20 ____.

APPROVED this ____ day of _____, 20 ____.

Mayor of the City of Houston, Texas

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

City Secretary

(Prepared by Legal Dept. _____)
(MPB 10-16-08) Assistant City Attorney
(Requested by Harry Hayes, Director, Solid Waste Management Department)
(L.D. File No. _____)
G:\CONTRACT\MPB\ORDIN\DisasterDebris.doc

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

SUBJECT: An ordinance renaming Yorktown Place to Milan Estates located in Milan Place between Yorktown and Sage.	Category #	Page 1 of	Agenda Item # 26
---	-------------------	------------------	----------------------------

FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 09/02/08	Agenda Date OCT 22 2008
---	-------------------------------------	-----------------------------------

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

For additional information contact: Jennifer Ostlind Phone: 7-7871	Date and identification of prior authorizing Council action:
--	---

RECOMMENDATION: (Summary) Approval of an ordinance renaming Yorktown Place to Milan Estates located in Milan Place between Yorktown and Sage.

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

SPECIFIC EXPLANATION:
The Planning and Development Department received a request to rename Yorktown Place to Milan Estates located in Milan Place between Yorktown and Sage. The applicant submitted a petition showing 57.5% of abutting property owners support the proposal and 20 % oppose it. The Planning Department also received two letters opposing the name change. The proposed street name complies with the street naming standards. The Department has notified the affected property owners and public agencies. Greater Houston 911, Houston Police Department and the US Postal Services have no objections to the proposal.

MLG:JO:Et

Attachment: Name Change Request
Petition
Map
Letters

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Michael Marcotte, Director, Public Works and Engineering
Arturo Michel, City Attorney
Bill Hlavacek, Public Works and Engineering
Max Samfield

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

2642 Yorktown Pl
Houston, TX 77056

Ms. Marlene Gafrick
Planning and Development Department
P.O. Box 1562
Houston, TX 77251-1562

Dear Ms. Gafrick:

The homeowners in the Milan Place subdivision are petitioning the City of Houston to allow us to change the name of our private street from "Yorktown Place" to "Milan Estates". Milan Place is the platted name of our subdivision, as shown on the enclosed portion of HCAD Quarter Facet Map 5156B, Block 5. We have been in contact with Mr. Ernest Tobar, of your Department. He has stated that the name "Milan Estates" complies with the City's street name standards.

I am enclosing the petition in support of the requested name change. It has been signed by Twenty three homeowners whose property abuts Yorktown Place. They are all members of the Yorktown Place Homeowners Association. Twenty three homeowners have approved the petition and Eight homeowners have not approved the petition. The Twenty three homeowners who approved the petition represent 60% per cent of the forty homes that abut Yorktown Place.

Please contact me with any questions regarding the petition. My email address is scotte@liifurniture.com. My phone number is 713-822-6154.

Alternately, may you contact Board of Directors member Bob Moll at 713-629-5711 or bobmoll@sbcglobal.net

Sincerely,
Scott Ernstein
President-Board of Directors-Yorktown Place Homeowners Association

Enclosures (4)

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance calling a hearing on a Proposed Strategic Partnership Agreement with Harris County MUD No. 503, located in the Houston area	Category #	Page 1 of 1	Agenda Item # 27
---	-------------------	-----------------------	----------------------------

FROM (Department or other point of origin): Planning and Development	Origination Date October 13, 2008	Agenda Date OCT 22 2008
--	---	-----------------------------------

<i>MNO</i> <i>Maree R. Sprick</i>	Council District affected: All
--------------------------------------	--

For additional information contact: Margaret Wallace Phone: 713-837-7826	Date and identification of prior authorizing Council action:
--	---

RECOMMENDATION: (Summary)
It is recommended that City Council pass the Ordinance calling for a hearing on a proposed Strategic Partnership Agreement with Harris County MUD No. 503, located in the Houston area.

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

SPECIFIC EXPLANATION:

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

Prior to executing SPAs and annexing properties for limited purposes, City Council must hold two public hearings. On Wednesday, October 14, 2008, Council established the dates for a hearing for 17 utility districts. Harris County MUD No. 503 was mistakenly omitted on the posted agenda. With this action, the Planning and Development Department is requesting that Council add Harris County MUD No. 503 to the public hearing schedule for the other 17 Districts. The hearings will be held on November 5 and November 12, 2008, at 9 a.m., in City Council chamber.

As with the other Districts, the sales taxes collected in the area will be divided evenly between the City and the District. The City is only annexing commercial property and undeveloped land intended for commercial use. There is no population located in the territory proposed to be annexed for limited purposes.

In order to comply with legal notice requirements and include HC MUD 503 in the current hearing schedule, this item may not be tagged.

CC: Marty Stein
Arturo Michel
Sameera Mahendru
Michelle Mitchell

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7865

Subject: Approve an Amending Ordinance to Increase the Spending Authority for Contract No. C55275 for Pump, Submersible-Large Repair Services for the Public Works & Engineering Department
LC-R-0739-027-13831-A2

Category #
4

Page 1 of 1

Agenda Item
28

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

Origination Date
September 30, 2008

Agenda Date
OCT 22 2008

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (713) 238-5241
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:
Ord #2003-802, Ord #2007-1321

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the spending authority to Contract No. C55275 from \$4,000,000.00 to \$4,700,000.00 between the City of Houston and Houma Armature Works Houston, LLC (formerly known as Total Power Systems, Inc.) for pump, submersible-large repair services for the Public Works & Engineering Department.

Maximum Contract Amount Increased by: \$700,000.00

August 10/10/08

Finance Budget

\$700,000.00 Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the spending authority of Contract No. C55275 between the City of Houston and Houma Armature Works Houston, LLC (formerly known as Total Power Systems, Inc.) from \$4,000,000.00 to \$4,700,000.00 for large submersible pump repair services for the Public Works & Engineering Department. Under this contract, the contractor is required to repair electric motor and pump assemblies of submersible pumps ranging from 200-HP to 500-HP. Submersible pumps are used to pump wastewater at 400 lift stations and 41 treatment plants located throughout the City.

This contract was awarded on September 3, 2003 by Ordinance No. 2003-802 for a four-year term in the original amount of \$4,000,000.00. This contract was assigned to Houma Armature Works Houston, LLC on February 4, 2008. A first amendment was approved on November 28, 2007, by Ordinance No. 2007-1321 to extend the term from December 10, 2007 to December 9, 2008. Expenditures as of September 2, 2008 totaled \$4,000,000.00. The additional spending authority will allow services to continue while a new bid solicitation is issued.

The scope of work requires the contractor to provide all equipment, facilities, labor, materials, parts, supervision and transportation necessary to disassemble, inspect, rewind or recondition submersible pumps between 200 and 500 HP, and completely reassemble and test the units. The contractor will also be required to inspect all the components and clean all parts before rewinding or reconditioning the pumps. After all repairs are made, the contractor will be required to balance and test the rotors and impellers at their full voltage to ensure that the pump is performing at optimum level.

This contract was awarded with an 11% M/WBE participation goal and Houma Armature Works Houston, LLC has not met the goal because repairs to the pumps thus far have required minimum crane work, which is the portion designated for M/WBE participation. The Affirmative Action Division will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Richard Morris

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:
Jim Chang

Other Authorization:
Michael Smith
10/3/08

65CDW7865A

NOT

09-001

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

Subject: Amendment No. 2 to the Contract for Professional Consulting Services with HNTB Corporation for On-Call Planning Services with the Houston Airport System; Project No. 616; (WBS # A-000368-0002-3-01; Contract No. 4600004495).	Category # 9	Page 1 of 2	Agenda Item # 29
---	---------------------	-----------------------	-----------------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date October 7, 2008	Agenda Date OCT 22 2008
--	--	-----------------------------------

DIRECTOR'S SIGNATURE: 	Council District affected: B, E & I
--	---

For additional information contact: Eric R. Potts  Phone: 281/233-1999 Monica Newhouse 281/233-1973	Date and identification of prior authorizing Council action: 10/06/2004 (O) 2004-1045 05/09/2007 (O) 2007-572
---	--

AMOUNT & SOURCE OF FUNDING: CIP No. A-0368.04.2 \$2,000,000.00 Airports Improvement Fund (8011) 	Prior appropriations: CIP No. A-0368.03/07.6.....\$4,250,000.00 Airports Improvement Fund (561) CIP No. A-0368.13.2.....\$2,000,000.00 Airports Improvement Fund (8011) Total.....\$6,250,000.00
---	--

RECOMMENDATION: (Summary)
Enact an ordinance to approve Amendment No. 2 to the Contract for Professional Consulting Services with HNTB Corporation and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION:
On October 6, 2004, the City entered into a contract in the amount of \$4,250,000.00 with HNTB Corporation for On-Call Planning Services with the Houston Airport System (HAS), including George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), Ellington Field (EFD) and other HAS properties to assess HAS' current and future development needs, the options available for meeting those needs, and the actions required to implement development recommendations.

On May 9, 2007, Council approved Amendment No. 1 in the amount of \$2,000,000.00, which provided a continuation of work already underway by extending the term by additional three (3) years and broadened HAS' ability to address complex airport planning issues. Services performed to date include upcoming capital programming tasks, land use management issues (encroachment of incompatible land uses), master plan implementation support, regulatory changes, height hazard zoning ordinance changes and environmental work to support programmed construction projects.

Originally, the contract term for this project was three (3) years. However, it was anticipated at that time that based on the performance of the consultant and the amount of work to be utilized, future amendment(s) may be required to increase either the term or the funds for this project.

It is now requested that Council approve Amendment No. 2 in the amount of \$2,000,000.00 for further continuation of the required On-Call Planning Services. The term of the contract remains unchanged.

REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization:	Other Authorization:

Date October 7, 2008	Subject: Amendment No. 2 to the Contract for Professional Consulting Services with HNTB Corporation for On-Call Planning Services with the Houston Airport System; Project No. 616; (WBS # A-000368-0002-3-01; Contract No. 4600004495).	Originator's CO	Page 2 of 2
--------------------------------	---	---------------------------	-----------------------

DBE PARTICIPATION:

The Disadvantaged Business Enterprise (DBE) goal for Amendment No. 2 is twenty-four percent (24%) and will be met by the following certified firms:

Firm	Type of Work
ESC Polytech Consultants, Inc.	Airport Planning Services
Gunda and Associates	Transportation Engineering Planning Services
4B Technology Group, L.L.C.	Computer Systems Design Consulting Services
Graphics One Design	Graphic Design Services
HVJ Associates, Inc.	Geotechnical Testing Laboratories or Services
KM Chng Environmental, Inc.	Environmental Services, Air Quality
Planning & Development Services, Inc. dba Knudson & Associates	Urban and Comprehensive Planning
The Lentz Group, Inc.	Required Public Meetings (Conducted per FAA Regulations)
Lopez Garcia Group, Inc.	Civil Engineering, Environmental
Martinez Corporation	Aerial Mapping, Photogrammetry
Kimberly Mickelson, P.C.	Legal Services
Nathelyne A. Kennedy & Associates	Construction Management & Engineering Services
Quadrant Consultants, Inc.	Civil Engineering, Environmental Services
Rey De La Reza Architects, Inc.	Architectural Services
Shah Smith & Associates, Inc.	Mechanical, Electrical, and Plumbing Engineering
TransSolutions, LLC	Airfield and Traffic Simulations
USA Shelco, Inc.	Professional Engineering Services

The amount of work for each proposed sub-consultant will be determined as the project progresses and the services required by each sub-consultant are better defined.

HNTB Corporation is currently achieving 23.52% DBE participation on their 24% goal.

RMV: ERP: AG: EA: JDW

Attachments

- | | | |
|--------------------------|---------------------|-------------------------|
| cc: Ms. Marty Stein | Mr. Dave Arthur | Ms. Ellen Erenbaum |
| Mr. Anthony W. Hall, Jr. | Mr. John F. Silva | Ms. Kathy Elek |
| Mr. Arturo G. Michel | Mr. Adil Godiwalla | Mr. Aleks Mraovic |
| Ms. Velma Laws | Ms. Monica Newhouse | Mr. J. Goodwille Pierre |
| Mr. Richard M. Vacar | Mr. Carlos Ortiz | Ms. Marlene McClinton |
| Mr. Eric R. Potts | Mr. Frank D. Crouch | Ms. Roxanne Butler |
| | Ms. Janice D. Woods | |

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

SUBJECT: First Amendment to Construction Manager at Risk Contract
Gilbane Building Company
HPD Qualification Pistol Range
WBS No. G-000088-0003-4

Page
1 of 2

Agenda
Item
30

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

Origination Date
10-09-08

Agenda Date
OCT 22 2008

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Issa Z. Dadoush 9/25/08

Council District(s) affected:
All

For additional information contact:

Jacquelyn L. Nisby Phone: 832.393.8023

Date and identification of prior authorizing Council action:
Ordinance No. 2007-1359; dated 12/5/07

RECOMMENDATION: Approve First Amendment to the Construction Manager at Risk (CMAR) contract; authorize issuance of a purchase order in the amount of \$1,592,137 to Action Target, Inc. through the State of Texas Building and Procurement Commissioner's Contract (TXMAS), and appropriate funds for the project.

