

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 3, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Brown

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MARCH 4, 2009 - 9:00 A. M.

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

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 50

AGENDA - MARCH 4, 2009 - PAGE 2

MISCELLANEOUS - NUMBERS 1 through 4

1. RECOMMENDATION from Director of the Affirmative Action and Contract Compliance Division of the Mayor's Office for MBE and WBE participation goals for contracts funded under Environmental Protection Agency grants or loans
2. RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for Sr. Word Processor **B. N. MITCHELL**
3. ORDINANCE appropriating \$53,033.81 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of Water Line Replacement in Mary Bates North Area under Construction Contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** (approved by Ordinance No. 2007-0137) - **DISTRICT F - KHAN**
 - a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$145,989.97 for Water Line Replacement in Mary Bates North Area on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** - **DISTRICT F - KHAN**
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$920,499.00 permit fee to the **HARRIS-GALVESTON SUBSIDENCE DISTRICT** for Permit Year 2009 aggregated groundwater withdrawal and accrual of over-conversion credits - Enterprise Fund

ACCEPT WORK - NUMBERS 5 through 12

5. ORDINANCE appropriating \$170,593.37 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the contract between the City of Houston and **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction NSR 440A (approved by Ordinance No. 2003-1353) - **DISTRICT C - CLUTTERBUCK**
 - a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,205,965.37 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for Neighborhood Street Reconstruction NSR 440A - 7.55% over the original contract amount - **DISTRICT C - CLUTTERBUCK**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,465,851.28 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Chimney Rock Paving Project from Benning to Yarwell - 0.63% over the original contract amount - **DISTRICT C - CLUTTERBUCK**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,098,042.53 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.**, for Hillwood Area Water Line Replacement Project - 6.51% under the original contract amount - **DISTRICT D - ADAMS**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,040,768.98 and acceptance of work on contract with **PRELOAD, INC** for Concrete Ground Water Storage Tank at Katy Addicks Repump Station - 5.18% under the original contract amount - **DISTRICT A - LAWRENCE**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,234,768.91 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Buxley Area - 1.96% under the original contract amount - **DISTRICT D - ADAMS**

ACCEPT WORK - continued

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,080,395.40 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for On-Call Water Main and Sanitary Sewer Extensions - 27.97% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; G - HOLM; DISTRICT H and I - RODRIGUEZ**
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,444,890.52 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD.**, for Generic City Wide Overlay Package #10 (Work Order Contract) - 1.93% over the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN and DISTRICT H**
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$9,549,916.50 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Neighborhood Reconstruction, NSR 436B - 8.56% over the original contract amount - **DISTRICT G - HOLM**

PROPERTY - NUMBERS 13 through 16

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Nelson Wiggins, for the sale of ±16,807 square-feet of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59, located in the Neuen Manor Addition, out of the Michael Cronican Survey, A-219, Parcel SY9-033 **DISTRICT A - LAWRENCE**
14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Heather Guillen, Walter P. Moore and Associates, on behalf of LU12 Houston Waugh, L. P [LU12 Houston Waugh GP, LLC (Thomas G. Bacon, Manager), General Partner), for abandonment and sale of Dickson Street from the west line of Lot 7, Block 1, east to its terminus and a 10-foot wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a cul-de-sac located at the terminus of Dickson Street, all located in the John Austin Survey, A-1, Parcels SY9-012A, SY9-012B and AY9-023 **DISTRICT H**
15. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Barbara Schumann & Sherra Williams, et al., Cause No. 892,621; for acquisition of Parcel AY6-037; for the **LONG POINT @ WIRT INTERSECTION IMPROVEMENTS PROJECT (Pine Chase - Johanna)** - **DISTRICT A - LAWRENCE**
16. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw objections to the award in connection with eminent domain proceeding styled City of Houston v. Union Pacific Railroad Company, a Delaware corporation, et al., Cause No. 908,309; for acquisition of Parcel AY5-042; for the **HERITAGE CORRIDOR BAYOU TRAILS EAST HIKE & BIKE TRAIL PROJECT** - **DISTRICT H**

PURCHASING AND TABULATION OF BIDS - NUMBERS 17 through 22

17. ORDINANCE appropriating \$9,985,076.00 out of Airports Improvement Fund for Purchase of Used Passenger Loading Bridges from Southwest Airlines Company at William P. Hobby Airport; declaring the City's intent to reimburse the Airports Improvement Fund with future bond proceeds
 - a. **SOUTHWEST AIRLINES COMPANY** for Used Passenger Loading Bridges and Associated Equipment for the Houston Airport System, Project No. 417T
18. ORDINANCE appropriating \$911,715.40 out of General Improvement Consolidated Construction Fund for Purchase of Uninterruptible Power Supply (UPS) Units, Natural Gas Generators and an Automatic Transfer Switch through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department
 - a. **FLAIR DATA SYSTEMS, INC** - \$476,785.00 and **HEWLETT-PACKARD COMPANY** - \$434,930.40 for Purchase of Uninterruptible Power Supply Units, Natural Gas Generators and Transfer Switch through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department
19. **AMERICA'S NATIONWIDE NETTING, INC** for Installation of Netting, Poles and Associated Materials for Parks & Recreation Department - \$194,500.00 and contingencies for a total amount not to exceed \$204,225.00 - Park Special Revenue Fund
20. **GRAPHIC DESIGNS INTERNATIONAL, INC** for Automotive, Police Car Decals for Police Department - \$545,241.30 - General Fund
21. **GTSI, CORP.** for High-Capacity Cashier Remittance Processing System and Software through the City's Intergovernmental Agreement with the County of Fairfax, VA, for Computer Products and Services under Section 791.025 of the Government Code for Department of Public Works & Engineering - \$340,936.29 - Enterprise Fund
22. **UNICO CORPORATION** for Uniforms through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Cooperative for Various Departments - \$1,131,866.28 - General, Enterprise, Storm Water and Fleet Management Funds

ORDINANCES - NUMBERS 23 through 50

23. ORDINANCE **AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause
24. ORDINANCE **AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the submission and review of Parade Permit applications; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability
25. ORDINANCE approving and authorizing agreement between the City of Houston and **THE CNA CORPORATION** for Professional Services for the Drafting of a Regional Catastrophic Preparedness Plan for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$2,509,444.00 - Grant Fund
26. ORDINANCE consenting to the addition of 10.122 acres of land to **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4**, for inclusion in its district

ORDINANCES - continued

27. ORDINANCE amending Ordinance No. 2008-517 relating to the Fiscal Affairs of the **MAIN STREET MARKET SQUARE REDEVELOPMENT AUTHORITY dba DOWNTOWN REDEVELOPMENT AUTHORITY** on behalf of Reinvestment Zone Number Three, City of Houston, Texas (Main Street Market Square Zone); approving an amendment of the Fiscal Year 2009 Operating Budget and the Fiscal Years 2009-2013 Capital Improvement Budget for the Authority - **DISTRICT I - RODRIGUEZ**
- a. ORDINANCE approving the issuance of Bonds and Notes by the **MAIN STREET MARKET SQUARE REDEVELOPMENT AUTHORITY dba DOWNTOWN REDEVELOPMENT AUTHORITY**; containing other provisions related to the foregoing subject; providing for severability; and declaring an emergency - **DISTRICT I - RODRIGUEZ**
28. ORDINANCE approving the issuance of Bonds and Notes by the **MEMORIAL CITY REDEVELOPMENT AUTHORITY**; containing other provisions related to the foregoing subject; providing for severability; and declaring an emergency - **DISTRICTS A - LAWRENCE and G - HOLM**
29. ORDINANCE approving and authorizing the submission of an application for grant assistance and award acceptance from the **OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD)**, for the State Criminal Justice Planning Fund (Fund 421) Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
30. ORDINANCE approving and authorizing various contracts for Elderly Services provided through the Harris County Area Agency on Aging between the City and (1) **THE CITY OF JACINTO CITY, TEXAS**, (2) **THE JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS**, and (3) **TEXAS SOUTHERN UNIVERSITY**; providing maximum contract amounts - \$2,552,000.05 - Grant Fund
31. ORDINANCE approving and authorizing the Mayor to apply for and accept Department of Homeland Security Federal Emergency Management Agency Grant offer up to \$640,000.00 for Electronic Fire Extinguisher Monitoring Systems for George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport; declaring the City's eligibility for such grants
32. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **HOUSTON GOLF ASSOCIATION** for certain space in the Parking Cents Lot at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON**
33. ORDINANCE approving and authorizing District Office Lease Contract between the City of Houston, Landlord, and the Committee on House Administration for the House of Representatives of the State of Texas, Tenant, for Office Space for Representative Carol Alvarado, at the Park Place Regional Library - Revenue - **DISTRICT I - RODRIGUEZ**
34. ORDINANCE approving and authorizing first amendment to Lease Agreement between **WAYSIDE BUSINESS CENTER, LTD., Landlord**, and the City of Houston, Texas, Tenant, for Office Space at 4300 South Wayside Drive, Houston, Texas, for use by the Engineering and Construction Division of the Department of Public Works and Engineering - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

35. ORDINANCE appropriating \$1,157,035.00 out of Equipment Acquisition Consolidated Construction Fund; approving and authorizing contract between the City of Houston and **ASSETWORKS, INC** for Fleet Management Information System for Various Departments; providing a maximum contract amount; authorizing the issuance of purchase orders \$1,443,899.00 - Enterprise and Central Services Revolving Funds
36. ORDINANCE approving and authorizing contract between the City of Houston and **MLA CLAIMS, LLC** for Property Loss Consultant Services; establishing a maximum contract amount
37. ORDINANCE appropriating \$377,399.00 out of Limited Use Roadway & Mobility Capital Fund and approving and authorizing Contract between the City and **STATEWIDE SERVICES, INC** for the Cullen Boulevard Beautification Project; providing a maximum contract amount - 1 Year with two one-year options - **DISTRICT D - ADAMS**
38. ORDINANCE appropriating \$405,000.00 out of General Improvement Consolidated Construction Fund and approving and authorizing Contract between the City of Houston and **TRIRIGA, INC** for Integrated Workplace Management System Software and Implementation
39. ORDINANCE amending Ordinance 2005-0241 to increase the maximum contract amount; approving amendment to Contract between the City of Houston and **FULCRUM POWER SERVICES L.P.** for Professional Energy and Fuel Management Services - \$500,000.00 - Central Service Revolving Fund
40. ORDINANCE determining that the Design-Build Alternative Delivery Method offers the best value to the City for the Combined Heat and Power System at the Almeda Sims Wastewater Treatment Plant
41. ORDINANCE appropriating \$2,540,000.00 out of Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for the Renovation/Reconstruction of Various City Facilities for the Houston Fire Department
42. ORDINANCE amending Ordinance No. 2005-0161 (passed on February 23, 2005) to increase the maximum contract amount for contract between the City of Houston and **HOUSTON INSTALLATION SERVICES, INC** for Furniture Relocation Services for Various Departments \$229,140.00 - General and Enterprise Funds
43. ORDINANCE appropriating \$17,600.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **WILBUR SMITH ASSOCIATES, INC** for Herman Brown Park Trail Phase II (Approved by Ordinance No. 2001-0922) - **DISTRICT I - RODRIGUEZ**
44. ORDINANCE appropriating \$36,602.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for the Monroe Road Paving from Fuqua to Beltway 8 (approved by Ordinance No. 2005-557) - **DISTRICT E - SULLIVAN**
45. ORDINANCE appropriating \$1,090,100.00 out of Water & Sewer System Consolidated Construction Fund, and approving and authorizing Contract between the City of Houston and **CH2M HILL, INC** for Design of 69th Street Wastewater Treatment Plant Improvements **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

46. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the San Felipe Street Improvement Paving Project (Sage to Interstate 610); authorizing the acquisition by donation, purchase, or eminent domain proceedings of fee simple title to three (3) parcels of land situated in the William White Survey, Abstract No. 836, in Harris County, Texas, such property being more specifically situated out of Blocks "C" and "D" of the M. M. Levy corrected subdivision of the R. B. Gaut Subdivision as recorded in Volume 1, Page 29 of the Map Records Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT G - HOLM**

47. ORDINANCE appropriating \$182,324.00 out of Water & Sewer System Consolidated Construction Fund and awarding Construction Contract to **INLAND ENVIRONMENTS, LTD**, for Asbestos and Lead Based Paint Abatement, Demolition and Disposal at Six Public Works and Engineering Department Water Plants; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management, construction oversight and Air Monitoring Services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; E - SULLIVAN; F - KHAN and G - HOLM**

48. ORDINANCE granting to **K & S CONSTRUCTION SERVICES, LLC, A Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**

49. ORDINANCE No. 2009-159, passed first reading February 25, 2009
ORDINANCE granting to **ACE SEPTIC AND PLUMBING COMPANY, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING**

50. ORDINANCE No. 2009-134, passed second reading February 25, 2009
ORDINANCE granting to **CONTRACTORS ROOFING & SUPPLY OF TEXAS, LLC, A Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 51 through 52

51. ORDINANCE appropriating \$329,915.38 out of Equipment Acquisition Consolidated Fund for Purchase of Personal Protective Gear for Houston Fire Department
TAGGED BY COUNCIL MEMBER JONES

a. RECOMMENDATION from Purchasing Agent to award to **LION APPAREL, INC (Bid No. 1)** for Personal Protective Gear for Various Departments - 3 Years and two option years \$5,905,073.95 - Equipment Acquisition Consolidated and Enterprise Funds
TAGGED BY COUNCIL MEMBER JONES
These were Items 8 and 8A on Agenda of February 25, 2009

52. ORDINANCE amending Ordinance No. 2005-1308 (passed on November 30, 2005) to increase the maximum contract amount for contract between the City of Houston and **COASTAL PUMP SERVICES, INC** for Dry Pit Pump Repair Services for the Public Works & Engineering Department - \$600,000.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 26 on Agenda of February 25, 2009

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

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

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

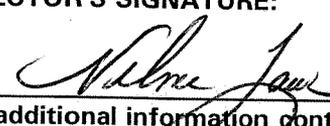
CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

REQUEST FOR COUNCIL ACTION

SUBJECT: MBE and WBE participation goals for contracts funded under Environmental Protection Agency grants or loans		Page 1 of 2	Agenda Item # /
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FROM (Department or other point of origin): Affirmative Action and Contract Compliance Division of the Mayor's Office	Origination Date	Agenda Date MAR 04 2009
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MS

DIRECTOR'S SIGNATURE: 	Council District affected: All Districts
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For additional information contact: Velma Laws Phone: 713.837.9015	Bill Beauchamp 832.393.6434	Date and identification of prior authorizing Council action: Motions 95-525, 02-1440 and 06-0073
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RECOMMENDATION: (Summary)
Adopt recommended MBE and WBE participation goals for contracts funded under Environmental Protection Agency grants or loans.

Amount and Source of Funding:
Not Applicable

SPECIFIC EXPLANATION:

The Environmental Protection Agency ("EPA") provides financial assistance to the City of Houston through grants and loans. This financial assistance comes either directly through the EPA or indirectly through the Texas Water Development Board or the Texas Commission on Environmental Quality. In order to obtain these grants and loans is necessary to comply with MWBE requirements promulgated by EPA. Up until 2008 the EPA required the following MWBE goals for grants and loans to Texas governmental entities;

	<u>MBE</u>	<u>WBE</u>
Construction	34%	8%
Equipment	13%	13%
Services	22%	26%
Supplies	18%	29%

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MS

REQUIRED AUTHORIZATION

Other Authorization:	Other Authorization:	Other Authorization:
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Date	SUBJECT: MBE and WBE participation goals for contracts funded under Environmental Participation Agency grants or loans	Originator= Initials	Page 2 of 2
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During the spring of 2008 EPA promulgated new DBE regulations effective May 27, 2008 (40 CFR Part 33). Under the new regulations EPA requires recipients to establish their own goals following the guidance of the EPA regulations. The City's Affirmative Action Division has produced revised goals based on the EPA requirements and submitted these proposed goals to EPA Region VI. In November of 2008, EPA approved these goals (see attached letter). The goals are as follows:

	<u>MBE%</u>	<u>WBE%</u>
Construction	20%	5%
Equipment	10%	4%
Services	21%	6%
Supplies	10%	4%

The MWBE Committee reviewed this item on February 23, 2009 and recommended that it move to full council for consideration.

It is therefore the recommendation that the City Council adopt a motion approving these MBE and WBE participation goals for contracts funded under EPA grants and loans.

**Briefing on the
Environmental Protection Agency (EPA)
DBE Program
Section 40 of the Code of Federal Regulations (40 CFR)
Parts 30, 31, 33, 35, and 40**

The Environmental Protection Agency has promulgated new rules entitled "Participation by Disadvantaged Business Enterprises in Procurement Under Environmental Protection Agency (EPA) Financial Assistance Agreements," which will become effective May 27, 2008. These rules have specific requirements regarding certification, submission of goals (known as Fair Share Objectives), Good Faith Efforts, and program administration and record keeping.

The City has three departments and/or programs that receive some type of EPA assistance: PWE, through the Texas Water Development Board; Health and Human Services; and Brownfields projects.

A copy of the new CFR can be obtained, in its entirety, at www.epa.gov/osdbu. A brief overview of some of the key features and action items of the program are presented below.

Sections 33.202 and 33.203 - Certification

EPA has an 8% statute, pursuant to Public Law 102-389, 42 USC 4370d; and a 10% statute, pursuant to Title 10 of the Clean Air Act. The statutes have different certification criteria for MBEs and WBEs. (Under the 8% statute, an MBE/WBE firm may be owned or controlled by the MBE/WBE owner; while under the 10% statute, a firm must be owned and controlled by the MBE/WBE owner.) City certified DBEs can be used on EPA assisted projects, but so can firms certified by outside sources.

Section 33.301 – Good Faith Efforts

All recipients must make Good Faith Efforts before a project is advertised, and require prime contractors to do the same. Records must be maintained for the recipient and the primes.

Section 33.302 – Other Administrative Requirements

All subcontractors must be paid for satisfactory performance within 30 days from the prime's payment by the recipient.

Recipients must be notified of MBE/WBE terminations, and must make THE Good Faith Efforts to find a replacement

Recipients must require primes to provide all subs with EPA 6100-2, which subs send directly to the EPA DBE Coordinator

Recipients must require primes to submit DBE program compliance forms (EPA 6100-3 and EPA 6100-4) with the prime contractors' bids or proposals

Section 33.401 – Fair Share Objective Requirements

Recipients must negotiate Fair Share Objectives (goals) with the EPA for MBE and WBE participation. Note – We are currently using the Texas Water Development Board goals, which are at issue because they are based on the State's Disparity Study. Therefore, we can negotiate our own goals, based on the types of grants we receive. The goals must be submitted no later than 120 days after a grant acceptance agreement has been signed, once the new rule goes into effect May 27, 2008.

Section 33.405 – Determining Fair Share Objective Requirements

The section sets forth a 2-step goal setting methodology, similar to the one used by the Department of Transportation. There must be separate MBE and WBE goals in the following categories: Construction, Equipment, Services, and Supplies.

In order to calculate our own Fair Share Objective to negotiate with the EPA, I will need the following:

- A list of all EPA assisted projects awarded and or completed within the last 3 years, including amount, scope of services, and any MWBE participation.
- A list of future (2 – 3 years) EPA assisted projects or initiatives, including the scope of services (Note – For construction projects, I will need a percentage breakdown of the major work category for each)

The scope of services information is necessary in order to calculate the 4 different goals, which must be approved by City Council.

Section 33.406

Recipients may designate a lead agency to negotiate fair share objectives with EPA, or negotiate individually

Section 33.501

Recipients must require their bidders and proposers to provide bidders lists of all firms that bid or quote for prime and subcontracts.

Section 33.502

Different types of grants have different reporting requirements. Must ascertain the type of grants each department receives.