Amount and Source of Funding:

\$3,598,010.00 Police Consolidated Construction Fund (4504)

Finance Budget:

Michelle Mitchell

Previous Funding:

\$50,875.00 Police Consolidated Construction Fund (4504)

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council approve a First Amendment to the CMAR contract with Gilbane Building Company to delegate authority to the director of GSD to approve the Guaranteed Maximum Price (GMP) proposal, and appropriate funds for the Tactical Training & SWAT Rifle Range. GSD further recommends that City Council authorize the issuance of a purchase order in the amount of \$1,592,137.00 to Action Target, Inc. to procure target systems and related appurtenances for the Tactical Training & SWAT Rifle Range.

PROJECT LOCATION: 17000 Aldine Westfield Road (373H)

PROJECT DESCRIPTION: The scope of work consists of construction of a new state of the art training facility with accidental discharge protection, bullet recovery, and mobile target systems for the Houston Police Department (HPD). This new facility will enable HPD personnel to train and qualify with duty ammunition.

PREVIOUS HISTORY AND PROJECT SCOPE: On December 5, 2007, City Council awarded a CMAR contract to Gilbane Building Company to provide pre-construction and construction phase services for the Tactical Training & SWAT Rifle Range, and appropriated funds for pre-construction phase services.

The anticipated contract duration for this project is 278 calendar days. The design consultant is Morris Architects, Inc.

REQUIRED AUTHORIZATION

CUIC ID # 25CONS67

General Services Department:

Houston Police Department:

Humberto Bautista

Humberto Bautista
Chief of Design and Construction Division

Harold L. Hurtt
Harold L. Hurtt,
Chief of Police

Harold L. Hurtt
10-6-08

NDT

Date:	SUBJECT: First Amendment to Construction Manager at Risk Contract Gilbane Building Company HPD Qualification Pistol Range WBS No. G-000088-0003-4	Originator's Initials ON	Page 2 of 2
--------------	---	--	---------------------------

FUNDING SUMMARY: It is recommended that City Council appropriate funds for the project, including additional appropriations of \$27,795.00 for engineering testing services under the existing contract with Alliance Laboratories, Inc. and \$1,592,137.00 for mobile target systems, control booths, bullet recovery systems to be purchased from Action Target, Inc. through the TXMAS contract.

\$ 1,853,000.00	Construction Contract Services
\$ 92,650.00	Contingency (5%)
\$ 32,428.00	Civic Art (1.75%)
\$ 27,795.00	Engineering Testing Services (1.5%)
\$ <u>1,592,137.00</u>	Target System (Action Target, Inc. TXMAS contract 4-69010)
\$ 3,598,010.00	Total Appropriation

CONSTRUCTION GOALS: An MBE goal of 14%, WBE goal of 5% and SBE goal of 5% have been established for the construction phase of this contract. The construction manager will submit the list of proposed certified sub-contractors with the issuance of the GMP proposal.

IZD:HB:RAV:JLN:ON:on

c : Marty Stein, Kirk Munden, Jacquelyn L. Nisby, Esq., Webb Mitchell, Mary M. Villarreal, Siria Harbour,
File G-000088-0003-4 /813

TO: Mayor via City Secretary

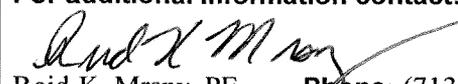
REQUEST FOR COUNCIL ACTION

R

SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Cobb Fendley & Associates, Inc. for Technical Assistance for Interagency Project Reviews; WBS. No. N-000668-0011-3.	Page 1 of 2	Agenda Item # 31
---	-----------------------	--------------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 10-16-08	Agenda Date OCT 22 2008
--	-------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE, Director	Council District affected: A,C,D,G,H,I <i>see</i>
---	---

For additional information contact:  Reid K. Mrsny, PE. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action: 1/3/07: Ordinance 2007-0028 9/19/07: Ordinance 2007-1073
---	--

RECOMMENDATION: (Summary)
Approve an ordinance appropriating additional funds to the Engineering Services Contract with Cobb Fendley & Associates, Inc.

Amount and Source of Funding:
\$ 375,000.00 from the Street & Bridge Consolidated Construction Fund No. 4506. Previous appropriations of \$946,000.00 from Street & Bridge Consolidated Construction Fund No. 4506. *note 09/30/08*

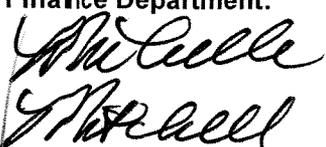
DESCRIPTION/SCOPE: This project is part of the Street & Bridge program. It consists of the provision of technical assistance in the review and evaluation of infrastructure project submittals for projects in the Right of Way undertaken by other governmental entities, specifically including METRO under the METRO Solutions program.

LOCATION: Citywide

SCOPE OF CONTRACT AND FEE: City Council approved the original contract by Ordinance No. 2007-0028 on January 3, 2007 and a subsequent appropriation was approved by Ordinance No. 2007-1073 on September 19, 2007. Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Engineering, and Additional Services. Preliminary Engineering services include an initial review, data collection, inventory and assessment of existing City facilities within the project limits. The Additional Services include work orders for technical reviews of submittals. For METRO Solutions, the following project milestones have been established for review by the consultant for each of the METRO Solutions corridors: 15% Preliminary Engineering, 30% Preliminary Engineering, 50% Design Submittal, 90% Design Submittal and Final Design Submittal/Approval.

Previous appropriations were identified as providing services for reviews through the 50% Design Submittal for the following transit corridors: East End, Uptown, Southeast, North, University East and West; and 30% for the Intermodal Terminal. To date the City has reviewed 50% drawings for the Uptown, Southeast and North; 30% drawings for the East End; 15% drawings for University East; and Advance Conceptual Drawings for the Intermodal Terminal. The remaining funds previously appropriated along with the funds requested in this action are being requested to continue moving the review process forward. This supplementary appropriation is not expected to be sufficient to complete all remaining reviews thru the 90% and Final Design. A comprehensive total is not established and will be dependent on the segmentation of the corridors and the speed at which the submissions are provided to the City. The total additional appropriation for the effort is \$375,000 to be appropriated as follows: \$338,000.00 for Contract services and \$37,000.00 for City's salary recovery/project management.

REQUIRED AUTHORIZATION CUIC ID #20TAA13A NOT

Finance Department:  	Other Authorization:	Other Authorization:
--	-----------------------------	-----------------------------

32

Date	SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Cobb Fendley & Associates, Inc. for Technical Assistance for Interagency Project Reviews; WBS. No. N-000668-0011-3.	Originator's Initials TAA <i>Jee</i>	Page 2 of 2
-------------	---	---	-----------------------

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The original contract and subsequent additional appropriation total \$860,000.00. The Consultant has been paid \$441,493.67 to date (51.33%). Of this amount, the M/WBE sub-consultant has been paid \$148,173.00 to date (33.56%). Assuming approval of the requested additional appropriation, the contract amount will be increased to \$1,198,000.00. The Consultant has proposed the following firms to achieve this goal.

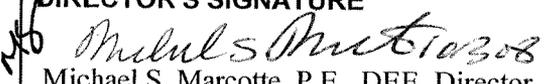
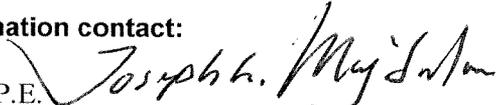
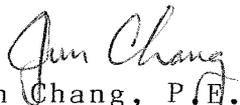
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Prior M/WBE Work	Civil Engineering Support	\$148,173.00	12.37%
2. Entech Civil Engineers, Inc.	Civil Engineering Support	<u>\$139,347.00</u>	<u>11.63%</u>
	TOTAL	<u>\$287,520.00</u>	24.00%

MSM:RKM:TAA:kt
 MSM:RKM:TAA:kt
 S:\design\A-SB-DIV\PROJECTS\N000668_0011_CobbFendley\Design RCA\RCA 20TAA13A.doc

c: Marty Stein
 Susan Bandy
 Velma Laws
 Craig Foster
 File: Cobb Fendley & Associates for Professional Engineering Services Contract

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-0126-4		Page 1 of 2	Agenda Item # 32												
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 10-16-08	Agenda Date OCT 22 2008												
DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., DEE, Director		Council District affected: All													
For additional information contact: Joseph G. Majdalani, P.E.  Senior Assistant Director 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: \$519,422.00 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. <i>10/1/08</i>															
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 cleaning and television inspection in support of rehabilitation. The contract duration for this project is 730 calendar days.															
LOCATION: The project area is generally bounded by the City Limits.															
BIDS: Five (5) bids were received on June 12, 2008 for this project as follows:															
<table border="0"> <thead> <tr> <th><u>Bidder</u></th> <th><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. Envirowaste Services Group, Inc.</td> <td>\$483,025.52</td> </tr> <tr> <td>2. SHE-Co., Inc.</td> <td>\$494,235.76</td> </tr> <tr> <td>3. Specialized Maintenance Services, Inc.</td> <td>\$512,870.00</td> </tr> <tr> <td>4. CleanServe, Inc.</td> <td>\$516,582.00</td> </tr> <tr> <td>5. Chief Solutions, Inc.</td> <td>\$671,595.12</td> </tr> </tbody> </table>		<u>Bidder</u>	<u>Bid Amount</u>	1. Envirowaste Services Group, Inc.	\$483,025.52	2. SHE-Co., Inc.	\$494,235.76	3. Specialized Maintenance Services, Inc.	\$512,870.00	4. CleanServe, Inc.	\$516,582.00	5. Chief Solutions, Inc.	\$671,595.12		
<u>Bidder</u>	<u>Bid Amount</u>														
1. Envirowaste Services Group, Inc.	\$483,025.52														
2. SHE-Co., Inc.	\$494,235.76														
3. Specialized Maintenance Services, Inc.	\$512,870.00														
4. CleanServe, Inc.	\$516,582.00														
5. Chief Solutions, Inc.	\$671,595.12														
File/Project No. WW 4277-39		REQUIRED AUTHORIZATION													
Finance Department  Michelle Marshall		Other Authorization:	Other Authorization:  Jun Chang, P.E. Public Utilities Division												

Date	Subject: Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-0126-4	Originator's Initials	Page 2 of 2
-------------	---	------------------------------	-----------------------

AWARD: It is recommended that this construction contract be awarded to Envirowaste Services Group, Inc. with a low bid of \$483,025.52.

PROJECT COST: The total cost of this project is \$519,422.00 to be appropriated as follows:

- Bid Amount \$483,025.52
- Contingencies \$24,151.28
- Project Management \$7,245.20
- Engineering Testing Services \$5,000.00

Engineering Testing Services will be provided by Rone Engineering Services, LTD, 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. No city M/WSBE participation goal has been established for this project.

All known rights-of-way and easements required for this project have been acquired.

JMT
MSM:JT:JGM:RK:JI:MF:aa

cc: Marty Stein

Susan Bandy, CPA
Velma Laws

File No. WW 4277-39

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method WBS# R-000295-0020-4	Page 1 of 2	Agenda Item # 33
--	-----------------------	--------------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 10-16-08	Agenda Date OCT 22 2008
--	-------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	Council District affected: All
---	--

For additional information contact: Joseph G. Majdalani, P.E. Senior Assistant Director <i>Joseph G. Majdalani</i> 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: \$3,100,581.00 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. *Reviewed 09/29/08*

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 cured-in-place pipe method. The contract duration for this project is 540 calendar days.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Five (5) bids were received on July 3, 2008 for this project as follows:

Bidder	Bid Amount
1. RePipe Construction, LTD	\$2,873,785.24
2. Insituform Technologies, Inc.	\$2,922,085.84
3. Spiniello Companies	\$3,013,786.98
4. Reynolds Inliner, LLC	\$3,608,794.37
5. American Infrastructure Technologies, Corp.	\$4,238,802.20

File/Project No. WW 4258-37 **REQUIRED AUTHORIZATION** **CUIC# 20JGM251**

Finance Department <i>Michelle Mitchell</i>	Other Authorization: <i>Jun Chang</i> Jun Chang, P.E. Interim Deputy Director	Other Authorization: <i>MC</i>
--	---	--

Date	Subject: Contract Award for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method WBS# R-000295-0020-4	Originator's Initials	Page 2 of 2
-------------	--	------------------------------	-----------------------

AWARD: It is recommended that this construction contract be awarded to RePipe Construction, LTD with a low bid of \$2,873,785.24.

PROJECT COST: The total cost of this project is \$3,100,581.00 to be appropriated as follows:

- Bid Amount \$2,873,785.24
- Contingencies \$143,689.26
- Project Management \$43,106.50
- Engineering Testing Services \$40,000.00

Engineering Testing Services will be provided by HTS Inc. Consultants, 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%, WBE participation of 5%, and SBE participation of 3%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Chief Solutions, Inc.	Clean & TV Sewer Lines	\$114,951.41	4.00%
T. Gray Utility & Rehab, Co., LLC	MH Rehab	\$143,689.26	5.00%
CBL Industries, LLC	Concrete/Asphalt	\$143,689.26	5.00%
	TOTAL	\$402,329.93	14.00%

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Choctaw Pipe & Equipment, Inc.	Supplies	\$143,689.26	5.00%
	TOTAL	\$143,689.26	5.00%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
5M Rope & Supply, LLC	Supplies	\$86,213.56	3.00%
	TOTAL	\$86,213.56	3.00%

All known rights-of-way and easements required for this project have been acquired.

JGM DR-EM
MSM:JT:JGM:RK:JI:MF:aa

cc: Marty Stein
Jeff Taylor
Susan Bandy, CPA
Velma Laws
Michael Ho, P.E.
File No. WW 4258-37

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000295-0021-4		Page 1 of 2	Agenda Item # 34												
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 10-16-08	Agenda Date OCT 22 2008												
DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		Council District affected: All													
For additional information contact: Joseph G. Majdalani, P.E. Senior Assistant Director <i>Joseph G. Majdalani</i> 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: \$483,922.00 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. <i>10/1/08</i>															
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 cleaning and television inspection in support of rehabilitation. The contract duration for this project is 730 calendar days.															
LOCATION: The project area is generally bounded by the City Limits.															
BIDS: Five (5) bids were received on July 10, 2008 for this project as follows:															
<table border="0"> <thead> <tr> <th><u>Bidder</u></th> <th><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. Envirowaste Services Group, Inc.</td> <td>\$449,691.76</td> </tr> <tr> <td>2. CleanServe, Inc.</td> <td>\$468,251.76</td> </tr> <tr> <td>3. Specialized Maintenance Services, Inc.</td> <td>\$479,387.76</td> </tr> <tr> <td>4. SHE-Co., Inc.</td> <td>\$494,235.76</td> </tr> <tr> <td>5. American Infrastructure Technologies Corporation</td> <td>\$791,270.00</td> </tr> </tbody> </table>		<u>Bidder</u>	<u>Bid Amount</u>	1. Envirowaste Services Group, Inc.	\$449,691.76	2. CleanServe, Inc.	\$468,251.76	3. Specialized Maintenance Services, Inc.	\$479,387.76	4. SHE-Co., Inc.	\$494,235.76	5. American Infrastructure Technologies Corporation	\$791,270.00		
<u>Bidder</u>	<u>Bid Amount</u>														
1. Envirowaste Services Group, Inc.	\$449,691.76														
2. CleanServe, Inc.	\$468,251.76														
3. Specialized Maintenance Services, Inc.	\$479,387.76														
4. SHE-Co., Inc.	\$494,235.76														
5. American Infrastructure Technologies Corporation	\$791,270.00														
File/Project No. WW 4277-40		REQUIRED AUTHORIZATION													
Finance Department <i>Michelle Mitchell</i>		Other Authorization: <i>Jun Chang</i> Jun Chang, P.E. Public Utilities Division													
		CUIC# 20JGM252 NOT													

Date	Subject: Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000295-0021-4	Originator's Initials MF	Page 2 of 2
-------------	---	------------------------------------	-----------------------

AWARD: It is recommended that this construction contract be awarded to Envirowaste Services Group, Inc. with a low bid of \$449,691.76.

PROJECT COST: The total cost of this project is \$483,922.00 to be appropriated as follows:

- Bid Amount \$449,691.76
- Contingencies \$22,484.59
- Project Management \$6,745.65
- Engineering Testing Services \$5,000.00

Engineering Testing Services will be provided by Bandy & Associates, 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. No city M/WSBE participation goal has been established for this project.

All known rights-of-way and easements required for this project have been acquired.

JM
MSM:JT:JGM:RK:JI:MF:aa

cc: Marty Stein

Susan Bandy, CPA
Velma Laws

File No. WW 4277-40



CITY OF HOUSTON

Office of the Mayor

35 Interoffice

Correspondence

OCT 22 2008

To: Anna Russell
City Secretary

Lead

From: Christina J. Cabral
Boards and Commissions

Date: October 15, 2008

Subject: Nominations for Position 7 on
the Port of Houston Authority of
Harris County

NON-CONSENT AGENDA

MISCELLANEOUS

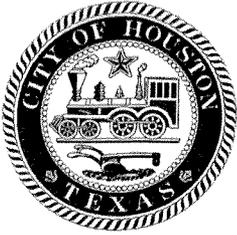
Motion to set a date not less than seven (7) days from October 22, 2008 to receive nominations for Position 7 on the Port of Houston Authority of Harris County for a two-year term. The two-year term of the current member expired September 20, 2008.

Position 7 Janiece M. Longoria nominated by Council Member Alvarado

CC/jsk

cc: Ms. Marty Stein

RECEIVED
OCT 17 2008
CITY SECRETARY



CITY OF HOUSTON

Office of the Mayor

36 Interoffice

OCT 22 2008 Correspondence

To: Anna Russell
City Secretary

From: *C. Cabral*
Christina Cabral
Boards and Commissions

Date: October 15, 2008

Subject: **Houston Archaeological and
Historical Commission
Council Nominations**

NON-CONSENT AGENDA

MISCELLANEOUS

Motion to set a date not less than seven (7) days from October 22, 2008 to receive nominations for Position 10 of the Houston Archaeological and Historical Commission Board of Directors, for a two-year unexpired term that will end on March 1, 2010:

Position 10 Vacant – previously held by Dr. Suraiya Saleem Nominated by CM Khan

/jsk

cc: Ms. Marty Stein

RECEIVED
OCT 15 2008
CITY SECRETARY

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Motion establishing a public hearing date for amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Nineteen (Upper Kirby Zone).

Category #

Page
1 of 1

Agenda Item#

37

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

October 15, 2008

Agenda Date

OCT 22 2008

DIRECTOR'S SIGNATURE:

Michelle Mitchell
Finance Department

Council Districts affected:

C and G

For additional information contact:

Robert Fiederlein

Phone: (832)393-8091

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) Establish a public hearing date regarding amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Nineteen (Upper Kirby Zone).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

The board of directors of Tax Increment Reinvestment Zone Number Nineteen and the Upper Kirby Redevelopment Authority met and approved proposed amendments to the Project and Financing Plan for the Zone and have transmitted the proposed amendments to the City for City Council consideration. Per Section 311.011(e) of the Tax Code (the "TIRZ Act"), a public hearing must be held prior to adopting an ordinance approving the proposed amendments. The TIRZ Program recommends establishing a public hearing date of October 29, 2008.

The proposed amendment would address the acquisition of land for the future development of a civic complex.

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7937

Subject: Formal Bids Received for Safety Equipment and Supplies for Various Departments
S35-S22560

Category #
4

Page 1 of 2

Agenda Item

38

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

Origination Date
September 30, 2008

Agenda Date
OCT 22 2008

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Karen Dupont Phone: (713) 859-4934
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve various awards, as shown below, in an amount not to exceed \$2,475,189.56 for safety equipment and supplies for various departments.

Estimated Spending Authority: \$2,475,189.56

August 10/2008

Finance Budget

\$1,362,490.43 General Fund (1000)
\$ 901,954.99 PW & E Water & Sewer System Operating Fund (8300)
\$ 210,744.14 HAS-Revenue Fund (8001)
\$2,475,189.56 Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$2,475,189.56 for safety equipment and supplies for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. These awards consist of various safety items, and other types of equipment which will be used by the Houston Airport System and the Public Works & Engineering, Solid Waste Management, Health, Fire and Police Departments' personnel to supply safety equipment and supplies throughout the City.

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

This project was advertised in accordance with the requirements of the State of Texas bid laws. Seventeen prospective bidders downloaded the solicitation document from SPD's e-bidding website, and twelve bids were received as detailed in the attached support documentation.

Security Safety & Supply, Inc.: Award on its low bid for Group I, Items Nos. 7, 12, 15, 16, 36 and Item No. 13, award on its low bid meeting specifications and Group II, Item Nos. 49 thru 55 (safety glasses, eye/face shower stations, moistened kwik wipes, earmuffs, rubber boots and safety vests) and sole bid for Group I, Item No. 47 in an amount not to exceed \$52,289.97.

Safety Supply, Inc. Bid I: Award on its low overall bid for Group VI (PMI price list which includes, but not limited to, pulleys, ropes, straps and saws) and Group XI, Item Nos. 1 thru 7 and 9 thru 13 (stenciling logos on rainwear and hard hats) in an amount not to exceed \$170,081.25.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Jim Chang

65CDW 7937
10/23/08

NOT

Date: 9/30/2008	Subject: Formal Bids Received for Safety Equipment and Supplies for Various Departments S35-S22560	Originator's Initials JD	Page 2 of 2
--------------------	--	--------------------------------	-------------

Safety Supply, Inc. Bid II: Award on its low bid meeting specifications for Group III (Northern Safety price list which includes, but is not limited to, gloves, hard hats, respirators, disposable coveralls and safety glasses) in an amount not to exceed \$1,637,793.62.

Globe Electric Co., Inc.: Award on its low bid for Group IV (Nupla Industrial price list which includes, but is not limited to, power hammers, impact power drives and micro strike sets) in an amount not to exceed \$350,000.00.

Advanced Rescue Systems: Award on its sole bid for Group X (TNT Rescue System price list which includes, but is not limited to, pumps, spreaders, deployment cutters and extrication hoses) in an amount not to exceed \$265,000.00.

Tie Bid: Tie bids were received from **Safety Supply, Inc. (Bid II)** and **Security Safety & Supply, Inc.** for Group I, Item No. 34 (earplugs) in the amount of \$24.72. It is requested that City Council draw lots for this item.

Group I, Item Nos. 1 thru 6, 8 thru 11, 14, 17 thru 33, 35, 37 thru 46, and 48 and Groups V, VII, VIII, IX and Group XI, Items Nos. 8 and 14 are not being awarded. These items will be advertised at a later date.

M/WBE Subcontracting:

This bid was issued with an 11% goal for M/WBE participation. **Globe Electric Co., Inc.** has designated the below named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Sunrise Delivery, Inc.	Delivery	\$38,500.00

The Affirmative Action Division will monitor this award.

Buyer: John Dearmon

Estimated Spending Authority

<u>Department</u>	<u>FY 2009</u>	<u>Out Years</u>	<u>Total</u>
Public Works & Engineering	\$135,296.96	\$ 766,658.03	\$ 901,954.99
Houston Airport System	\$ 31,611.62	\$ 179,132.52	\$ 210,744.14
Police	\$ 8,024.72	\$ 27,251.88	\$ 35,276.60
Fire	\$168,300.00	\$ 953,700.00	\$1,122,000.00
Solid Waste Management	\$ 27,873.82	\$ 168,258.76	\$ 196,132.58
Health and Human Services	\$ 1,200.00	\$ 7,881.25	\$ 9,081.25
Total	\$372,307.12	\$2,102,882.44	\$2,475,189.56

39
OCT 22 2008

MOTION NO. 2008

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, relative to the Major Thoroughfare and Freeway Plan, be adopted, and the Planning Commission recommendation for "Kirby 1" segment of the Major Thoroughfare and Freeway Plan is hereby amended by reclassifying Kirby Drive, between the Southwest Freeway and Bissonnet Street as a 95-foot-right-of-way principal thoroughfare.

Seconded by Council Member Garcia

Council Members Johnson and Green absent

On 10/15/2008 the above motion was tagged by Council Member Rodriguez.

mla

39A

OCT 22 2008

MOTION by Council Member Khan that the recommendation of the Director of the Planning and Development Department, relative to amendments to the 2007 Major Thoroughfare and Freeway Plan, be adopted, and amendments to the 2007 Major Thoroughfare and Freeway Plan (MTFP) are hereby approved by the City Council and authority is hereby given to publish the 2008 Major Thoroughfare and Freeway Plan in map form.

Seconded by Council Member Garcia

Motion by Council Member Sullivan to divide the question above to consider separately the Mills Branch application, parts 1 through 4.

Seconded by Council Member Garcia

VOTE ON MOTION TO DIVIDE THE QUESTION:
Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell, Noriega and Jones voting aye
Nays none
Council Members Johnson and Green absent
MOTION TO DIVIDE THE QUESTION CARRIED

39A

Motion by Council Member Sullivan refer back to the administration the Mills Branch application, parts 1 through 4.

Seconded by Council Member Khan

Council Member Rodriguez tagged the motion to refer back to the administration
Council Member Rodriguez tagged the Main Motion

Council Members Johnson and Green absent

A TRUE COPY

DATED this 15th day of October, 2008.

City Secretary

39B

MOTION NO. 2008 0772

OCT 22 2008

39B →
MOTION by Council Member Khan that the recommendation of the Director of the Planning and Development Department, relative to amendments to the 2007 Major Thoroughfare and Freeway Plan, be adopted, and amendments to the 2007 Major Thoroughfare and Freeway Plan (MTFP) are hereby approved by the City Council and authority is hereby given to publish the 2008 Major Thoroughfare and Freeway Plan in map form.

Seconded by Council Member Garcia

Motion by Council Member Sullivan to divide the question above to consider separately the Mills Branch application, parts 1 through 4.

Seconded by Council Member Garcia

VOTE ON MOTION TO DIVIDE THE QUESTION:
Mayor White, Council Members Lawrence, Clutterbuck, Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell, Noriega and Jones voting aye
Nays none
Council Members Johnson and Green absent
MOTION TO DIVIDE THE QUESTION CARRIED

Motion by Council Member Sullivan refer back to the administration the Mills Branch application, parts 1 through 4.

Seconded by Council Member Khan

Council Member Rodriguez tagged the motion to refer back to the administration

Council Member Rodriguez tagged the Main Motion

Council Members Johnson and Green absent

A TRUE COPY

DATED this 15th day of October, 2008.