CITY OF HOUSTON

Office of the Mayor

Bill White

Mayor

Velma Laws
Director
Affirmative Action and
Contract Compliance Division
P.O. Box 1562
Houston, Texas 77251-1562

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www.houston.tx.gov

October 3, 2008

Ms. Debora N. Bradford
Small and Disadvantaged Business Coordinator
Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

CERTIFIED RECEIPT #7007 0710 0004 9120 1681

Dear Ms. Bradford:

Pursuant to 40 CFR, 33.404, the City of Houston respectfully submits its proposed MBE and WBE fair share objectives for your consideration. The recommended goals are based on demonstrable evidence of the number of certified MBEs and WBEs in our relevant geographic market; as well as historical utilization of MBEs and WBEs in City contracting.

If you have any questions or need additional information, please contact me at 713.837.9015 or velma.laws@cityofhouston.net.

Thank you for your consideration, and I look forward to hearing from you in the near future.

Sincerely,


Velma Laws
Director

Enclosure

cc: Jo Wiginton, Senior Assistant City Attorney
Bill Beauchamp, Senior Assistant City Attorney
Anthony Hall, Chief Administrative Officer

10/08:06

**City of Houston
Affirmative Action and Contract Compliance**

**Proposed Fair Share Objectives
for the Participation of
Minority Business Enterprises and Women Business Enterprises in
Environmental Protection Agency (EPA) Funded Contracts**

Pursuant to the Code of Federal Regulations, Section 40, Parts 30, 31, 33, 35, and 40, the City of Houston ("the City") is proposing the following goals for the participation of Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) in its EPA funded contracts:

Area	MBE Goal	WBE Goal
Construction	20%	5%
Supplies/Equipment/Non-Professional Services	10%	4%
Professional Services	21%	6%

The City respectfully requests the approval of goals in the above three areas, rather than the four mandated areas (Construction, Supplies, Equipment, and Services) for the following reasons:

- The City has maintained data on MWDBE participation in three areas – Construction, Purchasing, and Professional Services since August 1984. This data was an integral component of the two-step goal setting process for the EPA DBE program.
- The City's "Purchasing" category includes supplies, equipment and non-professional services. Data on "Supplies" and "Equipment" only is not tracked separately, and therefore, is not available.
- The EPA's "Services" category does not distinguish between professional and non-professional services. However, the City tracks "Professional Services" separately.

The City used the two-step goal setting methodology prescribed by 40 CFR, 33.405 to calculate the EPA MBE and WBE goals.

I. METHODOLOGY

Step 1

In order to determine an overall goal, the following data sources were utilized to determine a base figure for the relative availability of DBEs:

- 2006 Harris County Business Patterns (CBP) for the Houston MSA
- City of Houston 2006 Disparity Study
- City of Houston (COH) Database of certified MWDBE firms

Note – Data from the Texas Unified Certification Program (TUCP) database was not used because it does not allow for analysis of MBE/WBE status.

County Business Pattern data for all firms in the Houston MSA was identified for the applicable contracting areas. The Houston MSA was used as the local market area, since the majority of contractors and subcontractors are located in this area.

The City of Houston (COH) database of certified MWDBE firms was used to calculate DBE availability, based on the CBP data. (See Attachment 1) To determine a base DBE availability figure, the CBP availability data were averaged with the data from the Disparity Study. (See Attachment 2) The resulting Step 1 availability figures are presented in Table 1.

Table 1. EPA DBE Availability Analysis

Area	CBP Availability	Disp. Study Availability	Average Availability
Construction			
MBE	6.0%	38.6%	22.3%
WBE	1.4%	7.6%	4.5%
Supplies/Equipment/Non-Professional Services			
MBE	2.1%	25.1%	13.6%
WBE	1.2%	11.7%	6.5%
Professional Services			
MBE	4.9%	32.1%	18.5%
WBE	3.0%	13.9%	8.4%

Step 2

The Step 2 analysis involved calculating the overall MBE and WBE participation, in each of the three contracting areas, for fiscal years 2006, 2007 and 2008. Next, the median participation was calculated for each year. The median was then averaged with the Step 1 availability figures to calculate the recommended DBE goals. The results are presented in Table 2 below.

Table 2. EPA DBE Goal Calculation

Area	MWDBE Participation				Step 1 Availability	Proposed DBE Goal
	FY 06	FY 07	FY 08	Median		
Construction						
MBE	15.5%	25.0%	18.6%	18.6%	22.3%	20%
WBE	6.5%	5.7%	5.5%	5.7%	4.5%	5%
Supplies/Equipment/Non-Professional Services						
MBE	10.9%	4.0%	5.6%	5.6%	13.6%	10%
WBE	2.1%	1.1%	1.4%	1.4%	6.5%	4%
Professional Services						
MBE	30.7%	21.4%	23.5%	23.5%	18.5%	21%
WBE	2.9%	1.8%	2.9%	2.9%	8.4%	6%

**City of Houston
Affirmative Action and Contract Compliance**

**MWDBE Availability Analysis, Based on 2006 County Business Pattern (CBP)
and City Certified MWDBE Data**

<u>Area</u>	<u>CBP All Firms</u>	<u>MBE</u>		<u>WBE</u>	
		<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Construction	6,406	386	6.0%	92	1.4%
Supplies/Equipment/ Non-Professional Services	12,014	252	2.1%	144	1.2%
<u>Professional Services</u>	<u>5,293</u>	<u>257</u>	<u>4.9%</u>	<u>160</u>	<u>3.0%</u>

Attachment 2

**City of Houston
Affirmative Action and Contract Compliance**

**MWDBE Availability Data
From the 2006 City of Houston Disparity Study***

<u>Area</u>	<u>MBE</u>	<u>WBE</u>
Construction	38.6%	7.6%
Supplies/Equipment/ Non-Professional Services	25.1%	11.7%
<u>Professional Services</u>	<u>32.1%</u>	<u>13.9%</u>

* Data based on prime contractor availability

Source: Mason Tillman Associates, Ltd.
December 2006 City of Houston Disparity Study
Tables 6.13 - 6.16



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75209-2733

NOV 14 2008

Ms. Velma Laws
Director
Affirmative Action and Contract Compliance Division
P.O. Box 1562
Houston, Texas 77251-1562

Re: Fiscal Year (FY) 2008 Negotiated Minority and Women Owned Business (MBE/WBE) Goals

Dear Ms. Laws:

The FY 2008 MBE/WBE fair share negotiations have been completed. The FY 2008 goals are city-wide goals for all your EPA grants. We accept the City of Houston's FY 2008 goals as follows:

Table with 3 columns: Category, MBE (%), WBE (%). Rows include Construction (20.00, 5.00), Equipment (10.00, 4.00), Services (21.00, 6.00), and Supplies (10.00, 4.00).

These FY 2008 goals will be incorporated into all FY 2009 EPA grant actions (new awards or amendments) to the City after the date of this letter. The MBE/WBE goals are neither standards nor quotas; they have always been goals. When not met, EPA and others do ask for demonstration of the Six Good Faith Efforts.

The FY 2008 fair share goals will be in effect for the next three federal fiscal years unless there are significant changes to the data supporting the fair share objectives. If you have any questions, please contact Debra N. Bradford, Small and Disadvantaged Business Coordinator of my staff, at (214) 665-7406.

Sincerely yours,

Lynda F. Carroll
Assistant Regional Administrator
for Management

Enclosure

cc: Jo Wiginton, Senior Assistant City Attorney
Bill Beauchamp, Senior Assistant City Attorney
Anthony Hall, Chief Administrative Officer

NOV 14 2008

SUBJECT: Extension of Leave of Absence without pay for Sr. Word Processor B. N. Mitchell, Employee # 68976	Category # 3	Page 1 of <u>1</u>	Agenda Item # <u>2</u>
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FROM (Department or other point of origin) Police Department	Origination Date February 9, 2009	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: Harold L. Hurtt, Chief of Police 	Council District affected:
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For additional information contact: Lana To Nguyen Human Resources Division Phone: (713) 308-1245	Date and identification of prior authorizing Council action:
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RECOMMENDATION:(Summary)

Request council approval for leave of absence without pay extension for employee listed below.

Amount and Source of Funding: None Required	FIN Budget:
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SPECIFIC EXPLANATION:

Sr. Word Processor B. N. Mitchell, Employee # 68976, was on an approved leave of absence without pay beginning April 21, 2008, through October 17, 2008 (180 days). Ms. Mitchell has been medically separated from the Department since October 28, 2008 and is requesting council approval for the additional extension of leave without pay from October 18, 2008, through October 28, 2008 (11 days).

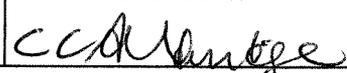
cc: City Secretary

Agenda Director

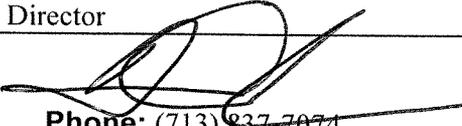
D. W. Ready, Captain
Police Department – Human Resources Division

Human Resources Department Records

REQUIRED AUTHORIZATION

FIN Director:	Other Authorization:	Other Authorization: 
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IO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriation of Additional Funds and Approval of Change Order No. 1 for Water Line Replacement in Mary Bates North Area. WBS No. S-000035-00E8-4.	Page <u>1</u> of 1	Agenda Item # 3 + 3A
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2/26/09	Agenda Date MAR 04 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council Districts affected: F	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074	Date and Identification of prior authorizing Council Action: Ord. #2007-137 dated 01/31/2007	

RECOMMENDATION: (Summary) Approve an ordinance appropriating an additional \$53,033.81, Adopt a motion approving Change Order No. 1 in the amount of \$145,989.97.

Amount and Source of Funding: \$53,033.81 from Water and Sewer System Consolidated Construction Fund No. 8500. Original appropriation of \$2,114,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

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

DESCRIPTION/SCOPE: The project consists of construction of 1 approximately 25,195 linear feet of 8-inch and 12-inch diameter water lines, valves and appurtenances. Othon, Inc. designed the project with 235 calendar days allowed for construction. The project was awarded to Reliance Construction Services, L.P with an original Contract Amount of \$1,859,123.22.

LOCATION: The project area is generally bound by Bellaire on the north, Roos on the south, Tours on the east and South Gessner on the west. The project is located in the Key Map Grids 530-E, J, F, & K.

CHANGE ORDER NO. 1: There were significant quantities of 8-inch and 12-inch restraint joint pipes accounted for as regular pipe by the consulting engineer, which caused overrun in the following Unit Price Items:

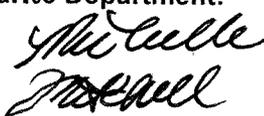
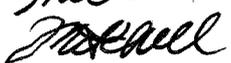
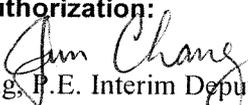
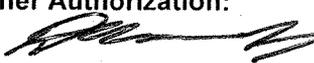
1. Unit Price Item No. 18 – 8-inch diameter waterline with restrained joints by augering. This item was overrun by 927 linear feet \$190.00 per linear feet, making the total overrun cost of \$176,130.00
2. Unit Price Item No. 19 – 8-inch diameter waterline with restrained joints by open cut. This item was overrun by 123 linear feet \$190.00 per linear feet, making the total cost of \$23,370.00
3. Unit Price Item No. 23 – 12-inch diameter waterline with restrained joints by augering. This item was overrun by 367 linear feet at \$195.00 per linear feet, making the total overrun cost of \$71,565.00
4. Unit Price Item No. 24 – 12-inch diameter waterline with restrained joints by open cut. This item was overrun by 49 linear feet at \$195.00 per linear feet, making the total overrun cost of \$9,555.00.

A 4-inch meter vault that is located on Waldo St. was not included in the project by the consulting engineer. This meter is required to complete the transfer of the services from old water lines to the new lines and must be included in the project with a cost of \$14,882.00.

Change Order No. 1 in the amount of \$145,989.97 exceeds the 5% contingency by \$53,033.81, adjusts various quantities in the Contract and includes overruns and underruns of various bid items, some of which are listed above. This Change Order also includes the connections of the existing 4-inch meter vault to the new water lines.

The requested additional appropriation will revise the contingency from 5% to 7.85% and will cover the remaining cost of Change Order No. 1.

MSM:JTL:JAK:JC:mq
 S:\E&C Construction\South Sector\PROJECT FOLDER\S-0035-E8\Change Order - RCA\RCA.DOC
 c: Velma Laws File No. S-000035-00E8-4- 21.0

REQUIRED AUTHORIZATION			CUIC ID# 20MZQ077
Finance Department:  	Other Authorization:  Jun Chang, P.E. Interim Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Document 00666
CHANGE ORDER No. 1

PROJECT: Water Line Replacement: Mary Bates North

CONTRACT No.: 4600007510 PROJECT No.: S-000035-00E8-4 (WA10857-05)

TO: Reliance Construction Services, L.P.

4302 Alameda-Genoa

Contractor and
Address for Written Notice

Houston, TX 77048

1.01 DESCRIPTION OF CHANGES

CONTRACT CHANGE

ITEM 1 SCOPE: Deletion/Addition of Bid Item Quantities Amount \$131,107.97 Time 0 Days

JUSTIFICATION: The following adjustments to Bid Item Quantities are being recommended in compliance with document 00700, Article 9.1.4

Unit Item No	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
5	Filter Fabric Fence	LF	(5000.00)	\$0.01	\$(50.00)
6	Reinforced Filter Fabric Fence	LF	(3850.00)	\$0.01	\$(38.50)
7	Inlet Protection Barriers	LF	(600.00)	\$1.00	\$(600.00)
8	Site Restoration	LF	(396.00)	\$5.00	\$(1,980.00)
9	Removing and disposing of reinforced concrete pavement (all thickness, including base & subgrade, w/or w/o curb, (all depths))	SY	257.98	\$10.00	\$2,579.80
10	Remove and dispose of existing concrete curb or curb and gutter	LF	(144.50)	\$2.00	\$(289.00)
11	Trench Safety System	LF	(7464.00)	\$0.01	\$(74.64)
15	8" diameter Ductile Iron water line w/Restrained Joints by augering	LF	(46.00)	\$190.00	\$(8,740.00)
16	8" diameter water line by augering	LF	(1113.00)	\$36.34	\$(40,446.42)
17	8" diameter water line by open cut	LF	(42.00)	\$36.34	\$(1,526.28)
18	8" diameter water line w/Restrained Joints by augering	LF	927.00	\$190.00	\$176,130.00
19	8" diameter water line w/Restrained Joints by open cut	LF	123.00	\$190.00	\$23,370.00
20	12" diameter Ductile Iron water line w/Restrained Joints by augering	LF	(25.00)	\$195.00	\$(4,875.00)
21	12" diameter water line by augering	LF	(331.00)	\$57.07	\$(18,890.17)
22	12" diameter water line by open cut	LF	(108.00)	\$57.07	\$(6,163.56)
23	12" diameter water line w/Restrained Joints by augering	LF	367.00	\$195.00	\$71,565.00
24	12" diameter water line w/Restrained Joints by open cut	LF	49.00	\$195.00	\$9,555.00
28	3/4" to 1" diameter water taps and copper service line with meter box, short side	EA	25.00	\$405.00	\$10,125.00
29	3/4" to 1" diameter water taps and copper service line with meter box, long side	EA	(14.00)	\$785.00	\$(10,990.00)
30	8" diameter wet connections	EA	1.00	\$144.00	\$144.00
31	12" diameter wet connections	EA	2.00	\$168.00	\$336.00

CITY OF HOUSTON
STANDARD DOCUMENT

CHANGE ORDER

PROJECT No.: S-000035-00E8-4 (WA10857-05)

CHANGE ORDER No. 1

32	Cut, plug and abandon existing 8" diameter water main	EA	3.00	\$144.00	\$432.00
35	6" diameter fire hydrant branch by open cut	LF	(11.00)	\$40.00	\$(440.00)
36	Removal and Salvage of existing Fire Hydrant	EA	1.00	\$25.00	\$25.00
40	24" X 12" tapping sleeves and valves	EA	1.00	\$6,000.00	\$6,000.00
41	Cement Stabilized Base Course, 6"	SY	(425.00)	\$10.00	\$(4,250.00)
42	8" reinforced concrete pavement	SY	257.98	\$63.00	\$16,252.74
43	6" concrete curb	LF	153.50	\$2.00	\$307.00
44	Extra Excavation Around	CY	(200.00)	\$15.00	\$(3,000.00)
45	Extra Hand Excavation	CY	(70.00)	\$20.00	\$(1,400.00)
46	Extra Machine Excavation	CY	(200.00)	\$15.00	\$(3,000.00)
47	Extra Placement of Backfill Material	CY	(400.00)	\$15.00	\$(6,000.00)
48	Clean Air Incentive	CA	(34760.00)	\$1.00	\$(34,760.00)
49	Street Cut Permit Fee	CA	(38200.00)	\$1.00	\$(38,200.00)

ITEM 2 SCOPE: Connection to existing 4" water meter vault . \$14,882.00 4 Days

JUSTIFICATION: The connection to this meter was not picked up as a bid item on the project, and is required to complete the transfer of the services from the old water lines.

Unit Item No	Unit Item Description	Unit	Add/Deduct Qty	Unit Price	Add/Deduct Amount
50	4" Meter Vault	LS	1.00	\$14,882.00	\$14,882.00

TOTALS: \$145,989.97 4 Days

00666-2

PROJECT No.: S-000035-00E8-4 (WA10857-05)

CHANGE ORDER No. 1

1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.



Contractor Signature and Title *General Manager*

2/13/09

Date

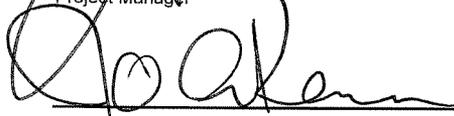
1.03 ACCEPTANCE BY THE CITY



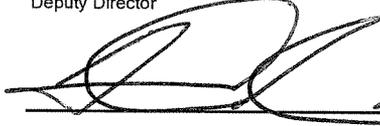
Project Manager 2/13/09
Date



Deputy Director Date



Chief Engineer 2/13/09
Date



City Engineer 2/13/09
Date



Assistant Director 2/13/09
Date

Mayor - City of Houston 2/13/09
Date

cc:

File No. (WA10857-05)

EXECUTIVE SUMMARY

1.01 CONTRACT PRICE SUMMARY

	<u>DOLLAR AMOUNT</u>	<u>PERCENT</u>
A. Original Contract Price	\$1,859,123.22	100.00%
B. Previous Change Orders	\$0.00	0.00%
C. This Change Order	\$145,989.97	7.85%
D. Contract Price	\$2,005,113.19	107.85%

1.02 CONTRACT TIME SUMMARY

	<u>DURATION</u>	<u>COMPLETION DATE</u>
A. Original Contract Time	235 Days	Saturday, December 22, 2007
B. Previous Change Orders	0 Days	Saturday, December 22, 2007
C. This Change Order	4 Days	Wednesday, December 26, 2007
D. Contract Time	239 Days	Wednesday, December 26, 2007

1.03 TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK

A. Including this Change Order, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

<u>CHANGE ORDER No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF ORIGINAL CONTRACT PRICE</u>
1	\$145,989.97	7.85%
<hr/>		
TOTALS	\$145,989.97	7.85%

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approval to pay Harris-Galveston Subsidence District \$920,499.00 for 2009 groundwater withdrawal permit fees and accrual of Over-Conversion Credits.	Category # 1	Page 1	Agenda Item # 4
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: All
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For additional information contact: Dannelle H. Belhateche, P.E. Senior Assistant Director Phone: (713) 837-0847	Date and identification of prior authorizing Council action Motion No. 2008-0101, dated 2/6/08 Motion No. 2007-0338, dated 4/4/07 Motion No. 2006-0099, dated 2/1/06
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RECOMMENDATION: (Summary)
That City Council approve payment of the \$920,499.00 permit fee to the Harris-Galveston Subsidence District for permit year 2009 aggregated groundwater withdrawal and accrual of Over-Conversion Credits.