City Secretary

SUBJECT: Amendments to the 2007 Major Thoroughfare and Freeway Plan (MTFP)	Category #	Page 1 of 39B	Agenda Item # 3A
--	-------------------	--------------------------------	-----------------------------------

FROM (Department or other point of origin): Planning and Development	Origination Date 08/29/08	Agenda Date OCT 22 2008 OCT 15 2008
--	-------------------------------------	---

DIRECTOR'S SIGNATURE: <i>Mary H. Bejrick</i>	Council District affected: H
--	--

For additional information contact: Michael A. Kramer Phone: 713-837-7781	Date and identification of prior authorizing Council action: 10/03/07, CM 07-0987
---	---

RECOMMENDATION: (Summary)
Approve amendments to the 2007 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2008 MTFP in map form.

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

SPECIFIC EXPLANATION:
Chapter 33-25 of the Code of Ordinances specifies that each year, the Planning Commission shall prepare and submit to the City Council a Major Thoroughfare and Freeway Plan (MTFP) adopted with the concurrence of the Public Works and Engineering Department. The Commission may consider amendments to any portion of the MTFP relating to deleting, realigning or reclassifying streets designated on the plan or adding one or more streets to the plan. An amendment approved by the Commission shall not be effective unless and until approved by City Council.

The MTFP identifies corridor alignments and sets right-of-way requirements for major roadways in the City and extraterritorial jurisdiction (ETJ). There are two types of applicants for MTFP amendments:

- Government - amendments requested by governmental agencies including City of Houston; and
- Private Sector - amendments requested by the private sector among which included individuals, civic associations, and developers.

This year, applications were accepted from February through March 14, 2008. Planning Commission held workshops on the proposed amendments May 1 and May 22 and an Open House for the public was held July 10 in the evening at the United Way Community Resource Center, 50 Waugh Drive. Planning Commission held a public hearing on the proposed amendments, Thursday, July 24 and continued the public hearing on one item to Thursday, August 7.

The Planning Commission approved a motion on August 28, 2008, to recommend that City Council approve amendments to the 2007 MTFP. Attachment 1 provides a description of the amendments and the Planning Commission's recommendation. Attachment 2 depicts the general location of each recommended change.

City Council approval will authorize publication of the 2008 MTFP in map form.

Attachments

cc: Marty Stein, Agenda Director
Arturo Michel, City Attorney
Anna Russell, City Secretary
Michael S. Marcotte, Director, Public Works and Engineering

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

2008 Major Thoroughfare and Freeway Plan

(Amendments to the 2007 MTFP)

On August 28, 2008 the City of Houston Planning Commission voted to forward its actions to City Council for adoption as the 2008 MTFP. Ten amendments, listed below, reflect changes that will require alterations to the 2007 MTFP. The location of these amendments is illustrated on the map included as **Attachment 2**.

Amendment Name	Jurisdiction	District/Precinct	Applicant
N. Main and N. Main Bypass	City, Harris Co.	City Dist. H / Harris Co. Pct. 2	METRO, March Darcy Partners, Inc. (Government Sector)

Planning Commission action: Regarding Phase I

- 1) **APPROVED** the reclassification of N. Main Street as a Transit Corridor Street between IH 10 East and Boundary Street.
- 2) **APPROVED** the addition of N. Main Bypass as a Transit Corridor Street between N. Main and Harrington Street.

Regarding Phase II: The Planning Commission **DEFERRED** action on number of lanes and right-of-way width until a later date.

Boundary and Fulton	City, Harris Co.	City Dist. H / Harris Co. Pct. 2	METRO, March Darcy Partners, Inc. (Government Sector)
----------------------------	------------------	----------------------------------	---

Planning Commission action: Regarding Phase 1

- 1) **APPROVED** the classification of Boundary Street between N. Main Street and Fulton Street as a Transit Corridor Street.
- 2) **APPROVED** the reclassification of Fulton Street between Boundary Street and Julia Street as a Transit Corridor Street.
- 3) **APPROVED** the delineation of the North Transit Corridor Street from beginning to end
 - a) N. Main Street from IH 10 to N. Main Bypass; N. Main Bypass from Main Street to Harrington Street;
 - b) N. Main Street from N. Main Bypass to Harrington Street.
 - c) Main Street from Harrington Street to Boundary Street.
 - d) Boundary Street from N. Main Street to Fulton Street;
 - e) Fulton Street from Boundary Street to Julia Street.

Regarding Phase II: The Planning Commission **DEFERRED** action on number of lanes and right-of-way width until a later date.

Mills Branch	ETJ, Montgomery Co.	Montgomery Co. Pct. 4	Montgomery Co. Precinct 4 (Government Sector)
---------------------	---------------------	-----------------------	---

Planning Commission action:

- 1) **APPROVED** the reclassification of Mills Branch Drive as a major collector street between Lake Houston Parkway and Ford Road (min. 70' ROW),
- 2) **APPROVED** the deletion of Mills Branch Drive between Ford Road (east-west) and Woodland Hills Drive,
- 3) **APPROVED** the addition of major collector street Woodbridge Village Drive between Ford Road and Woodland Hills Drive (min. 70' ROW), and
- 4) **APPROVED** the addition of Ford Road (north-south) as a major collector street between Mills Branch Drive and Ford Road/Ricewood Drive (min. 70' ROW),

Katy Gaston North ETJ, Fort Bend Co. Fort Bend Co. Pct. 3 Turner Collie & Braden (Private Sector)

Planning Commission action:

- 1) APPROVED the addition of Katy Gaston Road as a major thoroughfare between Cinco Ranch Boulevard and FM 1093; and
- 2) APPROVED the deletion of Unnamed Major Collector between Katy Gaston Road and FM 1093.

Katy Gaston South ETJ, Fort Bend Co Fort Bend Co. Pct. 3 Benchmark Engineering Corp. (Private Sector)

Planning Commission action

APPROVED the realignment of Katy Gaston Road, a major thoroughfare south of FM 1093 to Bellaire Boulevard.

Ella ETJ, Harris Co. Harris Co. Pct. 4 Vernon G. Henry and Associates, Inc. (Private Sector)

Planning Commission action:

APPROVED the realignment of Ella Boulevard between N. Sam Houston Pkwy. and Northville Road.

Airline City, Harris Co. City Dist. H / Harris Co. Pct. 2 City of Houston, Public Works and Engineering (Government Sector)

Planning Commission action:

APPROVED the reclassification of Airline as an 80' right-of-way major thoroughfare between Cavalcade to IH-610 instead of a 70 foot ROW.

Campbell	City, Harris Co.	City Dist. A / Harris Co. Pct. 3	First Houston Properties (Private Sector)
-----------------	------------------	----------------------------------	---

Planning Commission action:

APPROVED the reclassification of Campbell Road from a local street to a major collector street between Clay Road and W. Tidwell only. This recommendation does not include extending the major collector status from W Tidwell to Hempstead Highway. The right-of-way width will be designated at 70 feet.

Kirby 1	City Harris Co.	City Dist. C / Harris Co. Pct. 1	City of Houston, Public Works and Engineering (Government Sector)
----------------	-----------------	----------------------------------	---

Planning Commission action:

APPROVED the reclassification of Kirby as a 100' right-of-way principal thoroughfare between Southwest Freeway and Bissonnet Street. This will replace the current designated ROW width of 80 feet. The map will reflect this segment of Kirby as "to be widened."

Kirby 2	City, Harris Co.	City Dist. D / Harris Co. Pct. 1	City of Houston, Planning and Development Department (Government Sector)
----------------	------------------	----------------------------------	--

Planning Commission action:

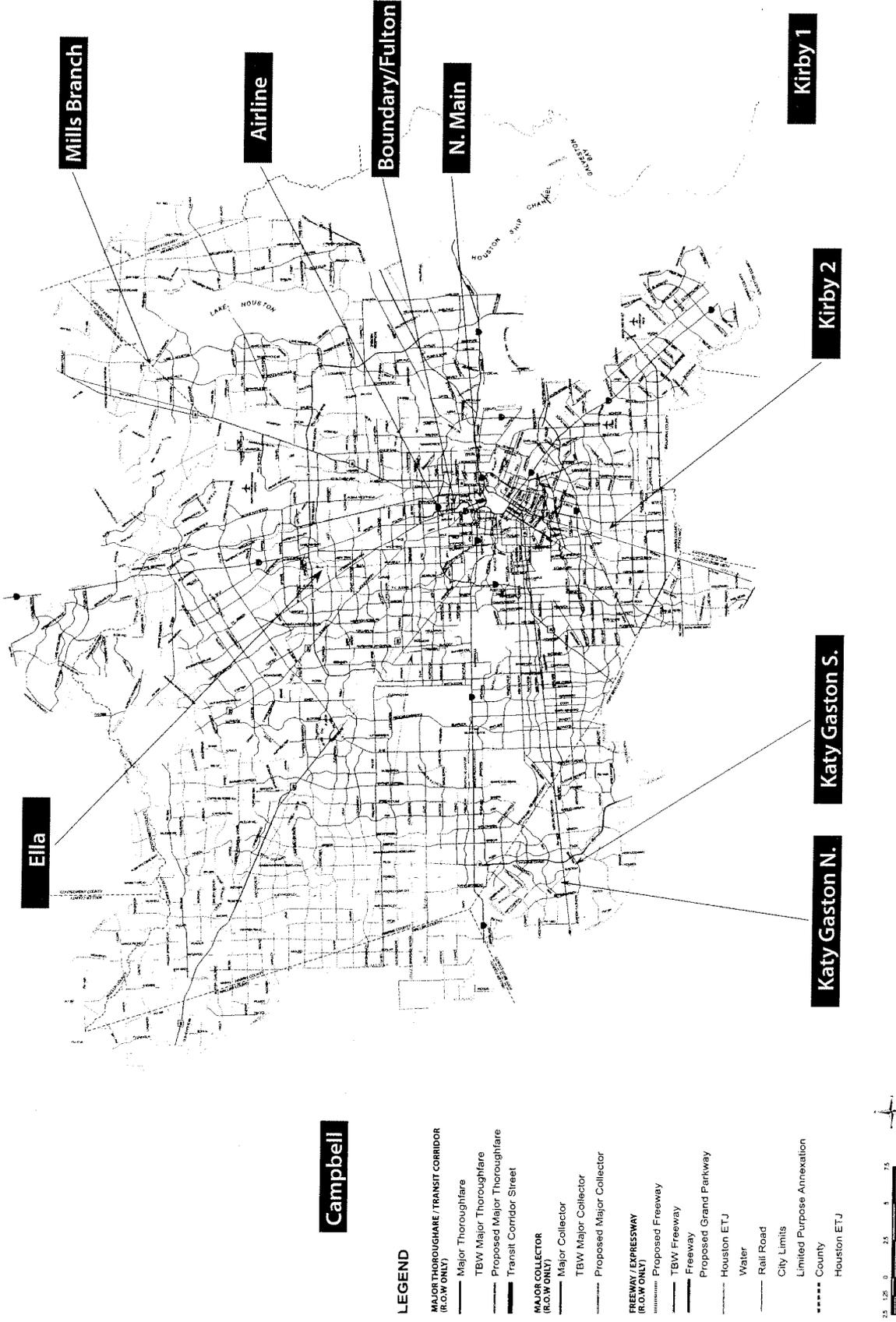
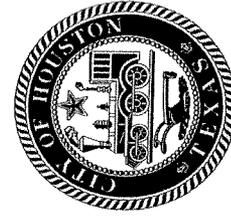
APPROVED the realignment of Kirby Drive, south of Holmes Road following the alignment of Feldman Road to Reed Road crossing Almeda Road then turning south at the Rodeo Auxiliary Parking Facility. An approximate 1200 foot radius will transition Kirby from its east-west direction to a north-south direction. Reed Road will intersect with Kirby at a 90° angle along the curve.

2008 Major Thoroughfare & Freeway Plan (Amendments to the 2007 MTFP)

Attachment 2

City of Houston
Planning Commission
approved amendments
to the 2007 Major
Thoroughfare and
Freeway Plan
on August 28, 2008 for:

- Airline
- Campbell
- Ella
- Katy Gaston N.
- Katy Gaston S.
- Kirby 1
- Kirby 2
- Mills Branch
- N. Main
- Boundary / Fulton



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8060

Subject: Ordinance revising portions of Section 105 of the Houston Fire Code pertaining to Permit fees.

Category #
6

Page 1 of 1

Agenda Item

401-14

FROM (Department or other point of origin):

Phil Boriskie
Fire Chief
Fire

Origination Date

September 16, 2008

Agenda Date

~~OCT 15 2008~~
OCT 22 2008

DIRECTOR'S SIGNATURE

Phil Boriskie

Council District(s) affected
All

For additional information contact:

Karen Dupont Phone: (713) 859-4934
Jack Williams Phone: (713) 247-8793

Date and Identification of prior authorizing Council Action:
Council Motion 2006 0554

RECOMMENDATION: (Summary)

Approval of an Ordinance that makes changes to Section 105 of the Houston Fire Code pertaining to the purchase cost and type of Fire Permit Fee.