Amount of Funding: \$920,499.00	Finance Department:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
 Other (Specify) Water and Sewer System Operating Fund (8300) *Adela Bautista signed for Rice Preston*

SPECIFIC EXPLANATION:

Request City Council to approve payment of the permit fees totaling \$920,499.00 to Harris-Galveston Subsidence District (HGSD). These fees cover the period of 2/1/09 through 01/31/10.

The City of Houston must pay for aggregated permits for the City in HGSD Area 2 and 3 and all co-permittees in City's Groundwater Reduction Plan (GRP) in Area 3. The co-permittees are required by contract to reimburse the City for fees spent for their permits.

The amount of the fees is based on a \$17.00 assessment per million gallons for an aggregated 54,147 million gallons. The 54,497 million gallons consists of anticipated groundwater withdrawal of 3,300 million gallons for HGSD Area 2 and 20,221 million gallons for HGSD Area 3; 10,626 million gallons for anticipated groundwater withdrawal by the co-permittees (\$180,642 to be reimbursed to the City), and 20,000 million gallons anticipated surface water use in HGSD's regulatory Area 3.

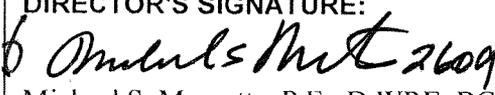
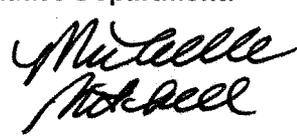
The surface water permitted will allow the City of Houston to accrue over-conversion credits (OCCs) in Area 3. The OCCs can be used in lieu of conversion in the future and will permit the City to postpone major capital projects that will be required for compliance with HGSD's ultimate regulations.

cc: Michael S. Marcotte, P.E., D.WRE, BCEE Waynette Chan Jun Chang, P.E.
Marty Stein Dannelle H. Belhateche, P.E.

REQUIRED AUTHORIZATION CUIC ID #20DHB73

Finance Department	Other Authorization: <i>Jun Chang</i> Jun Chang, P.E., Interim Deputy Director, Public Utilities Division	Other Authorization: <i>Dannelle H. Belhateche</i> Dannelle H. Belhateche, P.E. Senior Assistant Director
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation and Accept Work for Neighborhood Street Reconstruction NSR 440A, WBS No. N-000373-0002-4.		Category #1, 7	Page 1 of 2	Agenda Item # 5-5A
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 2-19-09	Agenda Date MAR 04 2009	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE., Director		Council Districts affected: C		
For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074		Date and Identification of prior authorizing Council Action: Ord. #2003-792 dated 08/27/03		
RECOMMENDATION: (Summary) Approve an ordinance appropriating \$170,593.87, adopt a motion approving the final Contract Amount of \$7,205,965.37 or 7.55% over the original Contract Amount, accepting the Work, and authorizing final payment.				
Amount and Source of Funding: Additional appropriation of \$170,593.37 from Street and Bridge Consolidated Construction Fund No. 4506. (Previous (original) appropriation of 5,233,342.00 from the Street and Bridge Consolidated Construction Fund No. 437, \$3,144,647.00 from Water and Sewer System Consolidated Construction Fund No. 755). <i>Valley 01/22/09</i>				Finance Department:
SPECIFIC EXPLANATION:				
PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Neighborhood Street Reconstruction Program and was required to improve residential streets and upgrade the utilities for the various streets.				
DESCRIPTION/SCOPE: This project consisted of twelve neighborhood streets. The improvements included concrete roadway with curbs, sidewalks and utilities. Landtech Consultants, Inc. designed the project with 560 calendar days allowed for construction. The project was awarded to Total Contracting Limited with an original Contract Amount of \$6,700,353.50.				
LOCATION: The project area was generally bounded by West Bellfort Avenue on the north, Willowbend Boulevard on the south, Stella Link Road on the east and Harris County Flood Control Ditch/ Railroad on the west. The project is located in Key Map Grid 532 S and W.				
CONTRACT COMPLETION AND COST: Total Contracting Limited has completed the work under the subject Contract. The project was completed within the Contract Time with an additional 588 days approved by Change Orders No. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 and 2 is \$7,205,965.37. This is an increase of \$505,611.87 or 7.55% over the original Contract Amount.				
The increased cost is a result of Change Orders No. 1 and 2 and the difference between planned and measures quantities. This increase is primarily due to overrun in Bid Item No. 32 – 24" RCP Storm Sewer, All Depths, Complete in Place, Casing Auguring in 10' Easement, Bid item No. 44 – Reconnect Yard Drain through Curb, Bid Item No. 55 – Adjust Existing Manhole Frame and Cover to Grade, Bid Item No. 64 – Sanitary Sewer Services Reconnection, All Sizes, with or without Stacks, Bid Item No. 65 – 4" and 6" Sanitary Sewer Services Lines, Bid Item No. 66 – Sanitary Sewer Service Line Reconnection at Storm Sewer Conflicts, Bid Item No. 74 – 8-inch PVC Main, Open Cut, Including Cuts and Removal of Existing Pipes, Restrained Joints, Bid Item No. 77 – 8-inch Wet Connection, Bid Item No. 84 – Roadway Excavation, Bid Item No. 87 – Lime Stabilized Subgrade 8-inch, Bid Item No. 88 – Street Lighting Conduits, 2-inch, PVC Schedule 40/80, Bid Item No. 91 – 8-inch Reinforced Concrete Pavement, Bid Item No. 96 – Concrete Paving Headers, and Extra Unit Price Items which were necessary to complete the work.				
REQUIRED AUTHORIZATION				CUIC ID # 20HA13
Finance Department: 	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division		

NDT

NDT

Date:

SUBJECT: Additional Appropriation and Accept Work for Neighborhood Street Reconstruction NSR 440A, WBS No. N-000373-0002-4.

Originator's
Initials

Page
2 of 2

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 25.78%. The Contractor's M/WBE performance evaluation was rated Outstanding.


MSM:DM:JTL:JAK:JM:ha

S:\E&C Construction\South Sector\PROJECT FOLDER\N-0373-02-3\Close-out\RCA\RCA - Closeout.doc

cc: Velma Laws Craig Foster Waynette Chan Marty Stein File N-00373-02/21.0.

90A

S MAIN

DISTRICT "C"

DISTRICT "C"

South
Main
Golf
Center

CHEENA

LYMBAR

WOODWIND

O'MEARA

SILVERWOOD

NENANA

McDERMED

McFOX

WODEBIN

WOODSHIRE

WOODCRAFT

WOODHAVEN

BASSON

OBROF

CRAIGHEAD

PROJECT LOCATION

W BELLFORT

DISTRICT "C"

CHEENA

LYMBAR

O'MEARA

FIRESTONE

SILVERWOOD

NENANA

WAYNESBORO

McDERMED

HAZELTON

TONAWANDA

WAYCROSS

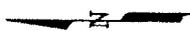
WILLOWBEND

CREEKBEND

STILLBROOKE

BRAIRBEND

GREENWILLOW



KEY MAP: 532S & W

LEGEND:

PROJECT LOCATION

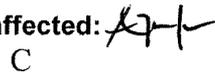
CITY OF HOUSTON

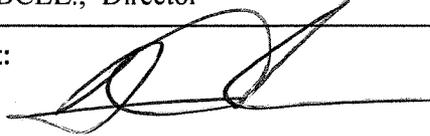
GFS No.N-0373-02-3 FileNo.N-0373-01
Neighborhood Street Reconstruction
No. 440A

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Chimney Rock Paving Project from Benning to Yarwell, WBS No. N-000737-0001-4.	Page 1 of 1	Agenda Item # 6
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-27-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE., Director	Council Districts affected: 
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For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074	Date and Identification of prior authorizing Council Action: Ord. #2005-558 dated 05/04/05
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,465,851.28 or 0.63% over the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required. (Total (original) appropriation of \$2,759,145.12 from the Series E Commercial Paper Fund No. 49M and \$223,369.49 from Water and Sewer System Consolidated Construction Fund No. 755).	Finance Department:
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SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Capital Improvement Program and was required to improve traffic flow and circulation in the area. This project has been approved by the Metropolitan Transit Authority of Harris County for reimbursement of expenditures.

DESCRIPTION/SCOPE: This project consisted of the reconstruction of Chimney Rock from Benning to Yarwell consisting of two 12-foot wide lanes northbound and southbound. The roadway now has concrete pavement with curbs and underground storm sewers and necessary utilities. HNTB Architects Engineers Planners designed the project with 310 calendar days allowed for construction. The project was awarded to ACM Contractors, Inc. with an original Contract Amount of \$2,450,443.70.

LOCATION: The project area is along Chimney Rock from Benning to Yarwell. The project is located in Key Map Grids 531-T, X and 571-B.

CONTRACT COMPLETION AND COST: The ACM Contractors, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 is \$2,465,851.28. This is an increase of \$15,407.58 or 0.63% over the original Contract Amount.

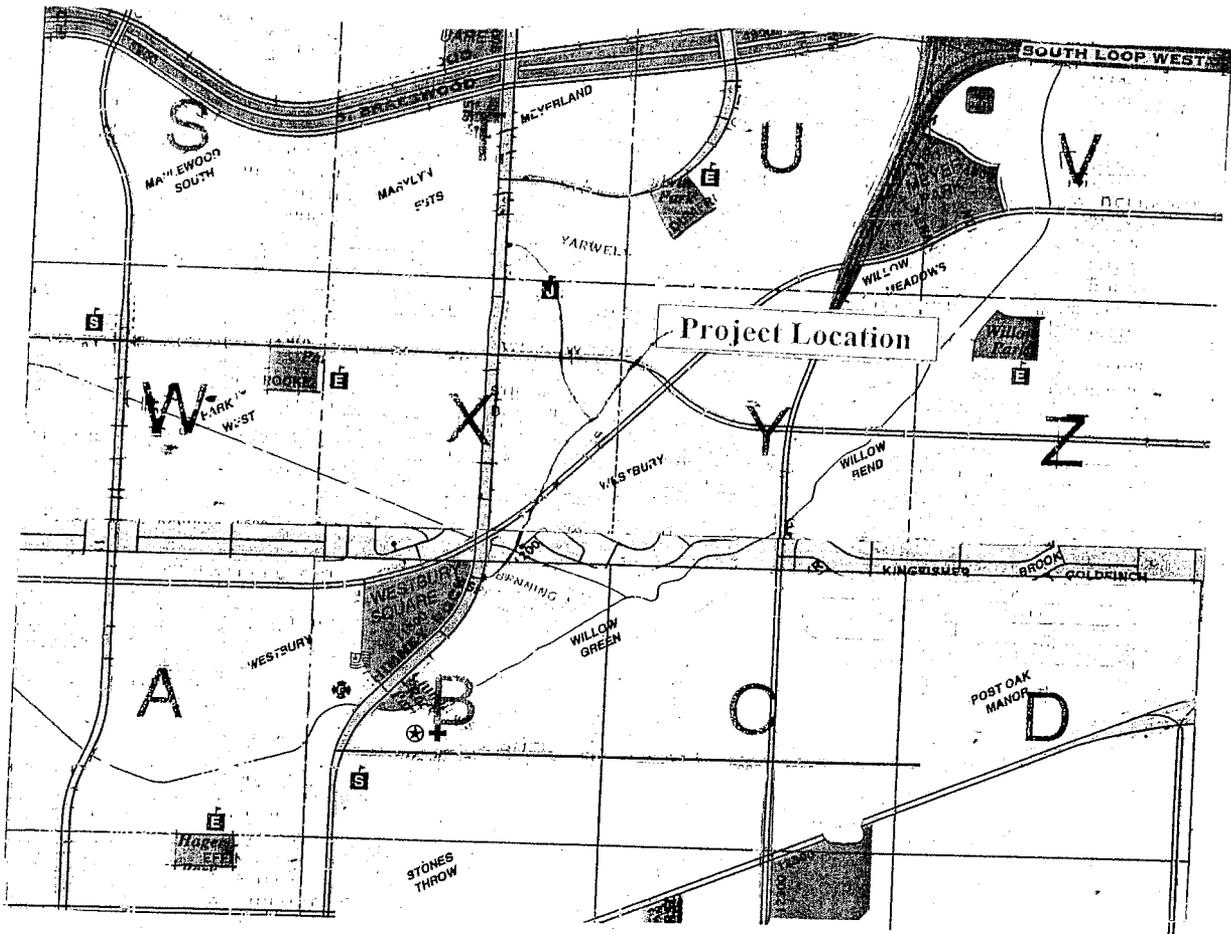
The increased cost is a result of Change Order No. 1 and the difference between planned and measured quantities. This increase is primarily due to additional work installed by differing field conditions and underestimated bid quantities.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 17.37%. The Contractor's M/WBE performance evaluation was rated satisfactory.

MSM:JTL:jAK:AH:ha
 S:\E&C Construction\South Sector\PROJECT FOLDER\N-0737-01-3\Close-out documentations\RCA\RCA - Closeout.doc
 cc: Velma Laws Craig Foster Waynette Chan Marty Stein File C56912/21.0.

REQUIRED AUTHORIZATION **CUIC ID # 20HA47** **NOT**

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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SUBJECT: Accept Work for Hillwood Area Water Line Replacement Project.
WBS No. S-000035-00G8-4.

Page
1 of 1

Agenda Item#

7

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination
Date
2-26-09

Agenda Date

MAR 04 2009

DIRECTOR'S SIGNATURE:

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

Council Districts affected:

D

For additional information contact:

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

Phone: (713) 837-7074

Date and Identification of prior authorizing
Council Action:

Ord. #07-411 dated 03/28/07

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,098,042.53 which is 6.51% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required.

Original total appropriation of \$1,343,700.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's water line replacement program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.

DESCRIPTION/SCOPE: This project consisted of construction of 18,098 linear feet of 4-inch, 8-inch, and 12-inch of water lines, valves, and appurtenances. Cobb, Fendley & Associates, Inc. designed the project with 190 calendar days allowed for construction. The project was awarded to Reliance Construction Services, L.P. with an original Contract Amount of \$1,174,475.50.

LOCATION: The project area is generally bound by E. Orem on the north, Swingle on the south, Segrest on the east, and Scott on the west. The project is located in Key Map Grids 573-L & Q.

CONTRACT COMPLETION AND COST: The Contractor, Reliance Construction Services, L.P. has completed the work under the subject Contract. The project was completed within the Contract time with additional 44 days approved by Change Order Nos. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,098,042.53, a decrease of \$76,432.97 or 6.51% under the original Contract Amount.

The decreased cost is primarily due to the Work not requiring use of Clean Air Incentive, Extra Unit Price Items and minor adjustments during the construction of water main alignments that were cost-saving to the City.

M/WBE PARTICIPATION: The M/WBE goal for this project was 20%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 34.21%. The Contractor achieved an "Outstanding" rating for M/WBE compliance.

MSM:JTL:ALS:PD:mq

S:\E&C Construction\East Sector\PROJECTS\S-000035-00G8-4 Hillwood\21.0 Closeout\RCA\rca-rev3.doc

c: Velma Laws

Craig Foster

File No. S-000035-00G8-4 - Closeout

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ076

NOT

Finance Department:

Other Authorization:

Other Authorization:

Jun Chang, Interim Deputy Director
Public Utilities Division

Daniel R. Menendez, P.E. Deputy Director
Engineering and Construction Division

10

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING & CONSTRUCTION DIVISION



NOT TO SCALE

KEY MAP NO. 573 L & Q
 GIMS MAP NO. 5451A & 5452C
 COUNCIL DISTRICT D

STREET NAME	FROM	TO	SIZE (INCH)	LENGTH (FEET)
EAST OREM	SEGREST	700' WEST	12	700
SOUTHCOAST	CORK	E. OREM	8	1430
MARCHANT	SOUTHCOAST	SEGREST	8	240
SEGREST	MARCHANT	510' SOUTH	8	1015
CORK	SCOTT	SOUTHCOAST	8	1040
SOUTHSPRING	CORK	450' NORTH	8	985
SOUTHBRIDGE	CORK	470' NORTH	8	1030
SCOTT	SWINGLE	1830' NORTH	8	1815
SWINGLE	SCOTT	LETRIM	12	1660
SOUTHSPRING	SWINGLE	KILKENNY	8	1110
SOUTHBRIDGE	SWINGLE	KILKENNY	8	1090
CLAYGATE	SWINGLE	3050' NORTH	8	3070
SOUTHCOAST	SWINGLE	KILKENNY	8	1160
SEGREST	SWINGLE	KILKENNY	8	1180
KILKENNY	SOUTHBRIDGE	1030' WEST	8	1020
TOTAL				18545



VICINITY MAP

HILLWOOD WATERLINE REPLACEMENT
 WBS NO. S-000035-00G8-4
 KEY MAP #573-L & Q
 GIMS MAP #5451A & 5452C

SCALE: N.T.S.

DATE: 07/14/03



United Engineers, Inc.
 CIVIL ENGINEERING • LAND DEVELOPMENT
 CONSTRUCTION MANAGEMENT • SURVEYING

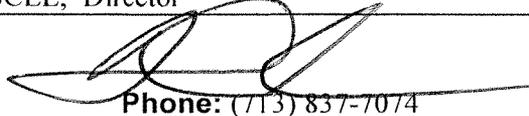
801 SOUTH WHEAT FREWAY, SUITE 800
 HOUSTON, TEXAS 77062
 TEL: (713) 211-2900
 FAX: (713) 211-2908
 WWW: WWW.UENGIN.COM

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Concrete Ground Water Storage Tank at Katy Addicks Repump Station. WBS No. S-000610-00A1-4. Page 1 of 1 Agenda Item # **8**

FROM (Department or other point of origin):
 Department of Public Works and Engineering Origination Date **2/26/09** Agenda Date **MAR 04 2009**

DIRECTOR'S SIGNATURE:  Council Districts affected: **A 3X**
 Michael S. Marcotte, P.E., D.WRE, BCEE, Director

For additional information contact:  Date and Identification of prior authorizing Council Action: Ord. #2006-518 dated 05/24/2006
 J. Timothy Lincoln, P.E.
 Senior Assistant Director **Phone: (713) 837-7074**

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$5,040,768.98, which is 5.18% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
 Original appropriation of \$6,103,000.00 from Water and Sewer System Consolidated Construction Fund No. 755.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Water Storage Tank Rehabilitation and Replacement program. It is required to meet the area's increased water demand and ensure compliance with the Texas Commission on Environmental Quality (TCEQ) regulations.

DESCRIPTION/SCOPE: The project consisted of construction of a 10.8 MG concrete ground storage tank at the Katy-Addicks Repump Station. Carter & Burgess, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Preload, Inc. with an original Contract Amount of \$5,316,159.00.

LOCATION: The project area is located as follows:

Station	Address	Key Map	Council District
Katy Addicks Repump Station	1450 Brittmoore Rd.	449-U	A

CONTRACT COMPLETION AND COST: The Contractor, Preload, Inc. has completed the Work under subject Contract. The project was completed beyond the established completion date. Liquidated damages of \$129,600.00 at \$800.00 per day for 162 days have been assessed and are reflected in the final payment to Contractor. The final cost of the project, including liquidate damages, overrun and underrun of estimated bid quantities is \$5,040,768.98, a decrease of \$275,390.02 or 5.18% under the original Contract Amount.

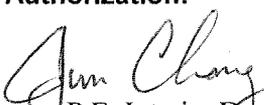
The cost underrun is primarily due to the Work not requiring use of Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 17.19%. The Contractor was awarded a "Satisfactory" rating for M/WBE compliance.