Revenue

Finance Budget

Michelle
McCall

SPECIFIC EXPLANATION:

The Houston Fire Department requests City Council approve an Ordinance to revise of Sections 105.8.1 through 105.8.3.3 and Table 105.8 of the City of Houston Fire Code. The Code revision affects the cost and type of various Fire permits and creates a tiered fee structure in specific occupancies where time spent inspecting the occupancy is not proportional to the hazard present.

Council Member Johnson proposed an Amendment to the FY07 Budget requesting F&A and HFD work together to "...undertake an in-house analysis of the Fire Department's fee structure for Inspections." HFD worked with F&A to create as close as possible estimates of the actual cost of performing various Inspection processes. The proposed changes will not affect total cost recovery but will stratify the permit fee costs to more accurately reflect the actual cost of performing the service. Proposed cost changes will also address specific requests for service for which a cost recovery mechanism does not exist.

Certain occupancies only take small portions of time to inspect, while other occupancies of the same classification could take weeks. For example Hazardous Materials permits; copy shops that have a small quantity of chemicals that require a Hazardous Materials permit and are charged the same for a permit as a chemical storage facility that may store hundreds or thousands of pounds/gallons of a hazardous substance. Storage of larger quantities presents the greater danger to the surrounding community, and it takes much longer to inspect facilities of this nature for code compliance.

Another example is in regard to Fire Marshall Approvals, which have historically been set at \$125.00 regardless of the size of the establishment. With approval of this Ordinance, a new tiered structure will be implemented to adjust the fees in accordance with the size (square footage) of the occupancy. HFD presented the proposed changes to the Public Safety Committee on March 10th of 2008. A unanimous recommendation was made by the committee to move this forward for full City Council consideration.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

MSD *FW*

Other Authorization:

HFD Proposed Permit Fee Schedule 030408

PERMIT REFERENCE NUMBER	PERMIT DESCRIPTION	Current FEE for ORIGINAL PERMIT	Proposed Fee	Proposed TIERED Permit STRUCTURE	
		In Dollars	In Dollars	Tier	Description
105.6.1	Aerosol products	\$326	\$150	Tier 1	Level 2 Aerosols: 2,500 lbs Level 3 Aerosols: 1,000 lbs Combined Level 2 and 3: 2,500 lbs
	Aerosol products	\$326	\$500	Tier 2	Amounts greater than limits for Tier 1
105.6.2	Apparatus access, road access-control gate	\$75	\$75		
105.6.2	Apparatus access, road access-control gates (2+)	\$150	\$150		
105.6.3	Aircraft refueling vehicle	\$102	\$150		
105.6.3	Aircraft refueling vehicles (\$76 each additional, \$350 Max)	\$76 up to \$350	\$350		\$150 first unit, \$75 each additional unit, \$350 Max
105.6.3	Aircraft service or repair occupancy	\$350	\$350		
105.6.4	Carnivals, festivals, trade show exhibitions and fairs	\$326	\$350		Includes partial cost of Life Safety Inspection
105.6.5	Battery system	\$0	\$150		
105.6.6	Cellulose nitrate film use or storage	\$250	\$150		
105.6.7	Combustible dust-producing operations	\$326	\$150		
105.6.8	Combustible fibers	\$326	\$150	Tier 1	Loose Fiber Storage: 100 cu. ft. Baled Fiber Storage: 1,000 cu. ft.
	Combustible fibers	\$326	\$500	Tier 2	Amounts greater than limits for Tier 1
105.6.9	Compressed gases	\$250	\$250	Tier 1	Corrosive: 1620 cu. ft. at NTP Flammable: (excl. cryogenic and LPG) 200 cu. ft. at NTP Highly Toxic: 40 cu. ft. at NTP Inert & Simple Asphyxiant: no limit Oxidizing (incl. oxygen): 3000 cu. ft. at NTP Toxic: 1620 cu. ft. at NTP
	Compressed gases	\$250	\$500	Tier 2	Amounts greater than limits for Tier 1
105.6.10	Covered Mall Buildings	\$500	\$500		Includes partial cost of Life Safety Inspection
105.6.11	Cryogenic Fluids	\$250	\$250	Tier 1	Flammable: 90 gal. Inert: no limit Oxidizing: 90 gal. Physical or health hazard not included above: no limit
	Cryogenic Fluids	\$250	\$500	Tier 2	Amounts greater than limits for Tier 1
105.6.12	Reserved				
105.6.13	Dry cleaning plants	\$350	\$150		
105.6.14	Reserved				
105.6.15	Explosives, fire works and pyrotechnics	\$350	\$350		Includes partial cost of Life Safety Inspection
105.6.16	Fire depository, key box	\$75	\$75		
	Fire depository, key box (2+)	\$150	\$150		
105.6.17	Flammable or combustible liquids, Parts 1-5, 7 & 8	\$290	\$250	Tier 1	Flammable and Combustible Liq: Class IA: <60 gal
	Flammable or combustible liquids, Part 6 (1 Tank)	\$175			Flammable and Combustible Liq: Class IB: <120 gal
	Flammable or combustible liquids, Part 6 (2 Tanks)	\$250			Flammable and Combustible Liq: Class IC: <180 gal
	Flammable or combustible liquids, Part 6 (3+ Tanks)	\$290			Flammable and Combustible Liq: Class 1A, IB, IC: combined <240 gal
	Flammable or combustible liquids				Flammable and Combustible Liq: Class II: < 240 gal
	Flammable or combustible liquids				Flammable and Combustible Liq: Class IIIA: <660 gal
	Flammable or combustible liquids				Flammable and Combustible Liq: Class IIIB: >60 gal in a tank
	Flammable or combustible liquids	\$0	\$500	Tier 2	Amounts greater than limits for Tier 1
	Tank removal, abandonment	\$175 to \$290	\$150		\$150 One Tank, \$250 Two Tanks, \$350 Three or More
105.6.18	Floor Finishing	\$290	\$150		
105.6.19	Fruit and crop ripening	\$250	\$150		
105.6.20	Fumigation or thermal insecticidal fogging	\$102	\$150		
105.6.21	Hazardous materials	\$350	\$250	Tier 1	Corrosive -Liquid: 1,000 gal Corrosive -Solid: 10,000 lbs Flammable Solids: 250 lbs Highly Toxic -Liquids or Solids: 20 lbs Oxidizing-Liquid or Solid: Class 1: 8,000 lbs

HFD Proposed Permit Fee Schedule 030408

					Oxidizing-Liquid or Solid: Class 2: 500 lbs
					Oxidizing-Liquid or Solid: Class 3: 20 lbs
					Oxidizing-Liquid or Solid: Class 4: 2 lbs
					Organic Peroxides-Liquid or Solid: Unclassified Detonable- 2 lbs
					Organic Peroxides-Liquid or Solid: Class 1: 10 lbs
					Organic Peroxides-Liquid or Solid: Class 2: 100 lbs
					Organic Peroxides-Liquid or Solid: Class 3: 250 lbs
					Organic Peroxides-Liquid or Solid: Class 4: no limit
					Pyrophoric -Gases: 100 cu. ft.
					Pyrophoric -Liquid or Solid: 8 lbs
					Toxic -Liquid or Solid: 1000 lbs
					Unstable Reactive -Gas: Class 1: no limit
					Unstable Reactive -Gas: Class 2: 500 cu. ft.
					Unstable Reactive -Gas: Class 3: 100 cu. ft.
					Unstable Reactive -Gas: Class 4: 20 cu. ft.
					Unstable Reactive-Liquid & Solid: Class 1: no limit
					Unstable Reactive-Liquid & Solid: Class 2: 100 lbs
					Unstable Reactive-Liquid & Solid: Class 3: 10 lbs
					Unstable Reactive-Liquid & Solid: Class 4: 2 lbs
					Water Reactive-Liquid & Solid: Class 1: no limit
					Water Reactive-Liquid & Solid: Class 2: 100 lbs
					Water Reactive-Liquid & Solid: Class 3: 10 lbs
	Hazardous materials	\$350	\$500	Tier 2	Amounts greater than limits for Tier 1
105.6.22	Reserved				
105.6.23	High-piled storage	\$250	\$350	HP 1	Level 1: 2,250-20,000 sq. ft.
	High-piled storage	\$250	\$500	HP 2	Level 2: >20,000 sq. ft.
105.6.24	Hot-work operations	\$150	\$150		
105.6.25	Industrial ovens	\$250	\$150		
105.6.26	Lumberyards and woodworking plants	\$250	\$150		
105.6.27	Liquid-or gas-fuel vehicles in assembly bldgs (1 Unit)	\$110	\$75		
	Liquid-or gas-fuel vehicles in assembly bldgs (2 Units)	\$185	\$150		
	Liquid-or gas-fuel vehicles in assembly bldgs (3+ Units)	\$260	\$250		
105.6.28	Liquefied petroleum gas/LP-gas	\$250	\$250		
	Liquefied petroleum gas/Mobile Food Vendors	\$100	\$100		
105.6.29	Magnesium	\$500	\$250	Tier 1	Storage: 250 lbs
	Magnesium				Open Use: 25 lbs
	Magnesium	\$500	\$500	Tier 2	Amounts greater than limits for Tier 1
105.6.30	Miscellaneous combustible waste storage (1 Unit)	\$75	\$75		
	Miscellaneous combustible waste storage (2+ Units)	\$150	\$150		
105.6.31	Open burning	\$250	\$250		
105.6.32	Open flames and candles	\$102	\$75		
105.6.33	Organic coatings	\$326	\$500	Tier 2	(No Tier 1) for ops. producing >1 gal. in one day
105.6.34	Places of assembly				
	50-100 occupants	\$150	\$150		Includes partial cost of Life Safety Inspection
	101-299 occupants	\$250	\$250		Includes partial cost of Life Safety Inspection
	300 +occupants	\$350	\$350		Includes partial cost of Life Safety Inspection
105.6.35	Reserved				
105.6.36	Reserved				
	Radioactive materials	\$350	\$350		
105.6.37	Pyroxylin plastics	\$250	\$500	Tier 2	(No Tier 1) to store or handle > 25 lbs or pyroxylin
105.6.38	Reserved				
105.6.39	Motor vehicle fuel-dispensing	\$225	\$250		
105.6.40	Rooftop heliports	\$150	\$150		
105.6.41	Spraying or dipping	\$290	\$150		
105.6.42	Storage of scrap tires and tire byproducts	\$250	\$150		
105.6.43	Temporary membrane structures, tents and canopies	\$176	\$150		
105.6.44	Tire-rebuilding plants	\$150	\$150		

HFD Proposed Permit Fee Schedule 030408

105.6.45	Waste handling	\$150	\$150		
105.6.46	Wood products	\$150	\$150		
105.6.47	Roofing operations- Asphalt kettle (1 Unit)	\$110	\$150		
	Roofing operations- Asphalt kettle (\$70 each additional unit, \$320 Max)	\$70 up to \$320	\$350		\$75 each additional unit, \$350 Max
	Roofing operations- Ignited Torches (1 Unit)	\$102	\$150		
	Roofing operations- Ignited Torches (\$76 each additional unit, \$500 Max)	\$76 up to \$500	\$500		\$75 each additional unit, \$500 Max
105.8.2	Re-inspections	\$150	\$250		Third Inspection or More
105.8.3	Fire Marshall Approvals	\$125	\$150		<50 K Sq Ft
105.8.3	Fire Marshall Approvals	\$125	\$250		50 - 100K Sq Ft
105.8.3	Fire Marshall Approvals	\$125	\$500		101K - 500K Sq Ft
105.8.3	Fire Marshall Approvals	\$125	\$750		>500K Sq Ft
105.8.3.1	Priority Inspections	\$150	\$280		Additional 4 Hr Minimum Standby Fee for After-Hours Inspections
Ord.No. 2002-527	Fire Alarm Permits	\$25	\$25		

105.8 Permit and inspection fees. Fees shall be assessed and shall be payable to the jurisdiction for the permits and inspections as provided in Sections 105.8.1 through 105.8.3.3 and Table 105.8. The fee for a permit includes an initial inspection and one follow-up inspection, if the latter is deemed necessary in the judgment of the inspector.

105.8.1 General. All fees are annual unless otherwise provided in this code or by regulation of the code official. See Table 105.8 for the fee schedule for fire permits.

105.8.2 Re-inspection fee. Whenever it becomes necessary to make a reinspection (after the initial inspection and one follow-up inspection under Section 105.8 of this code) because of faulty material, faulty workmanship, incomplete work or for any other reason, the permit holder shall pay for each reinspection a fee of ~~\$150~~ \$250.00, ~~except where unless~~ a greater fee is specifically required by this code.

This fee shall be in addition to all other fees required by this code.

105.8.3 Requested inspections (fire marshal approval). Whenever a person requests that an inspector conduct an inspection, or perform other duties not specified in this code and not in connection with a permit required under this code, the jurisdiction shall provide the service ~~upon payment of a minimum fee of \$125.00 for the first hour or portion thereof, and \$62.50 for each additional hour or portion thereof,~~ if the service would not interfere with the regular duties of the inspector, upon the payment of a fee based on the size of the site, as follows:

<u>Up to 50,000 sq. ft.</u>	<u>\$150</u>
<u>More than 50,000 sq. ft., but not more than 100,000 sq. ft.</u>	<u>\$250</u>
<u>More than 100,000 sq. ft., but not more than 500,000 sq. ft.</u>	<u>\$500</u>
<u>More than 500,000 sq. ft.</u>	<u>\$750.</u>

A deposit in the full amount of ~~may be required for~~ the anticipated ~~cost~~ fee shall be required prior to the commencement of the inspection. Examples of the types of inspections covered by this section include, but are not limited to, inspections requested by persons who are applying for state or federal permits that have provisions for a fire inspection and compliance inspections requested in connection with real estate transactions.