MSM:JTL:CVS:SKF:mq
S:\E&C Construction\Facilities\Projects\S-0610-A1-3 Katy Addicks Repump Station\Closeout\RCA\RCA.DOC

c: Velma Laws File No. S-000610-00A1-4 - Closeout

REQUIRED AUTHORIZATION CUIC ID# 20MZQ080

Finance Department:	Other Authorization:  Jun Chang, P.E. Interim Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Line Replacement in Buxley Area.
WBS No. S-000035-00G2-4.

Page 1 of 1

Agenda Item #

9

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

2-27-09

Agenda Date

MAR 04 2009

DIRECTOR'S SIGNATURE:


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

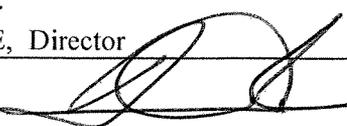
Council Districts affected:

D

John

For additional information contact:

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


Phone: (713) 837-7074

Date and Identification of prior authorizing Council Action:

Ord. #2007-0955 dated 08/22/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,234,768.91, which is 1.96% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
(Original appropriation of \$2,580,290.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

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

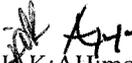
DESCRIPTION/SCOPE: The project consisted of construction of 2,499 linear feet of 12-inch, 27,789 linear feet of 8-inch, and 709 linear feet of 4-inch diameter water lines, valves, and appurtenances. Ratnala & Bahl, Inc. designed the project with 250 calendar days allowed for construction. The project was awarded to D. L. Elliott Enterprises, Inc. with an original Contract Amount of \$2,279,536.30.

LOCATION: The project area is generally bound by Dalmation Drive on the north, Anderson Road on the south, Nuwood Lane on the east, and Campdenhill Road on the west. The project is located in the Key Map Grids 571-R & S and 572-S.

CONTRACT COMPLETION AND COST: The Contractor, D. L. Elliott Enterprises, Inc. has completed the Work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$2,234,768.91, a decrease of \$44,767.39 or 1.96% under the original Contract Amount.

The cost underrun is primarily due to Work not requiring use of Clean Air Incentive Items and Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 22%. According to Affirmative Action and Contract Compliance Division, the actual participation was 22.27%. The Contractor was awarded a "Satisfactory" rating for M/WBE compliance.

MSM:JTL:  AH:mq
S:\E&C Construction\South Sector\PROJECT FOLDER\S-000035-00G2-4 Buxley\21.0 Close-out\RCA\RCA.DOC

c: Velma Laws File No. S-000035-00G2-4 - 21.0

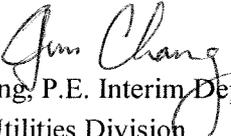
REQUIRED AUTHORIZATION

CUIC ID# 20MZQ087

MDT

Finance Department:

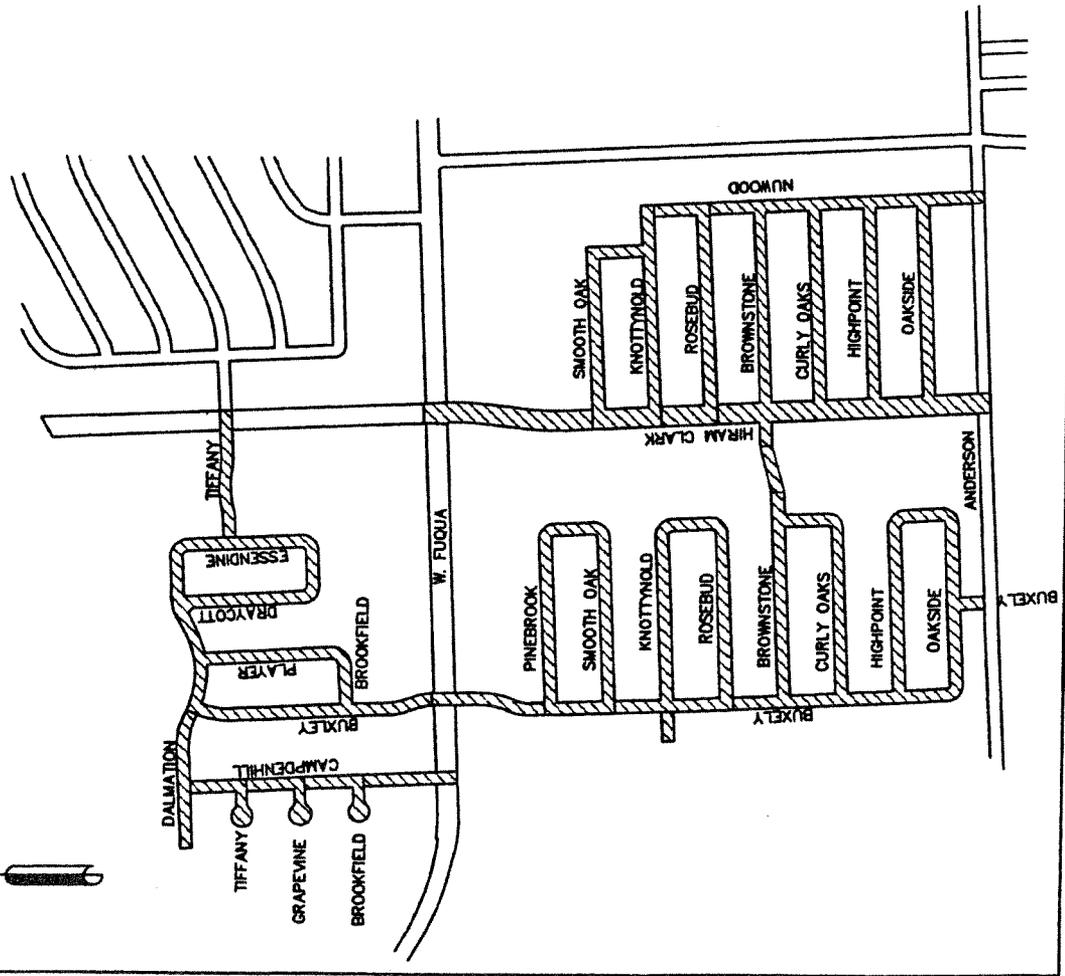
Other Authorization:


Jun Chang, P.E. Interim Deputy Director
Public Utilities Division

Other Authorization:


Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING & CONSTRUCTION DIVISION
 WATER MAIN REPLACEMENT: BUXLEY
 G.F.S. NO. S-0035-G2-2, FILE NO. WA10841



BUXLEY				
STREET	START STREET	END STREET	NEW SIZE	Final Length
Dalmation	Dalmation	Campdenhill end	6	588
Dalmation	Campdenhill	Essending	8	1281
Tiffany	Campdenhill	Cul-de-sac	4	315
Grapevine	Hiram Clark	Essending	8	630
Brookfield	Campdenhill	Cul-de-sac	4	315
Campdenhill	Dalmation	W Fugua	8	1365
Buxley	Dalmation	Oakside	8	3906
Player	Dalmation	Brookfield	8	683
Brookfield	Player	Buxley	8	231
Draycott	Dalmation	Essending	8	767
Essending	Dalmation	Draycott	8	787
Pinebrook	Buxley	Smooth Oak	8	1019
Smooth Oak	Buxley	Pinebrook	8	1019
Knottynold	Buxley	Rosebud	8	1019
Rosebud	Buxley	Knottynold	8	1019
Brownstone	Buxley	Nuwood	8	2573
Curly Oaks	Buxley	Brownstone	8	1155
Curly Oaks	Hiram Clark	Nuwood	8	1050
Highpoint	Buxley	Oakside	8	1019
Highpoint	Hiram Clark	Nuwood	8	1050
Oakside	Hiram Clark	Nuwood	8	1050
Buxley	Oakside	Anderson	8	158
Hiram Clark	W Fugua	Anderson	12	2804
Smooth Oak	Hiram Clark	Knottynold	8	1103
Knottynold	Hiram Clark	Nuwood	8	1050
Rosebud	Hiram Clark	Nuwood	8	1050
Nuwood	Knottynold	Anderson	8	1659
Total				31,873

EXHIBIT-68

CITY OF HOUSTON
 DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
RATNAJA & BAHL INC.
 Engineers, Architects, Surveyors
 11767 BAIT FERRYWAY, SUITE 510
 HOUSTON, TEXAS 77078
 PHONE: 281-738-4400 FAX: 281-738-4488

VICINITY MAP
 WATERMAIN REPLACEMENT
 BUXLEY

G.F.S. NO. S-0035-G2-2, FILE NO. WA10841
 SCALE: NOT TO SCALE DATE: JANUARY 2005

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for On-Call Water Main and Sanitary Sewer Extensions. WBS No. S-000801-00P5-4.	Page 1 of 1	Agenda Item # 10
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council Districts affected: A, B, G, H, I
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For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074	Date and Identification of prior authorizing Council Action: Ord. No. 2006-556 Dated: 5/31/2006
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,080,395.40, which is 27.97% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
(Original appropriation of \$1,730,000.00 from Water and Sewer System Consolidated Construction Fund No. 755.)

PROJECT NOTICE/JUSTIFICATION: This project provides for the construction of extensions of water and wastewater lines to meet the capacity needs in various City neighborhoods. This project will also improve water quality by increasing the potable water circulation.

DESCRIPTION/SCOPE: The project consisted of water main and sanitary sewer extensions throughout the City. This was an on-call construction contract for the extension of small diameter water lines and sanitary sewers in neighborhood where the systems were inadequate and these extensions were made on as needed basis. Plans and Work Orders for these extensions were prepared at the request of Public Utilities Division. Sander Engineering Corporation designed the project with 730 calendar days allowed for construction. The project was awarded to D.L. Elliott Enterprises, Inc. with an adjustment factor of 1.4375 (Total Contract Amount not to exceed \$1,500,000.00).

LOCATION: The project is located at various locations.

PREVIOUS HISTORY AND SCOPE: The Contractor, D.L. Elliott Enterprises, Inc. has completed the Work under the subject Contract. The project was completed within the Contract Time with additional 65 days allowed by Change Order Nos. 3 and 7. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 through 7 is \$1,080,395.40, a decrease of \$419,604.60 or 27.97% under the original Contract Amount.

The decreased cost is due to non-availability of Work Orders and expiration of Contract Time.

M/WBE PARTICIPATION: M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 11.78%. The Contractor achieved an "Unsatisfactory" rating for MWDBE Compliance.

MSM:JTL:AR:PK:mq
S:\E&C Construction\North Sector\PROJECT FOLDER\S-000801-00P5-4 Small Dia On-Call #5\21.0 Close Out\RCA\RCA.DOC

c: File No. S-000801-00P5-4 - 21.0

REQUIRED AUTHORIZATION		CUIC ID# 20MZQ089
Finance Department:	Other Authorization: Jun Chang, P.E. Interim Deputy Director Public Utilities Division	Other Authorization: Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division



Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance

Council Member James Rodriguez

CHAIR
District I

Jarvis Johnson
District B

Wanda Adams
District D

Sue Lovell
At Large Position 2

Jolanda Jones
At Large Position 5

COMMITTEE REPORT

February 23, 2009

1. Welcome & Call to Order – James G. Rodriguez, Chair
2. Update on the Kossman lawsuit – Legal department (Report only – no action taken)
3. MWBE Overview – Affirmative Action and Contract Compliance Department (Report only - no action taken)
4. Discussion of various upcoming Requests for Council Action as to 0% MWBE goals or performance below the contract goal.
 - a. Review of MWBE participation on an RCA to approve an award to **Arrow Energy, Inc** for aviation gasoline and turbine fuel for the Police Department (Moved to Council with recommendation)
 - b. Review of MWBE participation on an RCA to approve the purchase of high capacity cashier remittance processing system and software for computer products and services for the Public Works and Engineering Department – **GTSI, Corp** (Moved to Council with recommendation)
 - c. Review of MWBE participation on an RCA to approve an award to **Liberty Data Products, Inc** for continuous feed paper and specialty computer paper for the Police Department (Moved to Council with recommendation)

- d. Review of MWBE performance on an RCA to Accept Work for City Wide Overlay Program that was required to improve and maintain a safe road surface and accessibility by **Angel Brothers Enterprises, Ltd.** (Moved to Council with recommendation)
 - e. Review of MWBE performance on an RCA to Accept Work for part of the Storm Drainage CIP and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity by **Conrad Construction Co, Inc.** (Moved to Council with recommendation)
 - f. Review of MWBE performance on an RCA to Accept Work for construction of extensions of water and wastewater lines to meet the capacity needs in various City neighborhoods by **D.L. Elliott Enterprises, Inc.** (Item reviewed but no recommendation made by committee)
 - g. Review of MWBE performance on an RCA to Accept Work for sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City by **Insituform Technologies, Inc.** (Item reviewed but no recommendation made by committee)
 - h. Review of MWBE performance on an RCA to Accept Work for part of the Neighborhood Street Reconstruction Program required to improve streets and upgrade the utilities for the various streets by **JFT Construction, Inc.** (Item reviewed but no recommendation made by committee)
5. Environmental Protection Agency Disadvantaged Business Enterprise (DBE) Program Goal - Affirmative Action and Contract Compliance Department (Moved to Council with recommendation)
 6. Possible discussion of rating system for subcontractors - Affirmative Action and Contract Compliance Department (Item tabled until the next meeting)
 7. Public Comment

Council Members Adams, Johnson and Jones were present.

On-Call Water Main and Sanitary Sewer Extensions

Contractor: D.L. Elliott

WBS No. S-000801-00P5-3

Council District	Work Order	Description	Key Map
A	2	Conrad Sauer Pigging Station at 10150 Old Katy Road	490 A
A	6	Construct an 8-inch WL along Majestic Oak	411 N
A	11	Water main crossing FM 1960 at Breton Ridge	370 E
B	8	Construct an 8-inch WL along Sayers and Denmark.	454 K
B	10	8-inch sanitary sewer line on Armada and Balbo	451 D
G	7	Construct an 8-inch WL along Hickory Post Ln and Hickory Post Circle.	489 J
G	12	Sanitary sewer line to serve 3229 Groveland Lane	492 P
H	3	8-inch Water Line along Starkey (from Lakin to Wichman)	493 E
I	1	8-inch Water Line along Oates Road (from Dunvegan across proposed extension of U.S. Hwy 90).	495 D, H
I	4	4-inc Water Line and 4-inch sanitary sewer force main in Herman Brown Park Area at Oates Road.	495 D, H
I	5	Transfer water service connections from the abandoned 16-inch water line to the in-service 12-inch water line at 1515, 1519, and 1523 Tuam St.	493 U
I	9	Connection to PRV Station at Poplar	535 S
I	13	Fire Line Connection on Holman Avenue at La Branch	493 T

Summary of MWDBE Activities

Project Description/#: Water #10660-05 - On-Call Water Main Sanitary & Sewer Extensions. S-000801-00P5-4. #4600004302

Prime Contractor: ACM Contractors, Inc.

Amount of Contract: **\$1,500,000.00**

Amount of MWDBE goal with change order:

MWDBE Goal at award of contract: 17%

Final Contract Amount: **\$1,080,395.40**

MWDBE actual participation: 11.78%

Original MWDBEs listed on RCA & Letter of Intent

As Is Photos
Ramon's Trucking
S & F Contractors, LLC

MWDBEs Used:

As Is Photos
Mickie Service Company, Inc.
Ramon's Trucking
S & F Contractors, LLC

List of original MWDBE, that were not used:

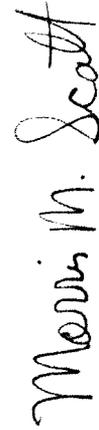
If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:

The prime contractor stated that the goal was not met due to lack of work orders being issued on this project. The work orders they have been receiving from the City of Houston have been small dollar amounts.

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

Approved by:


Zonia Davila
Contract Compliance Officer


Morris Scott, Division Manager
Contract Compliance Section

January 16, 2009
Date

MWBE Committee 2/23/09

D. L. Elliott Enterprises, Inc.

Project Closed from 1999 to Date

As of January 20, 2009

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	Contract Compliance Rating	MWDBE Rating
1	Water #10584 - WMR in Broadmoor Subdivision. S-0035-68-3	\$1,048,115.76	17%	18.59%	09/23/02	Unsatisfactory	Satisfactory
2	Water #10587 - WLR in Cloverland Subdivision. S-0036-63-3	\$598,358.30	0%	0.00%	11/25/02	Outstanding	No goal
3	Water #10588 - WLR in the Paul Quinn Gardens and Noble Subdivisions. S-0035-61-3	\$2,253,052.51	17%	17.89%	01/09/03	Satisfactory	Satisfactory
4	Water #10598 - Water line grid extensions. S-0700-51-3	\$1,942,647.15	17%	18.23%	05/22/03	Unsatisfactory	Satisfactory
5	Water #10669 - WLR in Camden Woods East Subdivision. S-0035-83-3	\$987,854.50	17%	15.11%	09/02/03	Satisfactory	Unsatisfactory
6	Water #09799 - WLR in Denver Harbor Subdivision. S-0035-77-3	\$2,319,732.46	17%	13.53%	12/01/03	Satisfactory	Unsatisfactory
7	Water #10708 - SSR by point repair method	\$43,500.00	0%	0.00%	01/16/04	Satisfactory	No goal
8	Water #10713 - Water line repair project by point repair method	\$2,336,927.08	19%	41.58%	08/12/04	Satisfactory	Outstanding
9	Water #10591 - WLR in Marilyn Estates & Sharpstown Area. S-0035-60-3	\$1,227,184.37	17%	17.03%	10/22/04	Satisfactory	Satisfactory
10	Water #10732 - WMR in Campbell Woods/Longpoint Acres Subdivision. S-0035-93-3	\$1,467,130.74	17%	15.54%	11/15/04	Satisfactory	Unsatisfactory
11	Water #10736 - WMR in Lakewood Heights and SS in Sunnyglen. S-0035-95-3	\$1,217,635.69	17%	17.23%	02/08/05	Satisfactory	Satisfactory
12	Water #10677 - WL grid extension, package 1 - various locations. S-0700-56-3	\$957,750.81	0%	0.00%	05/06/05	Outstanding	No goal
13	Water #10731 - WLR in Richmond Plaza Subdivision. S-0035-92-3	\$926,711.68	0%	0.00%	05/25/05	Satisfactory	No goal
14	Water #10739 - WLR in Westbury West Subdivision. S-0035-98-3	\$1,425,465.00	17%	11.74%	05/31/05	Satisfactory	Unsatisfactory
15	Water #10566-02 - WLR in various unserved subdivision in Montrose. S-0700-59-3	\$1,212,547.25	17%	13.11%	08/18/05	Satisfactory	Satisfactory
16	Water #10766 - WLR - Elgin Area S-0035-A6-3	\$1,200,288.99	17%	9.91%	01/13/06	Satisfactory	Satisfactory
17	Water #10768 - WMR in OST-Yellowstone Area S-0035-A8-3	\$1,227,045.50	17%	12.51%	03/30/06	Satisfactory	Unsatisfactory

18	Water #10765 - WLR in Corder Area S-0035-A5-3	\$1,684,405.81	17%	10.84%	10/11/06	Satisfactory	Unsatisfactory
19	Water #10660-04 - On Call Water Main & SS Extensions. S-0801-P4-3	\$1,352,198.21	17%	17.94%	02/20/07	Satisfactory	Satisfactory
20	WW #4949-01 - Lateral and service connection replacement for the PWE.. CC-6-0734-024-24	\$594,912.50	0%	0%	04/26/07	Satisfactory	No goal
21	Timbergrove Storm Sewer Improvements. M-0254-01-3	\$7,708,616.63	17%	17.29%	07/10/07	Satisfactory	Satisfactory
22	WW #4949-02 - Lateral & Service Connection Replac. Part II for PWE. CC-6-0734-024-21095	\$553,612.50	0%	0%	10/10/07	Satisfactory	No goal
23	Water #10448-07 - Service Upgrades and Grid Extensions in the Greater Greenspoint Area.	\$1,432,000.41	17%	15.82%	09/28/07	Satisfactory	Satisfactory
24	Water #10789 - WLR in Lindale Area S-000035-00C7-4	\$1,937,621.58	17%	17.14%	10/24/07	Satisfactory	Satisfactory
25	Water #10856-01 - WLR in Turner Area. S-000035-00E1-4	\$2,767,793.02	20%	26.38%	05/28/08	Outstanding	Outstanding
26	Water #10873 -02 - Water Line Distribution System Rehabilitation and Renewal	\$1,629,235.70	17%	75.47%	06/19/08	Satisfactory	Outstanding
27	Water #10858-04 - WLR in Northwood Manor Area. S-000035-00F4-4	\$1,979,966.32	20%	25.51%	10/10/08	Satisfactory	Outstanding
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CITY OF HOUSTON
Contract Compliance Section
Verification of MWDBE Participation

Clearance Request Date: January 15, 2009

CCO Assigned: Zonia Davila

Project Description/#: **Water #10660-05 - On-Call Water Main Sanitary & Sewer Extensions. S-000801-00P5-4. #46000004302**

Prime Contractor: **D. L. Elliott Enterprises, Inc.**

MWDBE Goal: **17%** Contract Amount: **\$1,080,395.40**

MWDBE	Phone Number	Type of Services	Amount Paid Per Prime	Amount Paid Per MWDBE	Retainage Held	Verified By:
"As Is" Photos	(713) 675-8115	Photograph	\$1,664.00	\$1,664.00	\$0.00	B2Gnow System/ confirmed
Mickie Service Company, Inc.	(281) 999-7755	Taps & Meters	\$22,694.00	\$22,694.00	\$0.00	B2Gnow System/ confirmed
Ramon's Trucking	(713) 691-7015	Trucking	\$27,452.00	\$27,452.00	\$0.00	B2Gnow System/ confirmed
S & F Contractors, LLC	(832) 434-1875	Utility Line Services	\$75,500.00	\$75,500.00	\$0.00	B2Gnow System/ confirmed
Total:			\$127,310.00	\$127,310.00	\$0.00	

COMMENTS:

Actual Participation: **11.78%**

Date Submitted: January 16, 2009

Prepared By: 

Date Completed: January 16, 2009

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Generic City Wide Overlay Package # 10 (Work Order Contract), WBS No. N-001037-0050-4.