This fee shall be in addition to all other fees required by this code.

105.8.3.1 Priority inspection. Whenever a person requests an inspector to perform an inspection, or other duties specified in this code, at a specific time, rather than at the convenience of the jurisdiction, the jurisdiction shall provide the service ~~shall be provided upon payment of a \$150.00 priority inspection fee,~~ if the priority service would not interfere with the regular duties of the inspector, upon the payment of a fee determined as follows:

<u>Up to 4 hours</u>	<u>\$ 280.00</u>
<u>Each additional hour or portion of an hour</u>	<u>\$ 62.50.</u>

This fee shall be in addition to all other fees required by this code. Also see Section 105.8.3.

105.8.3.2 Requested inspection (outside of regular working hours). Whenever a person requests that an inspector, or other classified firefighter authorized by the fire chief, conduct an inspection or perform other fire protection duties specified in this code; at times other than during regular working hours, or on a holiday observed by the jurisdiction or weekend, the jurisdiction shall provide the service personnel upon payment of the following fees, as applicable, if it the service would not interfere with the regular duties of the personnel or cause an undue burden on the personnel, upon payment of a fee determined as follows:

~~_____~~ **Fees for inspection outside of regular working hours:**

Up to 4 hours	\$ 280.00
Each additional hour or portion of an hour	\$ 62.50

This fee shall be in addition to all other fees required by this code.

105.8.3.3 Exemption from permits and fees. To the extent that the State of Texas or the United States of America are exempt as a matter of law from compliance with this code, a permit shall not be required for work performed by or on the premises of either of those entities. However, the fees set forth in this code shall be applicable to the extent that the State of Texas or the United States of America elects to obtain a permit for exempt work.

Except for work undertaken by or on the premises of the State of Texas or the United States of America, permits shall be required for work performed by or for any political subdivision or unit of government (including, but not limited to, the jurisdiction) in the same manner and to the same extent as for work performed by or for other persons. The fees prescribed in this chapter shall be applicable to all permits issued to or for governmental agencies except counties and the jurisdiction. The jurisdiction and counties are exempted from the payment of fees. The exemption for the jurisdiction and for counties shall extend only to work to be performed by or for the jurisdiction or a county itself as a body corporate and politic. Furthermore, the exemption for a county shall not extend to work performed by or on the premises of units of government that, although affiliated with a county, have separate governmental existence from the county, including but not limited to, hospital districts and flood control districts.

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.9	Compressed gases Tier 1: <u>Corrosive: up to 1620 cu. ft. at NTP</u> <u>Flammable (excluding cryogenic and LPG): up to 200 cu. ft. at NTP</u> <u>Highly toxic: up to 40 cu. ft. at NTP</u> <u>Inert & simple asphyxiant: no limit</u> <u>Oxidizing (including oxygen): up to 3000 cu. ft. at NTP</u> <u>Toxic: up to 1620 cu. ft. at NTP</u>	\$250
105.6.10	Covered mall buildings	Tier 2: <u>Amounts greater than for Tier 1</u> <u>\$500</u>
105.6.11	Cryogenic fluids	Includes <u>partial cost of Life Safety Inspection</u> Tier 1: <u>Flammable: up to 90 gal.</u> <u>Inert: no limit</u> <u>Oxidizing: up to 90 gal.</u> <u>Physical or health hazard not included above: no limit</u> Tier 2: <u>Amounts greater than for Tier 1</u> <u>\$250</u>
105.6.12	Reserved	Tier 2: <u>Amounts greater than for Tier 1</u> <u>\$500</u>
105.6.13	Dry cleaning plants	<u>\$350</u> <u>\$150</u>
105.6.14	Reserved	
105.6.15	Explosives, fireworks, and pyrotechnics	<u>\$350</u>

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.16	Fire depository, key boxes	See 2 below \$75
		<u>One</u> \$150
105.6.17	Flammable and combustible liquids Parts 1-5, 7, 8 Part 6	See 7 below \$290 \$250
	<u>Two or more</u>	\$150
	<u>Parts 1-5, 7, 8:</u> <u>Tier 1</u>	\$290
	<u>Class IA: ≤ 60 gal.</u>	See 7 below
	<u>Class IB: ≤ 120 gal.</u>	\$250
	<u>Class IC: ≤ 180 gal.</u>	
	<u>Class IA, IB, or IC combined amounts: ≤ 240 gal.</u>	
	<u>Class II: ≤ 240 gal.</u>	
	<u>Class IIIA: ≤ 660 gal.</u>	
	<u>Class IIIB: ≤ 60 gal.</u>	
	<u>Parts 1-5, 7, 8</u> <u>Tier 2</u>	
	Amounts greater than for Tier 1	\$500
	<u>Part 6: Tank removal, installation, disposal or abandonment</u>	
	<u>One</u>	\$150
	<u>Two</u>	\$250
	<u>Three or more</u>	\$350
105.6.18	Floor finishing	\$290 \$150
105.6.19	Fruit and crop ripening	\$250 \$150
105.6.20	Fumigation and thermal insecticidal fogging	\$402 \$150
105.6.21	Hazardous materials	\$350 \$250
	<u>Tier 1:</u>	
	<u>Corrosive liquid up to 1,000 gal.</u>	
	<u>Corrosive solid up to 10,000 lbs.</u>	

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
	<p><u>Flammable solids up to 250 lbs.</u> <u>Highly toxic liquids or solids up to 20 lbs.</u> <u>Oxidizing liquid or solid, Class 1: up to 8,000 lbs.</u> <u>Oxidizing liquid or solid, Class 2: up to 500 lbs.</u> <u>Oxidizing liquid or solid, Class 3: up to 20 lbs.</u> <u>Oxidizing liquid or solid, Class 4: up to 2 lbs.</u> <u>Organic peroxides, liquid or solid, unclassified detonable: up to 2 lbs.</u> <u>Organic peroxides, liquid or solid, Class 1: up to 10 lbs.</u> <u>Organic peroxides, liquid or solid, Class 2: up to 100 lbs.</u> <u>Organic peroxides, liquid or solid, Class 3: up to 250 lbs.</u> <u>Organic peroxides, liquid or solid, Class 4: no limit</u> <u>Pyrophoric gases: up to 100 ft.</u> <u>Pyrophoric liquid or solid: up to 8 lbs.</u> <u>Toxic liquid or solid: up to 1,000 lbs.</u> <u>Unstable reactive, gas, Class 1: no limit</u> <u>Unstable reactive, gas, Class 2: up to 500 cu. ft.</u> <u>Unstable reactive, gas, Class 3: up to 100 cu. ft.</u> <u>Unstable reactive, gas, Class 4: up to 20 cu. ft.</u> <u>Unstable reactive, liquid & solid, Class 1: no limit</u> <u>Unstable reactive, liquid & solid, Class 2: up to 100 lbs.</u> <u>Unstable reactive, liquid & solid, Class 3: up to 10 lbs.</u></p>	

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
	<p><u>Unstable reactive, liquid & solid, Class 4: up to 2 lbs.</u></p> <p><u>Water reactive, liquid & solid, Class 1: no limit</u></p> <p><u>Water reactive, liquid & solid, Class 2: up to 00 lbs.</u></p> <p><u>Water reactive, liquid & solid, Class 3: up to 10 lbs.</u></p>	
105.6.22	Tier 2 Amounts greater than for Tier 1	\$500
105.6.23	Reserved	No fee
	High-piled storage	\$350 \$350
	Level 1: 2,500 - 20,000 sq. ft.	\$500
	Level 2: > 20,000 sq. ft.	\$500
105.6.24	Hot work operations	\$150
105.6.25	Industrial ovens	\$250 \$150
105.6.26	Lumber yards and woodworking plants	\$250 \$150
105.6.27	Liquid- or gas-fueled vehicles or equipment in assembly buildings	See 4 below \$75
	One unit	\$150
	Two units	\$250
	Three or more units	\$250
105.6.28	LP-gas, other than for mobile food units LP-gas for mobile food units	\$250
	For use on a mobile food unit	\$95 \$100
105.6.29	Magnesium	\$250
	Tier 1: Storage, >10 lbs. and ≤ 250 lbs. Open use, >10 lbs. and ≤ 25 lbs.	
	Tier 2: Amount greater than for Tier 1	\$500
105.6.30	Miscellaneous combustible storage	See 2 below \$75
	One unit	

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.31	Open burning	<u>\$150</u>
105.6.32	Open flames and candles	<u>\$250</u>
105.6.33	Organic coatings	<u>\$102 \$75</u>
105.6.34	Places of assembly — 50-100 occupants — 101-299 occupants — 300+ occupants	Tier 2 (no Tier 1): For operations producing > 1 gal. in one day <u>\$326 \$500</u>
105.6.35	Reserved	50-100 occupants (includes partial cost of Life Safety Inspection) <u>\$150</u>
105.6.36	Reserved	101-299 occupants (includes partial cost of Life Safety Inspection) <u>\$250</u>
105.6.37	Pyroxylin plastics	300+ occupants (includes partial cost of Life Safety Inspection) <u>\$350</u>
105.6.38	Reserved	
105.6.39	Motor vehicle fuel-dispensing stations	Tier 2 (no Tier 1): To store or handle > 25 lbs. of pyroxylin <u>\$250 \$500</u>
105.6.40	Rooftop heliports	
105.6.41	Spraying or dipping	<u>\$225 \$250</u>
105.6.42	Storage of scrap tires and tire byproducts	<u>\$150</u>
105.6.43	Temporary membrane structures, tents and canopies	<u>\$290 \$150</u>
105.6.44	Tire-rebuilding plants	<u>\$250 \$150</u>
105.6.45	Waste handling	<u>\$176 \$150</u>
105.6.46	Wood products	<u>\$150</u>

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.47	Asphalt kettles and roof torching operations Asphalt kettles Ignited torches (annual repair permit) Site-specific permit	Asphalt kettles	See 5 below
		First one	\$150
		Each additional	\$75
		Maximum	\$350
105.8.2		Ignited torches	See 6 below
		First one	\$150
		Each additional	\$75
		Maximum	\$500
105.8.3	Requested inspections (fire marshal approval)	Each	\$250
		Up to 50,000 sq. ft.	\$150
		>50,000 and ≤ 100,000 sq. ft.	\$250
		>100,000 and ≤ 500,000 sq. ft.	\$500
		> 500,000 sq. ft.	\$750
105.8.3.1	Priority inspection	For the first four hours	\$280
		For each additional hour or portion thereof	\$62.50
105.8.3.2	Standby or after hours inspection	For the first four hours	\$280
		For each additional hour or portion thereof	\$62.50

- ~~1. \$102 for first unit; \$76 each for additional units; not to exceed \$350 per site~~
- ~~2. \$75 for one unit; \$150 for two or more units per site~~
- ~~3. \$326 for carnivals and fairs; no fee for festivals and exhibitions~~
- ~~4. \$110 for first unit; \$75 each for additional units; not to exceed \$260 per site~~
- ~~5. \$110 for first kettle; \$70 for each additional kettle; not to exceed \$320 per owner~~
- ~~6. \$102 for first torch; \$76 for each additional torch; not to exceed \$500 per owner~~
- ~~7. \$175 for one tank; \$250 for two tanks; \$290 for three or more tanks per site~~

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

AN ORDINANCE AMENDING SECTION 105 OF THE CITY OF HOUSTON FIRE CODE, RELATING TO PERMIT FEES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City previously adopted the 2000 International Fire Code as modified by the Houston Fire Code Modifications 2003;

WHEREAS, the Fire Department, in conjunction with the Finance and Administration Department, and at the request of City Council, has reviewed Fire Department's fee structure and made recommendations for appropriate new fees; and

WHEREAS, City Council determines these fee changes are necessary to provide the best services to the public and improve financial efficiency of the process; **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 Section 105.8 of the City of Houston Fire Code is hereby amended to read as follows:

"105.8 Permit and inspection fees. Fees shall be assessed and shall be payable to the jurisdiction for the permits and inspections as provided in Sections 105.8.1 through 105.8.3.3 and Table 105.8. The fee for a permit includes an initial inspection and one follow-up inspection, if the latter is deemed necessary in the judgment of the inspector."

Section 3. That Sections 105.8.2, 105.8.3, 105.8.3.1 and 105.8.3.2 of the City of Houston Fire Code are hereby amended to read as follows:

"105.8.2 Re-inspection fee. Whenever it becomes necessary to make a reinspection (after the initial inspection and one follow-up inspection under

Section 105.8 of this code) because of faulty material, faulty workmanship, incomplete work or for any other reason, the permit holder shall pay for each reinspection a fee of \$250.00, unless a greater fee is specifically required by this code.

This fee shall be in addition to all other fees required by this code.

105.8.3 Requested inspections (fire marshal approval). Whenever a person requests that an inspector conduct an inspection, or perform other duties not specified in this code and not in connection with a permit required under this code, the jurisdiction shall provide the service, if the service would not interfere with the regular duties of the inspector, upon the payment of a fee based on the size of the site, as follows:

Up to 50,000 sq. ft.	\$150
More than 50,000 sq. ft., but not more than 100,000 sq. ft.	\$250
More than 100,000 sq. ft., but not more than 500,000 sq. ft. ..	\$500
More than 500,000 sq. ft.	\$750.

A deposit in the full amount of the anticipated fee shall be required prior to the commencement of the inspection. Examples of the types of inspections covered by this section include, but are not limited to, inspections requested by persons who are applying for state or federal permits that have provisions for a fire inspection and compliance inspections requested in connection with real estate transactions.

This fee shall be in addition to all other fees required by this code.

105.8.3.1 Priority inspection. Whenever a person requests an inspector to perform an inspection, or other duties specified in this code, at a specific time, rather than at the convenience of the jurisdiction, the jurisdiction shall provide the service, if the priority service would not interfere with the regular duties of the inspector, upon the payment of a fee determined as follows:

Up to 4 hours	\$ 280.00
Each additional hour or portion of an hour	\$ 62.50.

This fee shall be in addition to all other fees required by this code.

Also see Section 105.8.3.

105.8.3.2 Requested inspection (outside of regular working hours). Whenever a person requests that an inspector, or other classified firefighter authorized by the fire chief, conduct an inspection or perform other fire protection duties specified in this code at times other than during regular working hours, or on a holiday observed by the jurisdiction or weekend, the jurisdiction shall provide the service, if the service would not interfere with the regular duties of the personnel or cause an undue burden on the personnel, upon payment of a fee determined as follows:

Up to 4 hours	\$ 280.00
---------------------	-----------

Each additional hour or portion of an hour \$ 62.50
This fee shall be in addition to all other fees required by this code."

Section 4. That Table 105.8 of the City of Houston Fire Code is amended to read as set forth in Exhibit A, attached hereto and incorporated herein.

Section 5. That the various former ordinance provisions that are amended in Sections 2 and 3 of this Ordinance are saved from repeal for the limited purpose of their continuing application to any violation committed before the effective date of this Ordinance, as applicable. For this purpose, a violation is deemed to have been committed before the effective date of this Ordinance, as applicable, if any element of the offense was committed prior to the effective date of this Ordinance, as applicable.

Section 6. 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 7. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the

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

PASSED AND ADOPTED this ___ day of _____, 2008.

APPROVED this ___ day of _____, 2008.

Mayor of the City of Houston

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

City Secretary

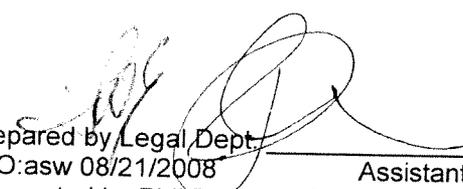

Prepared by Legal Dept. _____
KJO:asw 08/21/2008 Assistant City Attorney
Requested by Phil Boriskie, Chief of the Fire Department
L.D. File No.

EXHIBIT A

TABLE 105.8
FEE SCHEDULE FOR FIRE PERMITS

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.1	Aerosol products Tier 1: Level 2 Aerosols > 500 and ≤ 2,500 lbs Level 3 Aerosols > 500 and ≤ 1,000 lbs Combined Level 2 and 3 > 500 and ≤ 2,500 lbs Tier 2: Amounts greater than for Tier 1	\$150
105.6.2	Apparatus access, road access-control gates One	\$500
105.6.3	Aviation facilities Two or more	\$75
	Aircraft refueling vehicles:	\$150
	First one	\$150
	Each additional	\$76
	Maximum	\$350
105.6.4	Aircraft service or repair occupancy	\$350
105.6.5	Carnivals, festivals, trade show exhibitions and fairs	\$350
105.6.6	Battery systems	\$150
105.6.7	Cellulose nitrate film	\$150
105.6.8	Combustible dust-producing operations	\$150
	Combustible fibers	\$150
	Tier 1: Loose fiber storage > 100 and ≤ 500 cu. ft. Baled fiber storage > 100 and ≤ 1,000 cu. ft.	\$150
	Tier 2: Amounts greater than for Tier 1	\$500

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.9	Compressed gases	Tier 1: Corrosive: up to 1620 cu. ft. at NTP Flammable (excluding cryogenic and LPG): up to 200 cu. ft. at NTP Highly toxic: up to 40 cu. ft. at NTP Inert & simple asphyxiant: no limit Oxidizing (including oxygen): up to 3000 cu. ft. at NTP Toxic: up to 1620 cu. ft. at NTP	\$250
105.6.10	Covered mall buildings	Tier 2: Amounts greater than for Tier 1	\$500
105.6.11	Cryogenic fluids	Includes partial cost of Life Safety Inspection Tier 1: Flammable: up to 90 gal. Inert: no limit Oxidizing: up to 90 gal. Physical or health hazard not included above: no limit Tier 2: Amounts greater than for Tier 1	\$500 \$250
105.6.12	Reserved	Amounts greater than for Tier 1	\$500
105.6.13	Dry cleaning plants		
105.6.14	Reserved		\$150
105.6.15	Explosives, fireworks, and pyrotechnics		\$350

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.16	Fire depository, key boxes	One \$75 Two or more \$150
105.6.17	Flammable and combustible liquids	Parts 1-5, 7, 8: Tier 1 Class IA: ≤ 60 gal. Class IB: ≤ 120 gal. Class IC: ≤ 180 gal. Class IA, IB, or IC combined amounts: ≤ 240 gal. Class II: ≤ 240 gal. Class IIIA: ≤ 660 gal. Class IIIB: ≤ 60 gal.
105.6.18	Floor finishing	Parts 1-5, 7, 8 Tier 2 Amounts greater than for Tier 1
105.6.19	Fruit and crop ripening	Part 6: Tank removal, installation, disposal or abandonment One \$150 Two \$250 Three or more \$350
105.6.20	Fumigation and thermal insecticidal fogging	\$150
105.6.21	Hazardous materials	Tier 1: \$150 Corrosive liquid up to 1,000 gal. \$250 Corrosive solid up to 10,000 lbs. \$250 Flammable solids up to 250 lbs. \$250 Highly toxic liquids or solids up to 20 lbs. \$250

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
	<p>Oxidizing liquid or solid, Class 1: up to 8,000 lbs. Oxidizing liquid or solid, Class 2: up to 500 lbs. Oxidizing liquid or solid, Class 3: up to 20 lbs. Oxidizing liquid or solid, Class 4: up to 2 lbs. Organic peroxides, liquid or solid, unclassified detonable: up to 2 lbs. Organic peroxides, liquid or solid, Class 1: up to 10 lbs. Organic peroxides, liquid or solid, Class 2: up to 100 lbs. Organic peroxides, liquid or solid, Class 3: up to 250 lbs. Organic peroxides, liquid or solid, Class 4: no limit Pyrophoric gases: up to 100 ft. Pyrophoric liquid or solid: up to 8 lbs. Toxic liquid or solid: up to 1,000 lbs. Unstable reactive, gas, Class 1: no limit Unstable reactive, gas, Class 2: up to 500 cu. ft. Unstable reactive, gas, Class 3: up to 100 cu. ft. Unstable reactive, gas, Class 4: up to 20 cu. ft. Unstable reactive, liquid & solid, Class 1: no limit Unstable reactive, liquid & solid, Class 2: up to 100 lbs. Unstable reactive, liquid & solid, Class 3: up to 10 lbs. Unstable reactive, liquid & solid, Class 4: up to 2 lbs. Water reactive, liquid & solid, Class 1: no limit</p>	

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
		Water reactive, liquid & solid, Class 2: up to 00 lbs. Water reactive, liquid & solid, Class 3: up to 10 lbs.	
105.6.22	Reserved	Tier 2 Amounts greater than for Tier 1	\$500
105.6.23	High-piled storage	Level 1: 2,500 - 20,000 sq. ft. Level 2: > 20,000 sq. ft.	\$350 \$500
105.6.24	Hot work operations		\$150
105.6.25	Industrial ovens		\$150
105.6.26	Lumber yards and woodworking plants		\$150
105.6.27	Liquid- or gas-fueled vehicles or equipment in assembly buildings	One unit Two units Three or more units	\$75 \$150 \$250
105.6.28	LP-gas	Uses other than for mobile food units For use on a mobile food unit	\$250 \$100
105.6.29	Magnesium	Tier 1: Storage, >10 lbs. and ≤ 250 lbs. Open use, >10 lbs. and ≤ 25 lbs. Tier 2: Amount greater than for Tier 1	\$250 \$500
105.6.30	Miscellaneous combustible storage	One unit Two or more units	\$75 \$150
105.6.31	Open burning		\$250
105.6.32	Open flames and candles		\$75

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.33	Organic coatings	Tier 2 (no Tier 1): For operations producing > 1 gal. in one day \$500
105.6.34	Places of assembly 50-100 occupants 101-299 occupants 300+ occupants	50-100 occupants (includes partial cost of Life Safety Inspection) \$150 101-299 occupants (includes partial cost of Life Safety Inspection) \$250 300+ occupants (includes partial cost of Life Safety Inspection) \$350
105.6.35	Reserved	
105.6.36	Reserved	
105.6.37	Pyroxylin plastics	Tier 2 (no Tier 1): To store or handle > 25 lbs. of pyroxylin \$500
105.6.38	Reserved	
105.6.39	Motor vehicle fuel-dispensing stations	
105.6.40	Roof top heliports	\$250
105.6.41	Spraying or dipping	\$150
105.6.42	Storage of scrap tires and tire byproducts	\$150
105.6.43	Temporary membrane structures, tents and canopies	\$150
105.6.44	Tire-rebuilding plants	\$150
105.6.45	Waste handling	\$150
105.6.46	Wood products	\$150
105.6.47	Asphalt kettles and roof torching operations Asphalt kettles Ignited torches - (annual repair permit) Site specific permit	Asphalt kettles First one \$150 Each additional \$75 Maximum \$350

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
	Ignited torches First one Each additional Maximum	\$150 \$75 \$500
105.8.2	Re-inspection	\$250
105.8.3	Requested inspections (fire marshal approval)	\$150
	Up to 50,000 sq. ft.	\$250
	>50,000 and ≤ 100,000 sq. ft.	\$500
	> 100,000 and ≤ 500,000 sq. ft.	\$750
105.8.3.1	Priority inspection	\$280
105.8.3.2	Standby or after hours inspection	\$62.50
	For the first four hours	\$280
	For each additional hour or portion thereof	\$62.50
	For the first four hours	\$280
	For each additional hour or portion thereof	\$62.50

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		RCA #	
SUBJECT: Interlocal Agreement with the Texas Department of Transportation relating to Registration Holds on Vehicles.	Category #	Page 1 of 2	Agenda Item# 41/23
	FROM: (Department or other point of origin): Municipal Courts Administration Department, Houston Police Department		Origination Date October 6, 2008
DIRECTOR'S SIGNATURE: MS Sahira J. Abdool, Director and Chief Clerk <i>[Signature]</i> Harold L. Hurtt, Chief of Police <i>[Signature]</i>		Agenda Date OCT 13 2008 OCT 22 2008	
For additional information contact: Sahira J. Abdool, MCA Director Chief Clerk (713) 247-8013 Joseph A. Fenninger, HPD CFO/Deputy Director (713) 308-1708		Council Districts affected: All	
RECOMMENDATION: Adopt Ordinance approving Interlocal Agreement with the Texas Department of Transportation (TxDOT) to preclude registration renewal of a motor vehicle with a past due 1) civil penalty resulting from a red light violation and/or 2) fine for failure-to-appear warrant.		Date and identification of prior authorizing Council Action:	
Amount and source of Funding: Phase I: Initial start-up cost not to exceed \$40,000 – DARLEP Fund (2212) Phase II: Initial start-up cost not to exceed \$300,000 – General Fund (1000)		Finance Department Budget:	
SPECIFIC EXPLANATION: Phase I – (November-December, 2008) – HPD instituted the Digital Automated Red Light Enforcement Program (DARLEP) to create safer intersections by modifying driver behavior. The potential for having to pay money out of pocket has traditionally been considered a deterrent for drivers inclined to commit violations, however if there are no consequences for failure to pay, the deterrent is not as effective. Currently there are limited and infrequent consequences for failure to pay the fine for violating a red light monitored by camera. Approximately 29% of all notices issued since the program began in September, 2006 were unpaid after the second notice period elapsed and were sent to collection. The collection process is largely ineffective with an 18% success rate. The value of past due notices in collection and currently owed to the City of Houston is approximately \$8.8 million and is growing at \$500,000 per month. Transportation Code §707.017 specifically envisions at least one enforcement mechanism for those choosing to ignore Red Light Camera violations that have been assessed as an operation of law or after the vehicle owner has availed himself or herself of the appellate process. The County Tax Assessor-Collector or TxDOT may refuse to register a motor vehicle alleged to have been involved in a Red Light Camera violation. In this case it would be accomplished with a standard Interlocal Agreement with TxDOT under which a vehicle involved in a Red Light Camera violation with a past due notice will be "flagged" and that vehicle will not be allowed to have its registration renewed until the "flag" is removed by proof that the penalty has been disposed of. TxDOT will charge for each file submitted (currently \$23 per file) as well as \$.12 (twelve cents) for each transaction on the file. The initial start-up cost for Phase I is not to exceed \$40,000. Ongoing costs are estimated at \$3,000 per month, which will be more than offset by increased collections.			