Page 1 of 1

Agenda Item # 11

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

2-26-09

MAR 04 2009

DIRECTOR'S SIGNATURE:

Council District affected:

Michael S. Marcotte

A, C, D, E, H

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

For additional information contact:

Date and identification of prior authorizing Council action:

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

J. Timothy Lincoln

Phone: (713) 837-7074

Ord. #2006-728 dated 06/28/2006

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,444,890.52 or 1.93% over the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required.

Finance Department

Total Original appropriation of \$5,134,102.00 from Series E Commercial Paper Metro Project Fund No. 49M.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City Wide Overlay Program. This program was required to improve and maintain a safe road surface and accessibility.

DESCRIPTION/SCOPE: This project consisted of construction of base repair of flexible and rigid pavements, construction of approximately 3.5 inches of hot mix asphaltic concrete pavement, pavement markings, and a variety of miscellaneous work. In-house Engineering Branch staff designed the project with 300 calendar days allowed for construction. The project was awarded to Angel Brothers Enterprises, Ltd. with an original Contract Amount of \$4,360,804.00.

LOCATION: The street limits and Key Map grid locations are as follows:

Street	From	To	Key Map	Street	From	To	Key Map
Alameda (NB)	Holcombe	N. MacGregor Way	533 F	Alameda-Genoa	Cullen	Mykawa	573R, 574N P, Q, R
Beamer	Beltway 8	Fuqua	576T, X	El-Camino Real	Ramada	Gemini	618P, Q, U
Fuqua	S. Wayside	Mykawa	574U, V	Gray	Hamilton	Gillette	493P, Q, U
Harold	Montrose Blvd.	Green briar	492V, 493S	Hollister	Hammerly	Clay	450R, M, H
La Branch	McHenry	Commerce	493Q, M, R, U	Leeland	Cullen	Baird	494S, W, X
Lockwood	Clinton	Navigation	494L, 494Q, 494P	N. Post Oak	Fountain Blue	Hempstead	491D, 451Z
Walnut	Wood	Rothwell	493M				

REQUIRED AUTHORIZATION

CUIC ID# 20HA34

Finance Department:

Other Authorization:

Other Authorization:

Daniel R. Menendez
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

NOT

5

Date:

SUBJECT: Accept Work for Generic City Wide Overlay Package # 10
(Work Order Contract), WBS No. N-001037-0050-4.

**Originator's
Initials**

**Page
2 of 2**

CONTRACT COMPLETION AND COST: The Contractor, Angel Brothers Enterprises, Ltd. has completed the Work under the subject Contract. The project was completed within the Contract Time with additional 162 days approved by Change Order No. 2. The final cost of the project, including overrun and underrun of estimated bid quantities is \$4,444,890.52, an increase of \$84,086.52 or 1.93% over the original Contract Amount.

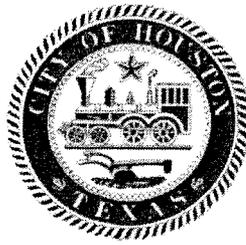
The increased cost is a result of difference between planned and measured quantities. This increase is primarily of an overrun in Bid Item No.27 – HMAC Type “D” (Surface or Level-Up Including Misc/Tie-in to Driveways, All Depths, which was necessary to complete the work. the result)

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 11.20%. Contractor M/WBE performance evaluation was rated unsatisfactory.

MSM:JTL:JAK:RJM:ha

S:\E&C Construction\South Sector\PROJECT FOLDER\N-001037-0050-3\Close-out\RCA\Accept Work RCA.doc

cc: Marty Stein Velma Laws Craig Foster Waynette Chan File No. N-1037-50/21.0



Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance

Council Member James Rodriguez
CHAIR
District I

Jarvis Johnson
District B

Wanda Adams
District D

Sue Lovell
At Large Position 2

Jolanda Jones
At Large Position 5

COMMITTEE REPORT February 23, 2009

1. Welcome & Call to Order – James G. Rodriguez, Chair
2. Update on the Kossman lawsuit – Legal department *(Report only – no action taken)*
3. MWBE Overview – Affirmative Action and Contract Compliance Department *(Report only - no action taken)*
4. Discussion of various upcoming Requests for Council Action as to 0% MWBE goals or performance below the contract goal.
 - a. Review of MWBE participation on an RCA to approve an award to **Arrow Energy, Inc** for aviation gasoline and turbine fuel for the Police Department *(Moved to Council with recommendation)*
 - b. Review of MWBE participation on an RCA to approve the purchase of high capacity cashier remittance processing system and software for computer products and services for the Public Works and Engineering Department – **GTSI, Corp** *(Moved to Council with recommendation)*
 - c. Review of MWBE participation on an RCA to approve an award to **Liberty Data Products, Inc** for continuous feed paper and specialty computer paper for the Police Department *(Moved to Council with recommendation)*

-
- d. Review of MWBE performance on an RCA to Accept Work for City Wide Overlay Program that was required to improve and maintain a safe road surface and accessibility by **Angel Brothers Enterprises, Ltd.** (Moved to Council with recommendation) ←
 - e. Review of MWBE performance on an RCA to Accept Work for part of the Storm Drainage CIP and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity by **Conrad Construction Co, Inc.** (Moved to Council with recommendation)
 - f. Review of MWBE performance on an RCA to Accept Work for construction of extensions of water and wastewater lines to meet the capacity needs in various City neighborhoods by **D.L. Elliott Enterprises, Inc.** (Item reviewed but no recommendation made by committee)
 - g. Review of MWBE performance on an RCA to Accept Work for sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City by **Insituform Technologies, Inc.** (Item reviewed but no recommendation made by committee)
 - h. Review of MWBE performance on an RCA to Accept Work for part of the Neighborhood Street Reconstruction Program required to improve streets and upgrade the utilities for the various streets by **JFT Construction, Inc.** (Item reviewed but no recommendation made by committee)
- 5. Environmental Protection Agency Disadvantaged Business Enterprise (DBE) Program Goal - Affirmative Action and Contract Compliance Department (Moved to Council with recommendation)
 - 6. Possible discussion of rating system for subcontractors - Affirmative Action and Contract Compliance Department (Item tabled until the next meeting)
 - 7. Public Comment

Council Members Adams, Johnson and Jones were present.

N-001037-0050-4 Generic City Wide Overlay Package # 10

S.No	Street	From Street	To Street	Key Map	Council District
1	Alameda (NB)	Holcombe	N.MacGregor Way	533F	C
2	Alameda - Genoa	Cullen	Mykawa	573R,574N,574P, 574Q,574R	D,E
3	Beamer	Beltway 8	Fuqua	576T,576X	E
4	El Camino Real	Ramada	Gemini	618P,618Q,618U	E
5	Fuqua	South Wayside	Mykawa	574U,574V	E
6	Gray	Hamilton	Gillette	493P,493Q,493U	D
7	Harold	Montrose Blvd	Greenbriar	492V,493S	D
8	Hollister	Hammerly	Clay	450R,450M,450H	A
9	La Branch	McIlhenny	Commerce	493Q,493M,493R,493U	D
10	Leeland	Cullen	Baird	494S,494W,494X	H
11	Lockwood	Clinton	Navigation	494L,494Q,494P	H
12	N. Post Oak	Fountain Bleu	Hempstead	491D,451Z	A
13	Walnut	Wood	Rothwell	493M	D

Angel Brothers Enterprises, Ltd.

5210 West Road
P.O. Box 570
Baytown, Texas 77522-0570

281.421.5721
281.471.6730
Fax 281.421.2344
www.angelbrothers.com

MS 9/23/08 SH



AngelBrothers

Paving and Utility Contractors

September 8, 2008

City of Houston
Office of the Mayor
Affirmative Action and Contract Compliance Division
P.O. Box 1562
Houston, Texas 77251-1562
Attn: Joseph Kurian, Division Manager Contract Compliance Section

Re: Generic City Wide Overlay, Package #10 N-1037-50-3

This letter is in response to our unsatisfactory MWDBE Compliance Evaluation rating received for the above referenced project. Please be advised that our current MWBE participation goal is 14.819% which falls 2.818% below our goal MWBE participation goal of 17%. Your letter dated August 21, 2008 states our MWDBE goal is 8.82% below our goal. The City of Houston elected not to perform a large portion of the work for which we had anticipated MWDBE subcontractor participation. If The City of Houston had elected to perform 100% of the work items under our contract we would have met or exceeded the 17% MWDBE goal. We respectfully request a review of our MWBE Compliance Evaluation Rating based on this information.

Please do not hesitate to contact me at (281) 421-5721 should any questions or comments arise.

Sincerely,

Kevin Guy
Project Manager

MWBE Committee 2/23/09

RECEIVED

SFP 10 2008

cc: Velma Laws - Director
File

SECTION

Summary of MWDBE Activities
REVISED 12/10/08

Project Description/#: Overlay #2250 - Generic City Wide Overlay Package #10. N-001037-0050-4; #46000006553
 Prime Contractor: Angel Brothers Enterprises, Inc.
 Amount of Contract: **4,360,804.00**
 Amount of MWDBE goal with change order: **\$755,631.39**
 Change Orders: **\$84,086.52**
 MWDBE Goal at award of contract: **17%**
 Final Contract Amount: **\$4,444,890.52**
 MWDBE actual participation: **11.20%**

Original MWDBEs listed on RCA & Letter of Intent	MWDBEs Used:	List of original MWDBE, that were not used:
L.O. Materials & Trucking, Inc. Contractors Source, Inc. (CSI) JMT Enterprises, Inc. Ideal Finishes, Inc.	L.O. Materials & Trucking, Inc. JMT Enterprises, Inc. Work Zone Products, Inc. Ideal Finishes, Inc.	

If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:
 Ayoub, Rowaidah reviewed the e-mail and stated that all work orders for the project were issued as agreed upon. Jeff Masek with PWE stated that the work orders utilized a small percentage of concrete work compared to the amount estimated in the contract. The contractor submitted a list of items that were not fully utilized and stated the MWBE's were assigned to complete those tasks.

Briefly state reason given by MWDBE why they were not used or not used to the full amount originally projected:
 Ideal Finishes only completed part of the work assigned to them because the Ideal Contractors did most of the work. The owner of Ideal Contractors was a former employee who started their own company and completed the project with his new company who is not certified with the City of Houston.

Approved by:

Morris M. Scott

Morris M. Scott
 Contract Compliance Officer

Siria Harbour, Acting Division Manager
 Contract Compliance Section

Date

Angel Brothers Enterprises, Inc. Project Closed from 1999 to Date

As of August 21, 2008

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	Contract Compliance Rating	MWDBE Rating
1	Overlay #2015 - Parkwood Subdivision, Tier VII. N-1037-15-3	\$480,812.80	0%	0.00%	10/31/01	Satisfactory	No goal
2	Overlay #2005 - Northline Park asphalt overlay, phase I. N-1037-05-3	\$541,360.66	0%	0.00%	05/16/02	Satisfactory	No goal
3	Overlay #2007 - North Montrose asphalt overlay. N-1037-07-3	\$645,900.50	0%	0.00%	08/21/02	Satisfactory	No goal
4	Overlay #2031 - Asphalt overlay project in Council District B. N-1037-31-3	\$1,858,727.84	17%	17.20%	03/13/03	Satisfactory	Satisfactory
5	Overlay #2028 - Street overlay project generic, Package III. N-1037-28-3	\$1,321,106.01	17%	17.13%	07/31/03	Satisfactory	Satisfactory
6	Overlay #2034 - Street overlay project generic, package IV. N-1037-34-3	\$1,425,977.16	17%	16.39%	08/04/03	Satisfactory	Satisfactory
7	Overlay #2238 - Generic Citywide overlay, package 3. N-1037-38-3	\$3,111,537.64	17%	21.25%	04/21/04	Satisfactory	Outstanding
8							
9							
10							
11							
12							

CONTRACT COMPLIANCE SECTION

List of Subcontractors Used

REVISED 12/10/08

Project #/Description: Overlay #2250 - Generic City Wide Overlay Package #10. N-001037-0050-4; #4600006553

Prime Contractor: Angel Brothers Enterprises, Inc. MWDBE Goal: 17%

Contract Amount: \$4,360,804.00 **Actual Utilization:** 11.20%

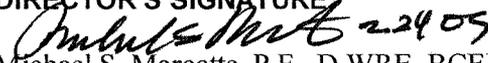
Final Amount: \$4,444,890.52 **Date Cleared:** August 21, 2008 **CCO:** Morris Scott

All Non-MWDBE Subcontractors	Amount	All MWDBE Subcontractors	Amount
Ideal Contracting, Inc.	\$152,765.59	Contractors Source, Inc. (CSI)	\$48,061.40
		JMT Enterprises, inc.	\$95,377.50
		L.O. Materials & Trucking, Inc.	\$147,303.40
		Work Zone Products, Inc.	\$101,480.11
		Ideal Finishes, Inc.	\$105,424.48
		Total:	\$497,646.89

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Neighborhood Reconstruction, NSR 436B, WBS No. N-000368-0003-4.	Page 1 of 1	Agenda Item # 12
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-27-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE., Director	Council Districts affected: G. Rjm
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For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074	Date and Identification of prior authorizing Council Action: Ord. #2005-789-6/22/05 Ord. # 2007-715 - 6/20/07 Motion # 2007-0606 = 6/20/07
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RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$9,549,916.50 or 8.56% over the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required. (Total (original) appropriation of \$10,099,398.08; with \$8,428,845.15 from Series E Commercial Paper Metro Projects Fund No. 49M; and \$1,670,552.93 from Water and Sewer System Consolidated Construction Fund No. 755). (Previous (additional) appropriation of \$480,000.00 from Street and Bridge Consolidated Construction Fund No.4506).	Finance Department:
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PROJECT NOTICE/JUSTIFICATION: This project was part of the Neighborhood Street Reconstruction Program and was required to improve the streets and upgrade the utilities for the various streets.

DESCRIPTION/SCOPE: This project consisted of the complete reconstruction of twelve neighborhood streets. The proposed improvements consisted of concrete roadways with curb and gutter, sidewalks and underground utilities. JMA Engineers, Inc designed the project with 540 calendar days allowed for construction. The project was awarded to JFT Construction, Inc. with an original Contract Amount of \$8,796,755.03.

LOCATION: The street limits and Key Map grid locations are as follows:

Street Name	From	To	Key Map	Street Name	From	To	Key Map
Briargrove	Westheimer	Olympia	491S	Overbrook	Briargrove	Briar Hurst	491S
Briar Hurst	Westheimer	Ella Lee	491S	Ella Lee	Briargrove	Piping Rock	491S
Briar Ridge	Ella Lee	Olympia	491S	Piping Rock	Briargrove	Ella Lee	491S
Briar Mead	Burgoyne	Olympia	491S	Burgoyne	Briargrove	Briar Mead	491S
Locke Lane	Briargrove	Briar Hurst	491S	Meadow Lake	Briargrove	Briar Mead	491S
Wickersham	Briargrove	Briar Hurst	491S	Olympia	Briargrove	Briar Mead	491S

CONTRACT COMPLETION AND COST: JFT Construction, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time with an additional 167 days approved by Change Orders No. 1, 2, and 3. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 thru 3, is \$9,549,916.50. This is an increase of \$753,161.47 or 8.56% over the original Contract Amount.

REQUIRED AUTHORIZATION		RCA20HA45
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

Date:	SUBJECT: Accept Work for Neighborhood Reconstruction, NSR 436B, WBS No. N-000368-0003-4.	Originator's Initials	Page 2 of 2
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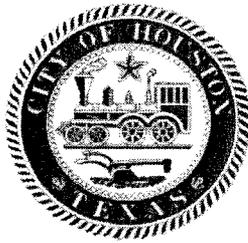
The increased cost is a result of Change Orders No. 1 thru 3 and the difference between planned and measured quantities. This Increase is primarily due to overruns in Bid Item No. 30 – 24 inch RCP Storm Sewer Leads, C-76, Class III – Open Cut, Complete in Place, All Depths, Bid Item No. 36 – Brick or Precast Type C Manhole, Dwg. No. 02081-03, Complete in Place, Bid Item No. 39 – Slope Paving, All Thickness, Complete in Place (See Detail Sheet 117), Bid item No. 55 – 8 inch PVC Sanitary Sewer, All Depths, Complete in Place, Bid Item No. 69 – 6 inch Sanitary Sewer Lead, Complete in Place, Bid Item No. 92 – Water Tap and Service Line Leads, Long Side, 5/8 Inch to 1 Inch, Complete in Place, Bid Item No. 109 - 6 inch Concrete Paving, Complete in Place, Bid Item No. 138 – 4 inch Yard Drain Line Adjustment, Required Pipe Adopters, Complete in Place (Dwg. Sheet 125), and Extra Unit Price Items, which were necessary to complete the work.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 15.86%. The Contractor's M/WBE performance evaluation was rated satisfactory.

MSM:DM:JTL:JAK:RJM:ha

S:\E&C Construction\South Sector\PROJECT FOLDER\N-0368-03-3\Closeout\RCA\RCA - Closeout2.doc

cc:Velma Laws Craig Foster Waynette Chan Marty Stein File SB9002/21.0.



Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance

Council Member James Rodriguez
CHAIR
District I

Jarvis Johnson
District B

Wanda Adams
District D

Sue Lovell
At Large Position 2

Jolanda Jones
At Large Position 5

COMMITTEE REPORT **February 23, 2009**

1. Welcome & Call to Order – James G. Rodriguez, Chair
2. Update on the Kossman lawsuit – Legal department *(Report only – no action taken)*
3. MWBE Overview – Affirmative Action and Contract Compliance Department *(Report only - no action taken)*
4. Discussion of various upcoming Requests for Council Action as to 0% MWBE goals or performance below the contract goal.
 - a. Review of MWBE participation on an RCA to approve an award to **Arrow Energy, Inc** for aviation gasoline and turbine fuel for the Police Department *(Moved to Council with recommendation)*
 - b. Review of MWBE participation on an RCA to approve the purchase of high capacity cashier remittance processing system and software for computer products and services for the Public Works and Engineering Department – **GTSI, Corp** *(Moved to Council with recommendation)*
 - c. Review of MWBE participation on an RCA to approve an award to **Liberty Data Products, Inc** for continuous feed paper and specialty computer paper for the Police Department *(Moved to Council with recommendation)*

- d. Review of MWBE performance on an RCA to Accept Work for City Wide Overlay Program that was required to improve and maintain a safe road surface and accessibility by **Angel Brothers Enterprises, Ltd.** (Moved to Council with recommendation)
 - e. Review of MWBE performance on an RCA to Accept Work for part of the Storm Drainage CIP and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity by **Conrad Construction Co, Inc.** (Moved to Council with recommendation)
 - f. Review of MWBE performance on an RCA to Accept Work for construction of extensions of water and wastewater lines to meet the capacity needs in various City neighborhoods by **D.L. Elliott Enterprises, Inc.** (Item reviewed but no recommendation made by committee)
 - g. Review of MWBE performance on an RCA to Accept Work for sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City by **Insituform Technologies, Inc.** (Item reviewed but no recommendation made by committee)
 - h. Review of MWBE performance on an RCA to Accept Work for part of the Neighborhood Street Reconstruction Program required to improve streets and upgrade the utilities for the various streets by **JFT Construction, Inc.** (Item reviewed but no recommendation made by committee)
- 5. Environmental Protection Agency Disadvantaged Business Enterprise (DBE) Program Goal - Affirmative Action and Contract Compliance Department (Moved to Council with recommendation)
 - 6. Possible discussion of rating system for subcontractors - Affirmative Action and Contract Compliance Department (Item tabled until the next meeting)
 - 7. Public Comment

Council Members Adams, Johnson and Jones were present.

JFT CONSTRUCTION, INC.
Excellence in Engineering & Construction

January 14, 2009

Mr. Morris M. Scott
Division Manager, Contract Compliance
Mayor's Office of Affirmative Action and Contract Compliance
611 Walker, Houston, Texas 77002

Sent Via E-mail: morris.scott2@cityofhouston.net

Re: San Felipe/GFS No. N-0750-02-3/File No. N-0750-02 / Contract No. 62132, and
Briargrove NSR #436B/GFS No. N-0368-03-3/Contract No. C57099
FINAL MWBE PARTICIPATION

Dear Mr. Scott:

This is to confirm our phone conversation this p.m. that JFT will strive to meet the minimum minority participation on the on going and future jobs including any change orders.

As discussed JFT did meet the original minority participation of above referenced jobs based on Original Contract amounts as shown below but did not meet same participation for the change orders. JFT did not notice this requirement for the change orders and the City Project Engineer did not bring to our attention until the above jobs were at closing stages.

Here are the actual participation factors:

- Based on Original Awarded Contract Amount, MWBE % (17% required):
San Felipe: $\$976,729.94 / \$5,420,146.70 = 18.02\%$
Briargrove $\$1,514,220.00 / \$8,796,755.03 = 17.21\%$
- Based on Final Contract Amount Including Change Orders, MWBE %:
San Felipe: $\$976,729.94 / \$6,192,437.11 = 15.77\%$
Briargrove: $\$1,514,220.00 / \$9,549,916.50 = 15.86\%$

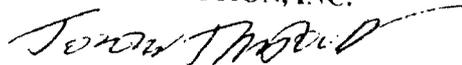
Now that we are made aware of this requirement for the change orders, we will insure to include on all on going and future jobs.

We apologize for this overlook and we assure you that we will strive and meet this requirement for the change orders in the future.

Should you need any further information or have any questions, please call. Thank you for your cooperation.

Sincerely,

JFT CONSTRUCTION, INC.



Joseph Tahtouh, P.E.
President

Cc: Mr. Donald Black, via e-mail: Donald.Black@cityofhouston.net
jftc jobs 0601 affirmativeactionfinal-A.doc

P.O. Box 820829 • Houston, TX 77282 • Ph: 281-920-0150 • Fax: 281-920-0130

CONTRACT COMPLIANCE SECTION
MWDBE Participation Report
Justification for Satisfactory Rating

Project Closed Date	December 26, 2008
Project # or Description	NSR #436B - Briargrove Subdivision Area. Phase III. N-000368-0003-4 #4600004824
Prime Contractor	JFT Construction, Inc.
Final Contract Amount	\$9,549,916.70
MWDBE Goal	17%
Goal Achieved	15.86%
Rating	Satisfactory

Summary of MWDBE Evaluation

RCA MWDBE's

Bedo Construction Products, Inc.
C. Sanchez Trucking
Central Texas Hauling
Chief Solutions, Inc.
Central Texas Hauling
MMM Construction Products, Inc.
Perez Construction Company
Two-Way Barricade Equipment Sale & Rental, Inc.

MWDBE Used

Bedo Construction Products, Inc.
C. Sanchez Trucking
Central Texas Hauling
MMM Construction Products, Inc.
Perez Construction Company
Two-Way Barricade Equipment Sale & Rental, Inc.

Explanation from Prime

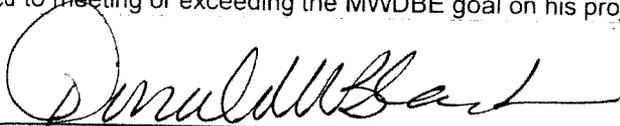
Per Joseph Tahtouh, JFT Construction, the scope of work initially projected for Chief Solutions was not needed, so they did not use them. There was a contract amendment of \$520,000.00 to complete the contract. However, JFT did not use any of subcontractors on the additional work, thus reducing the MWDBE participation for the project. The project had a 17% goal, the Prime only achieved 15.86%. A letter is attached to describe his commitment to address this issue on current and future projects.

Explanation from Subcontractor

N/A

Final Comments

The contractor is given the "Satisfactory Rating" after submitting a letter stating why he missed the goal and agreed to go back and look at other projects he currently has with the COH and his newly awarded project to make sure he does the following items: 1. He agreed to look at current projects to see if he could make up the shortfall. 2. Secondly to put procedures in place to address the MWDBE goal when additional work is added to the contract. Mr. Tahtouh originally thought that he only needed to meet the goal on the original contract amount so he believed he was in compliance until we explained to him how the goal is calculated. JFT was also informed of the things his company was required to do to stay in compliance. The contractor has agreed to put procedures in place so that this does not occur again and will get our office involved on matters related to meeting or exceeding the MWDBE goal on his projects.



Donald Black
Contract Compliance Officer



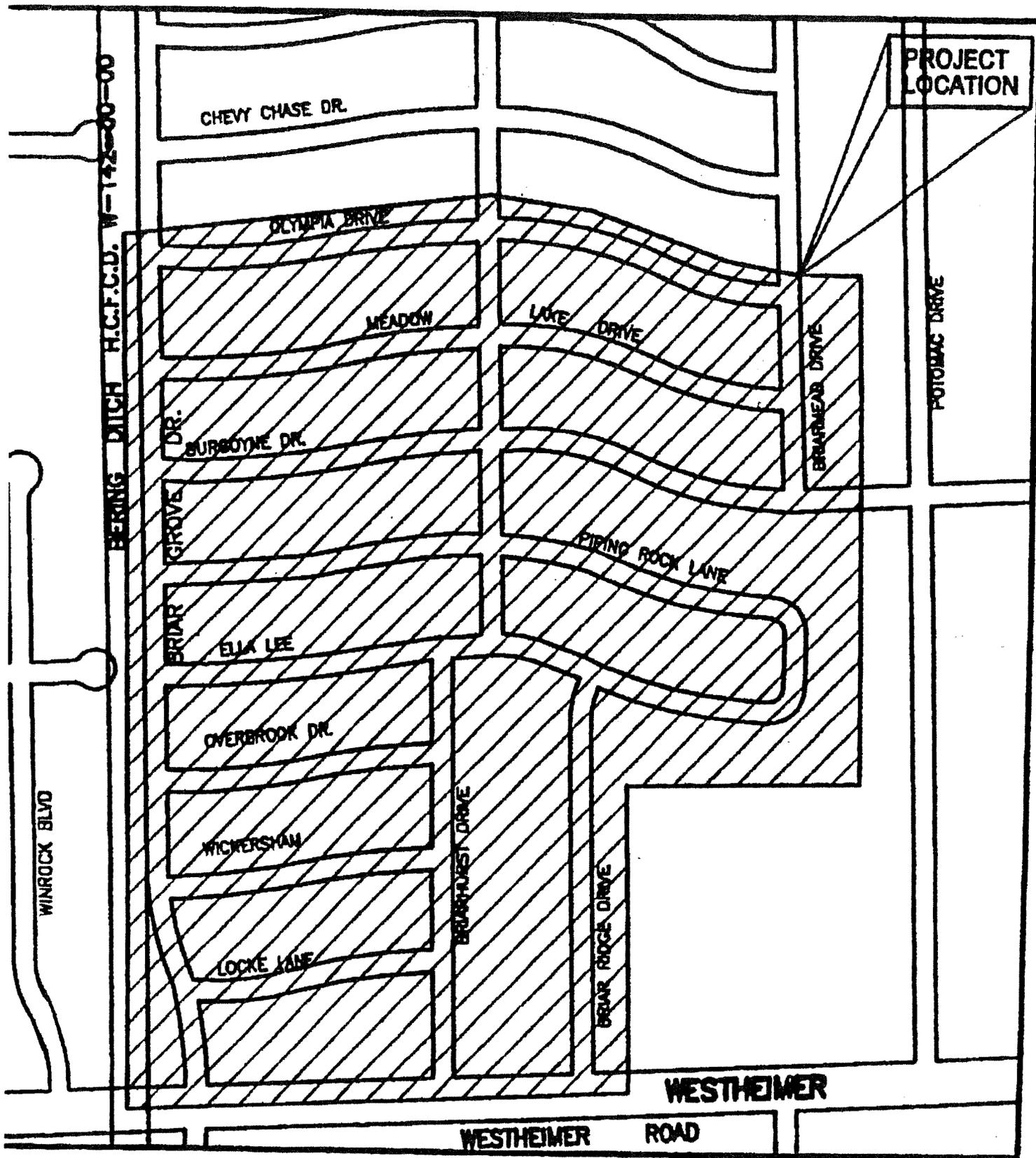
Note: This form is used only when the Contractor failed to reach the MWDBE goal but you still give a Satisfactory rating.

CONTRACT COMPLIANCE SECTION

List of Subcontractors Used

Project #/Description: NSR #436B - Briargrove Subdivision Area, Phase III. N-000368-0003-4. #4600004824
Prime Contractor: JFT Construction, Inc. MWDBE Goal: 17%
Contract Amount: \$8,796,755.00 **Actual Utilization:** 15.86%
Final Amount: \$9,549,916.50 **Date Cleared:** December 26, 2008 **CCO:** Donald W. Black

All Non-MWDBE Subcontractors	Amount	All MWDBE Subcontractors	Amount
Campbell Concrete	\$0.00	Bedo Construction Products, Inc.	\$161,335.00
Precast Systems, Inc.	\$0.00	C. Sanchez Trucking	\$143,640.00
Shepler's	\$136,791.00	Central Texas Hauling	\$219,795.00
Martin Marietta Materials	\$41,902.00	MMM Construction Products, Inc.	\$553,025.00
Dorsett Brothers Concrete Supply	\$0.00	Perez Construction Company	\$9,325.00
Gamma Contracting Services	\$0.00	Two-Way Barricade Equipment Sale & Rental, Inc.	\$427,100.00
		Total:	\$1,514,220.00



VICINITY MAP

KEY MAP No. 491S

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT Sale of ±16,807 square feet of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59, located in the Neuen Manor Addition, out of the Michael Cronican Survey, A-219. Parcel SY9-033	Page <u>1</u> of <u>2</u>	Agenda Item # 13
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-27-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCÉE, Director	Council District affected: A  Key Map 450Q
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For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary) It is recommended City Council approve a council motion authorizing the sale of ±16,807square-feet of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59, located in the Neuen Manor Addition, out of the Michael Cronican Survey, A-219. **Parcel SY9-033**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

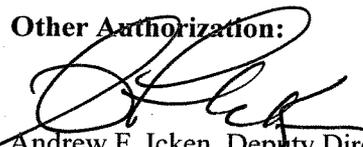
Nelson Wiggins, 1651 Blalock, Houston, Texas, 77080, requested the sale of ±16,807square-feet of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59, located in the Neuen Manor Addition, out of the Michael Cronican Survey, A-219. Nelson Wiggins, the abutting property owner, plans to develop the parcel for commercial manufacturing or retail use. As this portion of Blalock Drive is not paved as a public street, the posting of signs is not required.

By deed dated December 29, 1964 the City acquired ±26,482 square feet of land consisting of Lot 56, Block 59, for Blalock Drive. Approximately ±9,675 was used for the construction of Blalock Drive, leaving a remainder of ±16,807. The City no longer requires this excess fee-owned right-of-way and determined that it can be abandoned and sold to the abutting property owner.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City sell ±16,807square-feet of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59, located in the Neuen Manor Addition, out of the Michael Cronican Survey, A-219;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the fee-owned land being abandoned and sold;
4. The applicant be required to maintain 100 feet of right-of-way for Blalock and to replat the property if anything is to be constructed over parcel lines;
5. The Legal Department be authorized to prepare the necessary transaction documents; and,

s:\gg\sy9-033.rc1.doc CUIC #20GG9036

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

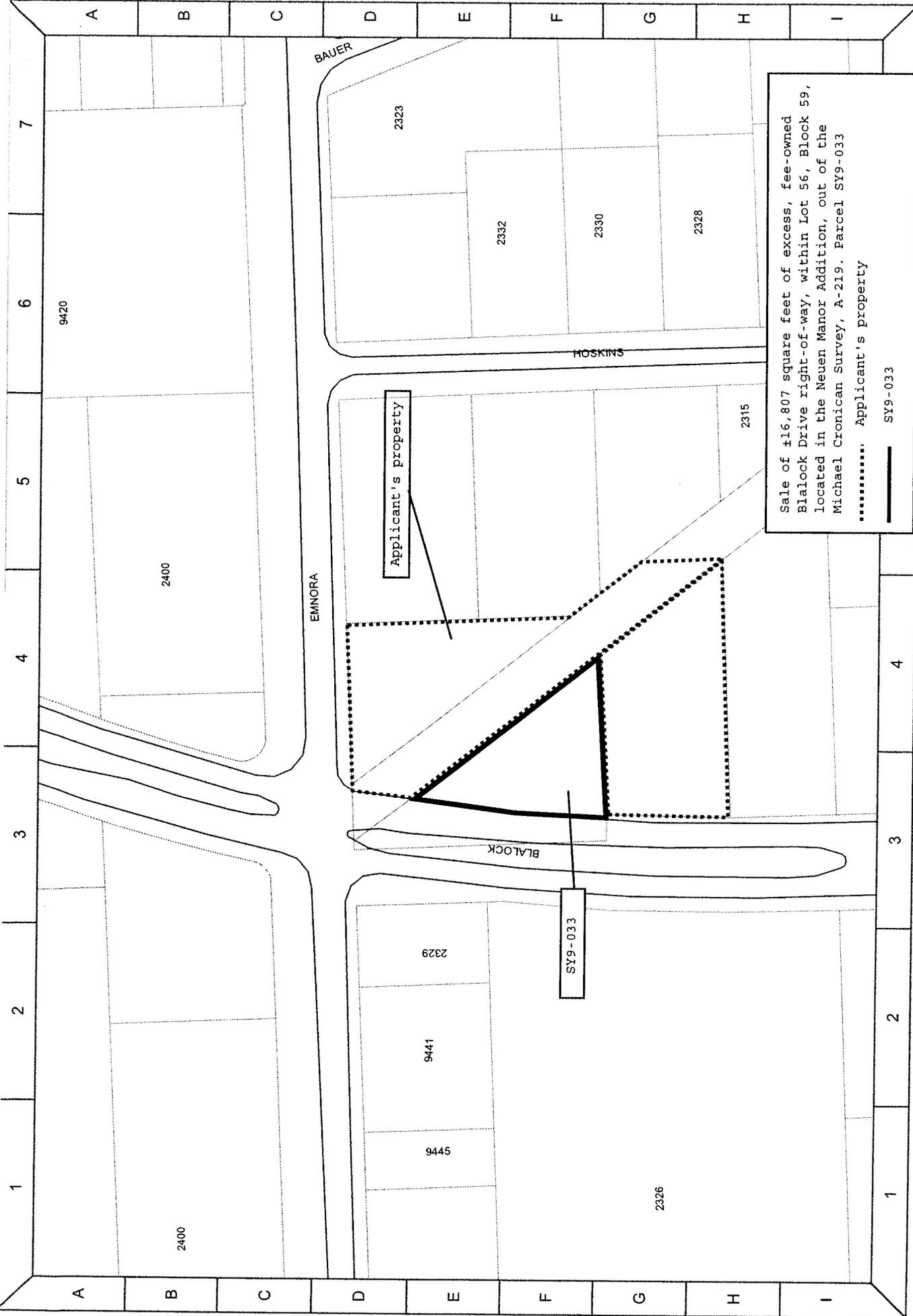
13 Revised pg 2 (P)

Date:	Subject: Request for the Sale of ±16,807 square feet of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59, located in the Neuen Manor Addition, out of the Michael Cronican Survey, A-219. Parcel SY9-033	Originator's Initials GG	Page <u>2</u> of <u>2</u>
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6. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Steven Duplantis, an independent appraiser appointed by the Director of Public Works and Engineering. ~~ST~~

NPC:WSB:gg

- c: Phil Boriskie
- Jun Chang, P.E.
- Raymond D. Chong, P.E., PTOE
- Marlene Gafrick
- Daniel Menendez, P.E.
- Arturo G. Michel
- Marty Stein



Sale of 16,807 square feet of excess, fee-owned Blalock Drive right-of-way, within Lot 56, Block 59, located in the Neuen Manor Addition, out of the Michael Cronican Survey, A-219. Parcel SY9-033

..... Applicant's property

————— SY9-033



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

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



1 inch equals 130 feet
 0-10203040
 Feet

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for the abandonment and sale of Dickson Street from the west line of Lot 7, Block 1, east to its terminus and a 10-foot wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a cul-de-sac located at the terminus of Dickson Street, all located in the John Austin Survey, A-1. Parcel SY9-012A, SY9-012B, and AY9-023	Page <u>1</u> of <u>2</u>	Agenda Item # 14
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: H Key Map: 492M
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For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of Dickson Street from the west line of Lot 7, Block 1, east to its terminus and a 10-foot wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a cul-de-sac located at the terminus of Dickson Street, all located in the John Austin Survey, A-1. Parcel SY9-012A, SY9-012B, and AY9-023

Amount and Source of Funding: Not Applicable	
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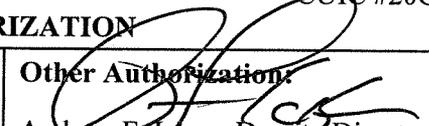
SPECIFIC EXPLANATION:
Heather Guillen, Walter P. Moore and Associates, 1301 McKinney, Suite 1100, Houston, Texas, 77010, on behalf of LUI2 Houston Waugh, L.P [LUI2 Houston Waugh GP, LLC (Thomas G. Bacon, Manager), General Partner], requested the abandonment and sale of Dickson Street, from the west line of Lot 7 east to its terminus and a 10-foot wide prescriptive sanitary sewer easement located in the John Austin Survey, A-1. LUI2 Houston Waugh, LP, the abutting property owner, plans to expand the parking lot that serves the office building at 100 Waugh Drive. Signs were not posted since the street is very narrow and serves only the applicant.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request subject to the conveyance to the City of a cul-de-sac located at the terminus of Dickson Street. Therefore, it is recommended:

1. The City abandon and sell Dickson Street, from the west line of lot 7 east to its terminus, and a 10-foot wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a cul-de-sac located at the terminus of Dickson Street, all located in the John Austin Survey, A-1;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to: (a) cut, plug, and abandon the active 6-inch to 8-inch water main that occupies Dickson Street, from the western boundary of the proposed abandoned right of way east (approximately 280 feet) to its terminus; (b) install a fire hydrant at the new terminus of the 8-inch water main; (c) cut, plug and abandon or convert to private service the active 8-inch sanitary sewer that occupies Dickson Street, from the 15-inch sanitary sewer located at the intersection of Jackson Hill Street and Dickson Street (approximately 730 feet east and south) to the southeast corner of Lot 12 of the Mary L. Morris Addition; (d) install a backend manhole at the new terminus of the 8-inch sanitary sewer. Because the directional flow of the existing sanitary sewer in Dickson Street is to the east, a new 8-inch sanitary sewer with a westerly flow must be installed in the remainder of Dickson Street (approximately 300 feet) connecting to the existing 15-inch sanitary sewer in Jackson Hill and a backend manhole must be installed at the terminus of the new sanitary sewer and transfer all services. All of the foregoing items must be completed at no cost to the City and under the proper permits;

gglsy9-012.rcl.doc CUIC #20GG8981

REQUIRED AUTHORIZATION

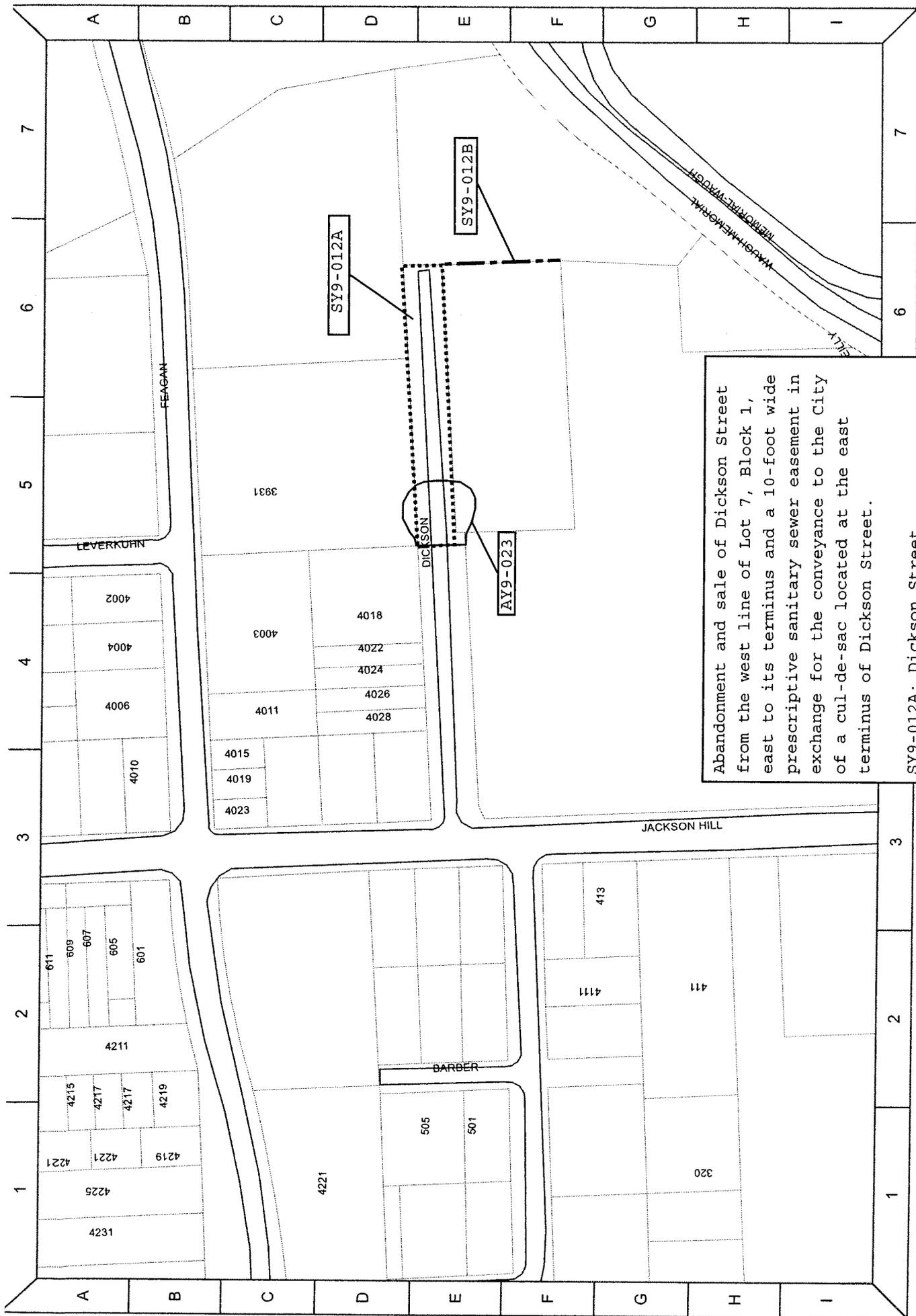
Finance Department:	Other Authorization:	Other Authorization:  Andrew F. Iken, Deputy Director Planning and Development Services Division
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Date:	Subject: Request for the abandonment and sale of Dickson Street, from the west line of lot 7 east to its terminus, and a 10-foot wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a cul-de-sac located at the terminus of Dickson Street, located in the John Austin Survey, A-1. Parcel SY9-012A, SY9-012B, and AY9-023	Originator's Initials	Page <u>2</u> of <u>2</u>
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4. The applicant be required to prepare drawings that show all public utilities (sanitary sewer and water) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;
5. The applicant be required to: (1) eliminate the public street appearance of the section of Dickson Street being abandoned by installing a gate, fence, or Type 3 barricade at the new dead end point, and (2) construct a cul-de-sac at the new terminus of Dickson Street;
6. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 3 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
3. The Legal Department be authorized to prepare the necessary transaction documents; and,
4. Inasmuch as the value of the property interests is not expected to exceed \$1,000,000 that the value be established by John Chambliss, an appraiser appointed by the Director of Public Works and Engineering.

NPC:WSB:gg

- c: Phil Boriskie
 Jun Chang
 Marlene Gafrick
 Daniel Menendez, P.E.
 Arturo G. Michel
 Marty Stein

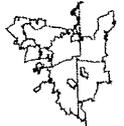


Abandonment and sale of Dickson Street from the west line of Lot 7, Block 1, east to its terminus and a 10-foot wide prescriptive sanitary sewer easement in exchange for the conveyance to the City of a cul-de-sac located at the east terminus of Dickson Street.

SY9-012A: Dickson Street
 SY9-012B: Prescriptive sanitary sewer
 AY9-023 : Cul-de-sac



1 inch equals 130 feet



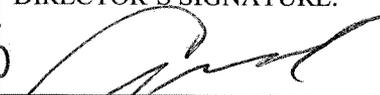
Dep. Geographic Information & Management System (GIMS)

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

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY6-037; City of Houston v. Barbara Schumann & Sherra Williams, et al., Cause No. 892,621; Long Point @ Wirt Intersection Improvements Project (Pine Chase - Johanna) WBS/CIP No. N-000674-0001-2-01-01; Legal Department File No. 052-9500007-070;	Page 1 of 2	Agenda Item # 15
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FROM (Department or other point of origin): Legal Department - Real Estate Division Arturo Michel, City Attorney	Origination Date 01/07/09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: 	Council District affected: "A" Toni Lawrence; Key Map #451S
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For additional information contact: Russell G. Richardson <i>RGR</i> Phone: 832.393.6285 (alternatively Joseph N. Quintal 832.393.6286) <i>JNQ</i>	Date and identification of prior authorizing Council action: Motion #2008-0679, psd. 9/3/08; BAO# 2005-397, psd. 4/20/05;
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RECOMMENDATION: (Summary)
That the City Attorney be authorized, by Motion, to settle this eminent domain lawsuit for \$118,000.00, being \$25,000.00 more than the amount of the Award of Special Commissioners, and pay the costs incurred by the City during trial preparation.

Amount and Source of Funding:
\$36,257.00; No appropriation needed as funding will be provided by a previously approved Appropriation Ordinance No. 2005-397, psd. 4/20/05. Street & Bridge Consolidated Construction Fund No. 437; SAP Fund No. 4506

SPECIFIC EXPLANATION:

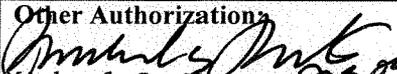
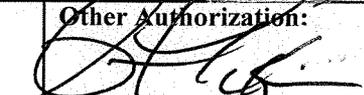
The Long Point at Wirt Intersection Improvements Project (Pine Chase - Johanna) will improve access and traffic flow. The project will provide for the reconstruction of Long Point Road in multiple phases. The initial phases will include redesign of the intersections at Antoine, Wirt and Bingle.

This eminent domain proceeding involves the acquisition of a permanent easement containing 1,019 square feet (0.0234 acre) of land located at 7901 Long Point, being the southwest corner of Long Point and Wirt. The property is owned by Barbara Schumann and Sherra Williams and is being utilized as a Chevron self service gasoline station and convenience store. The property is under a long term lease. This matter was referred to the Legal Department to commence eminent domain proceeding after effort to purchase the property failed for monetary reasons.

City's Testimony Before the Special Commissioners: \$73,460.00 (i.e. \$40.00 psf for the land being acquired; \$27,700.00 for the improvements thereon; \$5,000.00 as damage to the remainder)

Landowners' Testimony Before the Special Commissioners: \$2,200,000.00 (using various theories of damages and costs to cure)

Award of Special Commissioners: \$93,000.00. The landowners' attorney and the tenant's attorney have both filed Objection to the Award of Special Commissioners and the matter is now on the Court's trial docket. The City deposited the amount of the Award of Special Commissioners into the registry of the Court on September 8, 2008 in order to gain legal possession of the land for construction purposes.

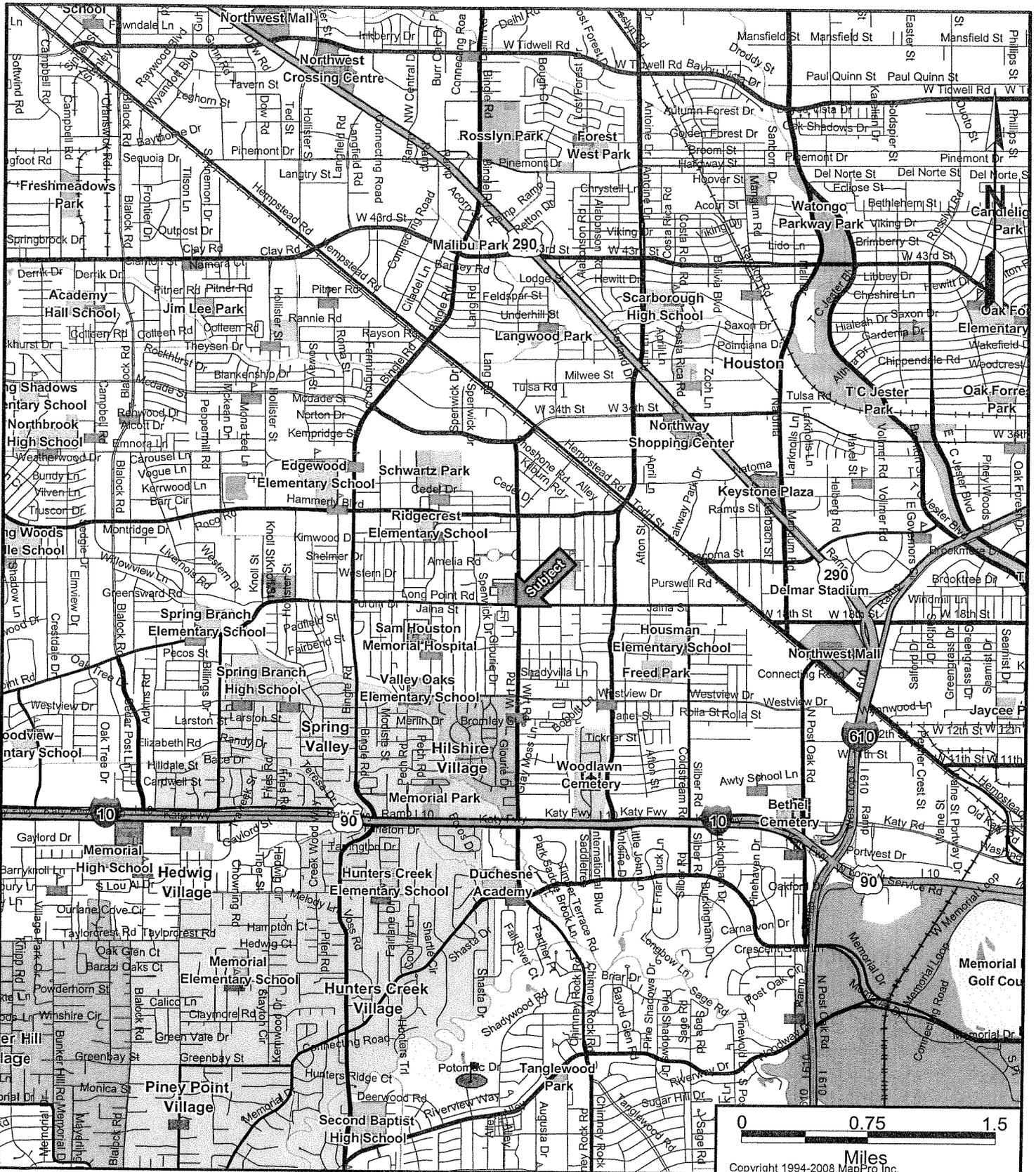
h:\mark\chevronrcasettlement.wpd		
REQUIRED AUTHORIZATION		
Other Authorization:	Other Authorization:  Michael S. Marcotte, P.W.E. Director, P.E., D.WRE, BCEE	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division

Date 01/07/09	SUBJECT: Parcel AY6-037; Barbara Schumann & Sherra Williams, Long Point @ Wirt Intersection Improvements Project; L.D. No. 052-9500007-70;	Originator's Initials RGR/JNQ	Page __2__ of __2__
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The parties initiated pre-trial discovery, designated trial witnesses and began trial preparation. During Court ordered mediation, the parties were able to reconcile their monetary differences and arrive at a proposed settlement of all issues and matters in controversy, subject to City Council's approval. The proposed settlement requires the City to pay the additional sum of \$25,000.00 for damages to the remainder occasioned by the City's taking. The City incurred trial preparation expenses (i.e. appraisal & land planner) totaling \$11,257.00 and these costs account for the monetary difference between the amount needed to settle this lawsuit and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to settle this eminent domain lawsuit for the total consideration of \$118,000.00, being \$25,000.00 more than the amount of the Award of Special Commissioners, and pay the costs incurred by the City during trial preparation. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Location Map



CAUTION:

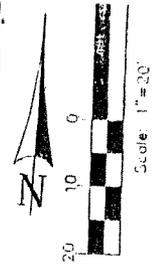
The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

**WILLIAM TROTT SURVEY
A-168**

PRIMARY COMPUTER
SERVICE, INC.
0.2296 ACRE
FILE NO. US82039
F.C. NO. 534-23-1641

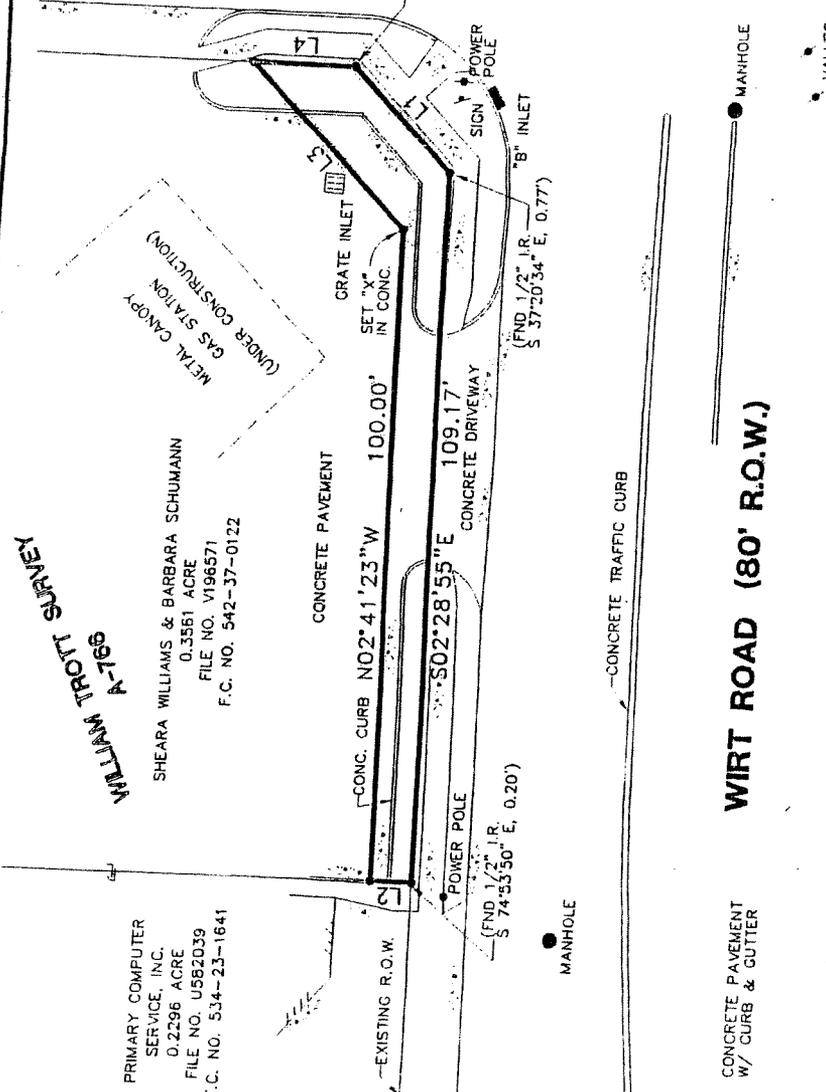
SHEARA WILLIAMS & BARBARA SCHUMANN
0.3561 ACRE
FILE NO. V196571
F.C. NO. 542-37-0122

**LONG POINT ROAD
(R.O.W. VARIES)**



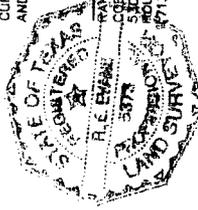
SHEARA WILLIAMS &
BARBARA SCHUMANN
0.3561 ACRE
FILE NO. V196571
F.C. NO. 542-37-0122

PARCEL AY6-037
P.O.B.
(FND 1/2" I.R.
S 45°44'12" E, 1.83')
X=3,083,411.82
Y=13,857,603.80



SURVEYOR'S CERTIFICATION

IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON NOVEMBER 2, 2004, AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.



RANDI E. EVANS, R.P.L.S. NO. 5373
COBB, FENDLEY & ASSOCIATES
5300 HOLLISTER, SUITE 400
HOUSTON, TEXAS 77040
(713)462-3242

**CITY OF HOUSTON
PUBLIC WORKS AND
ENGINEERING DEPARTMENT**

01/21/06

Randy Schumacher
RIGHT OF WAY
CITY ENGINEER

KEY MAP NO. 4515	GIMS MAP NO. 4885-D-555
PARCEL NO. AY6-037	ACCEPTED STANDARD FILE
SCALE: 1"=20'	9556R
DATE: JULY 28, 2005	CITY DRAWING
CIP NO. N-0674	HOUSTON, TEXAS
GFS NO. N-0674-01-2	
FILE NO. 5B9088	
SHEET 4 OF 16	

LINE TABLE

LINE	BEARING	DISTANCE
L1	S47°18'37"E	22.53'
L2	S88°04'37"W	6.43'
L3	N47°18'23"W	35.59'
L4	N88°04'37"E	16.00'

EXISTING	TAKING	REMAINING
0.3561 AC.	0.0234 AC.	0.3327 AC.
	1019 SQ.FT.	

**PARCEL AY6-037
SHOWING PROPERTY OF
SHEARA WILLIAMS &
BARBARA SCHUMANN**

4 of 17

WIRT ROAD (80' R.O.W.)

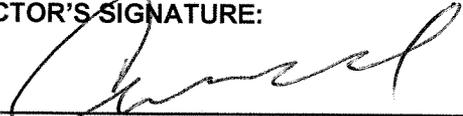
EXISTING R.O.W.

Notes:

- All coordinates and bearings recited herein are referenced to City of Houston CURS. Distances and coordinates are in feet. All distances and bearings may be converted to grid values by multiplying by a combined scale factor of 0.999893065.
- A property description of even date was prepared in conjunction with this parcel plat.
- Indicates set 5/8-inch iron rod with cap marked: Cobb, Fendley & Associates, unless noted otherwise.
- All improvement information shown herein is based on an "on-the-ground" survey under the supervision of Cobb, Fendley & Associates since the date of the field survey. Improvements may have been added or deleted.

SUBJECT: Parcel AY5-042; <i>City of Houston v. Union Pacific Railroad Company, a Delaware corporation, et al.</i> , Cause No. 908,309; Heritage Corridor Bayou Trails East Hike & Bike Trail Project (WBS No. N-000420-0017-2-01); L.D. File No. 052-9700046-007	Category #	Page 1 of 2	Agenda Item # 16
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FROM (Department or other point of origin): Legal Department, Real Estate Division Arturo G. Michel, City Attorney	Origination Date 01/30/09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: 	Council District affected: "H" (K.M.# 493M)
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For additional information contact: Russell G. Richardson <i>RGR</i> Phone: 832.393.6285 <i>D3H</i> (alternatively Joseph N. Quintal @ 832.393.6286)	Date and identification of prior authorizing Council action: Mot.#2007-0114, psd. 01/31/07; Ord.#2006-729, psd. 06/28/06
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RECOMMENDATION: (Summary)

That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners, being \$239,680.00, into the registry of the Court, pay all costs of Court and withdraw the City's objections to the Award.

Amount of Funding: \$240,752.00; No additional funding required. (covered under blanket Appropriation Ordinance No. 2006-729; WBS# N-00420B-00RE-2-01)	FIN Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Street and Bridge Consolidated Construction Fund 437; SAP Fund No. 4506

Other (Specify) Blanket Appropriation Ordinance No. 2006-729, psd. 06/28/06

SPECIFIC EXPLANATION:

The Heritage Corridor Trails East Hike & Bike Trail Project will provide a safer route of travel for bicyclist and/or hikers away from street traffic. Various trails will encourage an alternative method of commuting within the City.

The City's final offer of \$239,680.00 (i.e. \$70.00 psf) was accepted by the landowner's representative, but title issues and other factors precluded the purchase of the needed property and the matter was referred to the Legal Department to initiate condemnation proceedings.

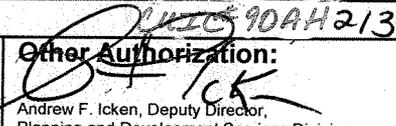
Landowner: Union Pacific Railroad Company, a Delaware corporation

Project: Heritage Corridor Trails East Hike & Bike Trail Project

Property: Parcel AY5-042; 3,424 s.f. (0.0786 acre); fee simple title

City's Testimony for the Special Commissioners: \$239,680.00
 (i.e. \$70.00 sf for the property interest being acquired, no improvements situated thereon and/or damages to the remainder).

Agreed Award of Special Commissioners: \$239,680.00 or the same amount as the City's offer to purchase. The Legal Department filed Objections to the Award to preserve the City's legal and procedural options pending City Council's consideration and approval of this matter.

h:\mark\uprrcahh&b.wpd REQUIRED AUTHORIZATION		
FIN Director:	Other Authorization: Michael S. Marcotte, PW&E Director, P.E., D.WRE, BCEE	Other Authorization:  Andrew F. Icken, Deputy Director, Planning and Development Services Division

Date 01/29/09	Subject: Parcel AY5-042; <i>City of Houston v. Union Pacific Railroad Company, et al</i> ; Heritage Corridor Trails East Hike & Bike Trail Project (WBS No. N-000420-0017-2); L.D. File No. 052-9700046-007	Originator's Initials RGR	Page 2 of 2
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The "**Costs of Court**" are as follows, to wit: \$172.00 Filing fee; \$900.00 Special Commissioners' fees (i.e. \$300.00 x 3); \$0.00 Appraiser's fee; \$0.00 service costs; **Total: \$1,072.00**. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds being requested herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners, being \$239,680.00, into the registry of the Court, pay all costs of Court and withdraw the City's objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8165

Subject: Formal Bids received for Used Passenger Loading Bridges and Associated Equipment for the Houston Airport System. Project No. 417T (WBS # A-000141-0009-4-01) S48-N23099

Category #
4

Page 1 of 1

Agenda Item

17-17A

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

Origination Date
January 30, 2009

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
1

For additional information contact:
Richard Hrachovy Phone: (281) 230-8002
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$9,985,076.00 out of the HAS Airports Improvement Fund (8011) and approve the purchase of used passenger loading bridges and associated equipment for the Houston Airport System.

Award Amount: \$9,985,076.00

Finance Budget

[Signature]

\$9,985,076.00 - Airports Improvement Fund (8011) - CIP No. A-0141.38

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$9,985,076.00 out of the HAS Airport Improvement Fund (8011). It is further recommended that City Council approve an award to Southwest Airlines Company on its sole bid in the amount of \$9,985,076.00 for used passenger loading bridges and associated equipment to be located at William P. Hobby Airport and that authorization be given to issue a purchase order.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Three potential bidders downloaded the solicitation document from SPD's e-bidding website but only one bid was received. The bid price submitted by Southwest Airlines is considered fair and reasonable as it is approximately 3% lower than the Department's estimates for this project.

This purchase includes twenty (20) used passenger loading bridges, pre-conditioned air handling equipment, packaged air-cooled and liquid chillers, piping systems and 400Hz power distribution.

This action provides that HAS Airports Improvement Fund monies used to fund this Project No. 417T be reimbursable from Commercial Paper Notes or bond proceeds at a later time.

Buyer: Irina Chong

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

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NO

17-17A

CITY OF HOUSTON

INTEROFFICE CORRESPONDENCE

TO: Marty Stein
Agenda Director
Mayor's Office

FROM: Director of Aviation
Houston Airport System

DATE: February 16, 2009

SUBJECT: Passenger Loading Bridges
Procurement

The current Passenger Loading Bridge (PLB) operations model at William P Hobby Airport (HOU), in which Southwest Airlines (SW) owns and operates 20 bridges and the City owns and operates 5 bridges, is a result of the originally planned dual-concourse Terminal Renovation and Expansion Program (TREP) concept. Under this concept, SW was to lease an entire 20-gate concourse and other airlines were to lease a separate 12-gate concourse.

As the economic conditions and traffic projections declined in the aftermath of 9/11, the TREP concept was downscaled to a single concourse with 25 gates. Under the downscaled concept, SW currently leases 17 gates, other airlines lease 5 gates, and the remaining 3 gates remain available for future air service development.

In order to provide maximum airport operations flexibility at a single, shared concourse, it is the best interest of the City to own all the bridges, which can then serve all gates, regardless of the airline utilizing the gate. The procurement of used PLBs from SW will ensure optimal gate operations management at HOU by providing the City with the ownership and flexibility to lease the equipment to all airlines.



Richard M. Vacar

RMV:am

cc: Anthony W. Hall, Jr.

**CITY OF HOUSTON
INTEROFFICE CORRESPONDENCE**

TO: Velma Laws
Director
Mayors Office of Affirmative Action

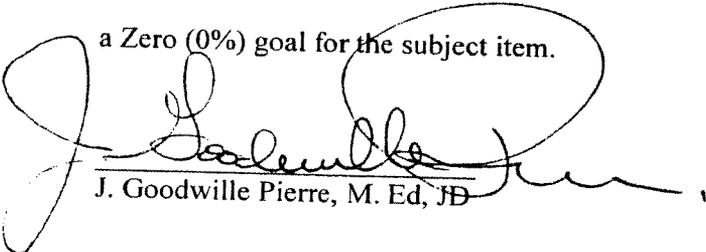
FROM: J. Goodwille Pierre
Manager-Small Business
Development and Contract
Compliance
Houston Airport System

DATE: February 18, 2009

SUBJECT: Approval of 0% Goal for the
Purchase of Passenger Loading
Bridges.

The Houston Airport System (HAS) is recommending awarding the purchase of twenty (20) used passenger loading bridges from Southwest Airlines. The formal bid advertisement stipulated an 11% MWBE goal for this purchase for installation only if and only if installation became necessary to fulfill the contract, otherwise the purchase would have a zero (0%) goal. Southwest Airlines was the only bid received. The passenger loading bridges are currently installed at the Southwest Airlines gates at William P. Hobby Airport. Therefore, no installation is required and there are no subcontracting opportunities.

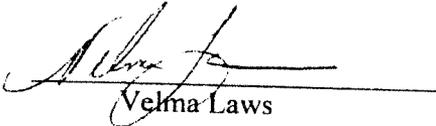
Because there is no opportunity for MWBE participation on this purchase, the Houston Airport System is requesting approval from the Mayor's Office of Affirmative Action and Contract Compliance of a Zero (0%) goal for the subject item.


J. Goodwille Pierre, M. Ed, JD

Read and Approved

JGP:jgp

cc: Dallas Evans
Phil Parker


Velma Laws

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8229

Subject: Approve an Appropriating Ordinance and Approve the Purchase of Uninterruptible Power Supply Units, Natural Gas Generators and Transfer Switch through the City's Master Agreement with the Texas Department of Information Resources

Category #
4

Page 1 of 1

Agenda Item

18-18A

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

Origination Date
February 26, 2009

Agenda Date

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Richard Lewis Phone: (832) 393-0082
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an appropriating ordinance and approve the purchase of uninterruptible power supply units, natural gas generators and automatic transfer switch in the total amount of \$911,715.40 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Award Amount: \$911,715.40

Finance Budget

\$911,715.40 - General Improvement Consolidated Construction Fund (Fund 4509)
WBS D-000119-0002-5-01-01

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$911,715.40 out of the General Improvement Consolidated Construction Fund (Fund 4509). It is further requested that City Council approve the purchase of uninterruptible power supply (UPS) distribution units, natural gas generators and an automatic transfer switch through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department (ITD), and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, Flair Data Systems, Inc. and Hewlett Packard Company.

The scope of work requires the contractors to provide UPS distribution units, natural gas generators, and an automatic transfer switch that will replace the existing UPS distribution units that have been in use for 14 years. This equipment will also provide redundant support for future technical hardware installations at the facility located at 1400 Lubbock that will be remolded into three distinct areas (CORE, Enterprise and Departmental). The current UPS system does not provide the capacity or the redundancy for power requirements of the reconstructed facility.

Flair Data Systems: ^{INC.} Approve the purchase of four (4) UPS power distribution units and two (2) static UPS units in the amount of \$476,785.00.

Hewlett-Packard Company: Approve the purchase of two (2) standby natural gas generators and one (1) automatic transfer switch in the amount of \$434,930.40.

The UPS units will come with a three-year warranty and the life expectancy is approximately 10 years.

Buyer: Murdock Smith

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

(2) NDT

18-18A

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8218

Subject: Formal Bids Received for Installation of Netting, Poles and Associated Materials for the Parks and Recreation Department S50-C23104

Category #
4

Page 1 of 2

Agenda Item

19

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

Origination Date
January 22, 2009

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE

MS Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Daniel Pederson Phone: (713) 865-4507
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to America's Nationwide Netting, Inc. in its low bid amount of \$194,500.00 and contingencies (5% for unforeseen changes within the scope) in the amount of \$9,725.00 for a total amount not to exceed \$204,225.00 for the installation of netting, poles and associated materials for the Parks & Recreation Department.

Award Amount: \$204,225.00

Finance Budget

F

\$204,225.00 - Park Special Revenue Fund (2100)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to America's Nationwide Netting, Inc. on its low bid in the amount of \$194,500.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$9,725.00 for a total amount not to exceed \$204,225.00 for installation of netting, poles and all associated materials for the Parks & Recreation Department. The City Purchasing agent may terminate this contract at any time upon 30-days written notice to the contractor, should termination become necessary. This contract will be used to repair the damaged netting at four City of Houston golf courses.

This bid was advertised in accordance with the requirements of the State bid laws and five bids were received as itemized below.

<u>Company</u>	<u>Total Amount</u>
1. America's Nationwide Netting, Inc	\$194,500.00
2. Golf Range Netting	\$221,000.00
3. West Coast Netting, Inc	\$225,000.00
4. Net Connections, LLC	\$235,900.00
5. Forenet, Inc.	\$245,500.00

The scope of work requires the construction contractor to furnish all labor, equipment, materials, supervision, transportation and repair of golf course netting, poles and all associated materials at four of the City of Houston golf courses. At Memorial Golf Course, the contractor shall remove ten wooden poles, damaged torn barrier netting and 2' chain-link fencing at the base of the netting; install twelve steel poles, new barrier netting and new vinyl coated chain-link fencing along the bottom of the netting. The contractor shall also straighten and realign all poles along the east side of the driving range, remove damaged netting and install new barrier netting. At Sharpstown, Brock, and Hermann golf courses, the contractor shall be required to straighten and realign all poles, remove all damaged or torn barrier netting and 2' chain-link fencing at base of netting that cannot be repaired and install new barrier netting and vinyl coated chain-link fencing, as

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MS

Date: 2/18/2009	Subject: Formal Bids Received for Installation of Netting, Poles and Associated Materials for the Parks and Recreation Department S50-C23104	Originator's Initials AL	Page 2 of 2
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necessary. In those instances where tree limbs, either living or dead, have grown into or through netting, the contractor shall be required to trim the branches back to a distance of at least six feet from all netting. Materials and workmanship are warranted for two years upon completion and acceptance of work. The contractor shall have 45 calendar days to complete this project after receipt of the notice to proceed.

Pay or Play Program

The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

Buyer: Arturo Lopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8187

Subject: Formal Bids Received for the Automotive, Police Car Decals for the Police Department
S06-S23100

Category #
4

Page 1 of 1

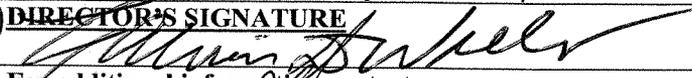
Agenda Item

20

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

Origination Date
February 04, 2009

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE


Council District(s) affected
All

For additional information contact:
Joseph Fenninger Phone: (713) 308-1708
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Graphic Designs International, Inc. on its low overall bid in an amount not to exceed \$545,241.30 for automotive police car decals for the Police Department.

Estimated Spending Authority: \$545,241.30

Finance Budget

\$545,241.30 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Graphic Designs International, Inc. on its low overall bid in an amount not to exceed \$545,241.30 for automotive police car decals for the Police Department. It is further requested that authorization be given to make purchases, as needed, for a 36-month period with two one-year options to extend, for a total 60-month term. This award consists of various automotive decals and graphic kits. This award also includes miscellaneous materials and an artwork labor component for new decals that may be needed in the future.

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

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Graphic Designs International, Inc.	\$545,241.30
2. International Nameplate Supplies	\$684,768.80
3. Visual Image Systems	\$934,243.20

- Due to the disparity between the bids, Strategic Purchasing spoke with a representative of Graphics Designs International, Inc. to discuss and review the scope of work for this project. Graphic Designs International, Inc.'s representative stated that its bid includes all cost associated with performing the work called for in the bid specifications. Based on the aforementioned, Strategic Purchasing and the affected Department are confident that the recommended company can perform the specified work for the price bid.

Buyer: Tywana L. Rhone

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

Estimated Spending Authority

DEPARTMENT	FY2009	OUT YEARS	TOTAL
Police	\$55,774.13	\$489,467.17	\$545,241.30

REQUIRED AUTHORIZATION

Finance Department:

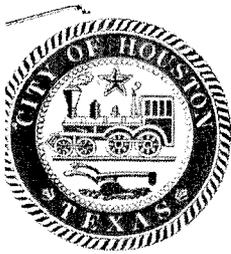
Other Authorization:

Other Authorization:

65CDW 0107A

MT

1502



CITY OF HOUSTON

Interoffice

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: Tywana Rhone

Date: May 13, 2008

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal: Yes No Type of Solicitation: Bid Proposal

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No

I am requesting a **revision** of the MWBE Goal: Yes No Original Goal: _____ New Goal: _____

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

Solicitation Number: S22830 / ^{Replaced with} 23100 Estimated Dollar Amount: \$585,933.00

Anticipated Advertisement Date: 5/23/2008 Solicitation Due Date: 6/12/2008

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

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

Name and Intent of this Solicitation:

To provide automotive police car decals for the Houston Police Department vehicles.

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

There are no existing opportunities for M/WBE participation, as these products are produced from specialty-make inks and print-design equipment, and are produced by a small number of Suppliers. The Suppliers design, print, and drop ship these orders directly to the end users. The existing award has a zero-percent sign-off goal with references to S20843. (See attached)

Concurrence:

Tywana Rhone
SPD Initiator

Desiree Heath
Division Manager

Robert Gallegos
Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

RECEIVED

MAY 15 2008

City of Houston
Strategic Purchasing Division

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8209

Subject: Purchase of a High-Capacity Cashier Remittance Processing System and Software for the Public Works & Engineering Department S17-H23144

Category #
4 & 5

Page 1 of 2

Agenda Item

21

FROM (Department or other point of origin):

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

Origination Date

February 19, 2009

Agenda Date

MAR 04 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of high-capacity cashier remittance processing system and software in the total amount of \$340,936.29 through the City's Intergovernmental Agreement with the County of Fairfax, VA. for computer products and services for the Public Works & Engineering Department.

Award Amount: \$340,936.29

Finance Budget

\$157,777.99 - Combined Utility System General Purchasing Fund (8305)
\$183,158.30 - Water & Sewer System Operating Fund (8300)

\$340,936.29 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of high-capacity cashier remittance processing system and software in the total amount of \$340,936.29 for the Public Works and Engineering Department (PW&E) through the City's Intergovernmental Agreement with the County of Fairfax, VA. for computer products and services under section 791.025 of the Government Code and that authorization be given to issue a purchase order to the U.S. Communities Government Purchasing Alliance contractor, GTSI, Corp.

The scope of work requires GTSI, Corp. to provide the implementation and installation services of the Netvantage-Pure Pay console system and proprietary software (NPPCSS) that will replace the existing 12 year old cashier remittance processing system located at 4200 Leeland. The NPPCSS will be used to transport utility customer's bills, checks, and other payment documents to a conveyor at a speed greater than 200 documents per minute compared to the existing system that processes approximately 30,000 mailed in water/wastewater payments daily. The NPPCSS will also separate, endorse, photo copy, and print the customer account numbers on the back of the documents. Additionally, the NPPCSS will operate in conjunction with console system to read characters on checks and bills, redirect unidentified characters/images for operator corrections, assign payment to the customer's account balance and prepare a file for the customer's balance updates.

The software will come with a 30-day warranty and the hardware