Phase II (early 2009) – MCA issues approximately 11,000 Failure-to-Appear (FTA) warrants every month, with an average rate paid of slightly over 18%. The estimated value of unpaid FTA's on a monthly basis is just under \$1M.

Section 702.003 of the Texas Transportation Code provides that a County Tax Assessor-Collector or TxDOT, under a contract, may refuse to register a motor vehicle if the department receives information from a municipality that the owner of the vehicle has an outstanding warrant for failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic law. The TxDOT cost to “flag” such vehicles is \$23.00 per file submission plus \$.12 for each transaction in the file. The initial startup cost for Phase II is not to exceed \$300,000. Ongoing costs are estimated at \$12,000 per month, which will be offset by increased collections and more efficient disposition of Municipal Court Cases.

cc: Marty Stein, Agenda Director
Arturo Michel, City Attorney
Michelle Mitchell, Finance Director

REQUIRED AUTHORIZATION

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Request authorization to submit and receive a grant award from Texas Parks and Wildlife Department for the Sylvester Turner Park Phase III Improvement project.

Category #

Page 1 of 1

Agenda Item

[42] 28

FROM (Department or other point of origin):

Houston Parks and Recreation Department

Origination Date:

September 24, 2008

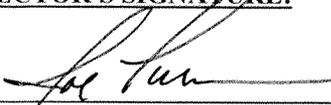
Agenda Date

~~OCT 15 2008~~

OCT 22 2008

DIRECTOR'S SIGNATURE:

Joe Turner, Director



Council District(s) affected: A

For additional information contact: Karen Cullar, 713-598-8952
Daniel Pederson, 713-865-4507

Date and Identification of prior authorizing Council Action:

NA

RECOMMENDATION: (Summary):

Adopt Ordinance authorizing Parks and Recreation Department to apply for and receive a grant from Texas Parks and Wildlife Department (TPWD) and certifying that the matching share will be readily available if the grant is received.

Amount and Source of Funding:

TPWD GRANT: \$600,000 Texas Parks and Wildlife Department

MATCHING FUNDS: \$600,000 Park Consolidated Construction Fund (4502 – To be appropriated at a later date)

TOTAL PROJECT: \$1,200,000

Budget:

SPECIFIC EXPLANATION:

The Houston Parks and Recreation Department (HPARD) is applying for a grant from the Texas Parks & Wildlife Department (TPWD) Urban Outdoor Recreation grant program for baseball complex improvements at Sylvester Turner Park. State Representative Sylvester Turner secured a \$600,000 appropriation from the local park grant fund in the 80th Legislature for improvements in the park. Once the grant is awarded, HPARD will return to Council to appropriate the required \$600,000 matching funds.

The project scope includes adding another NCAA-level baseball field, batting cages and a multiuse facility for restrooms, concessions, park office and storage.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7634

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for a Remote Check Deposit and Image Service for the Municipal Courts Administration Department S37-T22593

Category #
1 & 4

Page 1 of 2

Agenda Item

[43] 29

FROM (Department or other point of origin):

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

Origination Date

August 01, 2008

Agenda Date

OCT 22 2008
~~OCT 15 2008~~

DIRECTOR'S SIGNATURE

Sahira J. Abdool

Council District(s) affected
H

For additional information contact:

Sahira Abdool Phone: (713) 247-4105
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract between the City of Houston and JPMorgan Chase Bank, N. A. for check processing, validation and imaging services for the Municipal Courts Administration Department.

No funding necessary

Finance Budget

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract with two one-year options, to JPMorgan Chase Bank, N. A. (Chase), for check processing, validation and imaging services for the Municipal Courts Administration Department (MCAD). The Department Director or Chief Clerk may terminate this contract at any time upon 30-days written notice to the contractor.

This contract will provide a remote deposit solution to MCAD's fine collection and check validation process. The Image Direct Deposit service (IDD) is a web-based software and processing solution for eliminating all paper check payments at branch locations, drop boxes, and consumer lockboxes. Chase's technology will enable MCAD to scan checks, securely store them at a web-accessible archive, convert consumer checks into Automated Clearing House transactions, and submit the images to JPMorgan Chase's processing centers for deposit and clearing. Check scanning will ensure that the Department can retain an image of the front and back of the check for proof of payment as well as reduce storage space and enhance data accessibility. ACH electronic draft capability will reduce the possibility of fraudulent or insufficient funds checks by directly debiting checks from user accounts. Six scanners will be provided to MCAD at no cost.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws and, as a result, proposals were received from five vendors: Bank of America, N.A., Fidelity National Information Services, JPMorgan Chase Bank, N.A. Telechek, and Merchants Financial Service. The evaluation committee consisted of Municipal Courts Administration Department experts. The proposals were evaluated based upon the following criteria:

- Expertise/Experience/Reliability/Qualifications
- Equipment Features and Design
- Services & Operation Plan
- Transaction Fees to ATM Users
- Conformance to RFP Requirements

JPMorgan Chase Bank, N.A. received the highest overall score.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

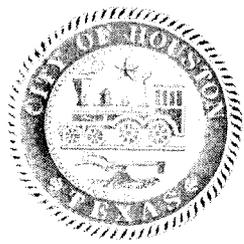
Other Authorization:

NOT

Date: 8/1/2008	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for a Remote Check Deposit and Image Service for the Municipal Courts Administration Department S37-T22593	Originator's Initials JH	Page 2 of 2
-------------------	--	--------------------------------	-------------

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

Buyer: Joyce Hays



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

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

From: Joyce Hays

Date: April 16, 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: 11% New Goal: 0%

If requesting a revision, how many solicitations were received: 5

Solicitation Number: S37-T22593 Estimated Dollar Amount: \$200,000.00

Anticipated Advertisement Date: _____ Solicitation Due Date: _____

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

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

Name and Intent of this Solicitation:
Check Processing, Imaging Services & ATM Concession 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 Check Conversion and Processing RFP as the requested services are specialized, technical and unique and there appears to be no divisible work that can be subcontracted out. The process that will be used requires a high degree of technical expertise and/or specialization. A review of the M/WBE Directory revealed that there are no certified M/WBE subcontractors who specialize in providing these kind of services. JPMorgan Chase Bank is our depository bank and assists diverse suppliers through their Supplier Diversity Initiative. In 2006, they recorded over \$537 million in spending with M/WBE's, up from \$509 million in 2005.

Concurrence:

Joyce Hays
SPD Initiator

S. L. DuRosa
Division Manager

Robert D. Gallegos
Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

APR 23 2008

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: An Ordinance Relating To The Retail Electric Rates Of Entergy Texas, Inc. Within The City Of Houston, Texas; Approving A Settlement Agreement Relating To An Increase In Entergy Texas, Inc.'s Rates; Making Findings And Containing Other Provisions Relating To The Foregoing Subject; Containing A Repealer; Providing For Severability; And Declaring An Emergency.

Category #

Page 1 of 1

Agenda Item#

44/30

FROM: (Department or other point of origin):

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

Origination Date

October 3, 2008

Agenda Date

~~OCT 15 2008~~
OCT 22 2008

DIRECTOR'S SIGNATURE:

Council Districts affected:

E

For additional information contact:

Tina Paez 713-837-9630
Melba Pourteau 832-393-6320

Date and identification of prior authorizing Council Action: Ordinance 2007-1202

RECOMMENDATION: (Summary)

Authorize an ordinance relating to the retail electric rates of Entergy Texas, Inc. and approving a settlement agreement related to an increase in Entergy's retail electric rates within the City of Houston, Texas.

Amount of Funding: NONE

FIN Budget:

SOURCE OF FUNDING: NONE General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

The Administration and Regulatory Affairs Department recommends that Council authorize an ordinance relating to the retail electric rates of Entergy Texas, Inc. (ETI) and approving a settlement agreement related to an increase in Entergy's retail electric rates within the City of Houston, Texas.

On September 26, 2007, Entergy Texas, Inc. (formerly Entergy Gulf States, Inc.), filed a Statement of Intent and Application for Authority to Change Rates and to Reconcile Fuel Costs to increase electric rates for its Houston customers. The new rates would affect rates, operations and services of ETI for approximately 1,200 Houston customers within the Kingwood area. The City of Houston exercises original jurisdiction over the rates, operations and services of ETI under the provisions of the Public Utility Regulatory Act (PURA) for customers inside the city limits. Entergy's statement of intent indicated that the utility intended to increase its electric rates by approximately 26.39% to residential customers, which would have resulted in a \$13.62 increase to the average monthly electric bill for a typical residential customer using 1,000 kwh of electricity. Entergy's proposed increase to its commercial customer classes, primarily small and mid-sized customers, was 6.05% and 23.05%, respectively. The majority of customers in the Entergy service area in Kingwood are residential, and there are no large commercial or industrial customers in the service area.

On October 31, 2007 City Council approved an ordinance suspending the effective date of new electric rates filed by ETI for all customers within the City of Houston until at least September 28, 2008. In a letter dated August 19, 2008, ETI agreed to extend the effective date of the new rates until October 24, 2008.

During the suspension period, the City of Houston, in cooperation with several other cities within ETI's service area, engaged rate consultants to review ETI's Statement of Intent and cost of service. As a result, ETI has agreed to enter into a settlement with the cities that balances the interests of ETI and those of its customers at reasonable rate levels. The settlement represents a substantial reduction to ETI's original \$112 million annual requested increase by authorizing a phased-in two-year increase of only \$29,148,281 and spreads the base rate increase to all customer classes. Under the settlement, an average residential customer bill will increase by \$3.19 per month or 2.74%, instead of the requested \$13.62 per month, for 1,000 kwh usage. Similarly, small and mid-sized commercial customers will see increases ranging from 2.17% to 3.76%, rather than the proposed 6.05% to 23.05% that was proposed in the original rate filing.

REQUIRED AUTHORIZATION

FIN Director:

Entergy Texas Inc. Summary of Proposed & Settlement Rates

Line No.	Rate Schedule	Present Monthly Billing	Settlement Monthly Billing	Difference	
				Amount	Percent
1	Residential ***	\$116.59	\$119.78	\$3.19	2.74%
2	Small General Service	\$70.52	\$73.17	\$2.65	3.76%
3	General Service	\$1,323.94	\$1,352.69	\$28.75	2.17%
4	Large General Service	\$18,727.57	\$19,024.72	\$297.15	1.59%
5	Large Industrial Power Service	\$222,707.59	\$224,982.46	\$2,274.87	1.02%

***Residential customers comprise the majority of Entergy's customers within the City of Houston Limits.

****Residential rates were based on the usage of 1,000 kWh

<p>SUBJECT: Retain McGlinchey Stafford, P.L.L.C., to represent the City in a civil lawsuit to obtain judicial authorization to demolish the vacant Candlelight Trails condominium project.</p>	<p>Page 1 of 1</p>	<p>Agenda Item #</p>
	45	37

<p>FROM (Department or other point of origin): Legal</p>	<p>Origination Date Oct. 9, 2008</p>	<p>Agenda Date OCT 22 2008 OCT 15 2008</p>
---	---	--

<p>DIRECTOR'S SIGNATURE: <i>Thomas G. Michel</i></p>	<p>Council District affected: District B</p>
---	--

<p>For additional information contact: Tom Allen (Legal Dept.) Phone: 832-393-6411</p>	<p>Date and identification of prior authorizing Council action: N.A.</p>
--	---

RECOMMENDATION: (Summary)

Adopt an ordinance approving the City's contract with McGlinchey Stafford, P.L.L.C. (the "Firm") for legal services related to the City's lawsuit seeking judicial authorization to demolish the Candlelight Trails condominium project (the "Project").

Amount and Source of Funding:
Maximum contract amount = \$320,000. Property & Casualty Fund (1004)

SPECIFIC EXPLANATION:

The Project consists of multiple buildings on approximately eleven acres of land in the 5500 and 5600 blocks of DeSoto. The Project has been vacant since August 20, 2007, by order of the Building Official. Notwithstanding the Building and Standards Commission's November 2007 Order to secure the Project from unauthorized entry, the Project remains unsecured. Citizens from the surrounding neighborhood have complained repeatedly that the Project is providing shelter for drug users and other criminals, and recent visits to the Project by HPD have confirmed the substance of the complaints.

Owing in part to the Project's large size, demolition of Candlelight Trails appears to be the only means to remove this significant danger from the community. Accordingly, the City has filed a lawsuit pursuant to Chapter 54 of the Texas Local Government Code seeking judicial authorization to demolish the Project. The lawsuit is Cause No. 2008-51588, which is captioned "City of Houston v. Candlelight Condo Investments, LLC, et al." and is pending in the 270th Judicial District Court of Harris County (the "Litigation").

The legal nature of a condominium project requires that every owner of a unit be made a defendant in the Litigation. For this reason, the City must sue more than 150 individuals and business entities to obtain court authorization to demolish the Project. The proposed ordinance approves the City's contract with the Firm, which the Legal Department selected for its expertise in both real estate and complex litigation.

REQUIRED AUTHORIZATION		
Other Authorization:	Other Authorization:	Other Authorization: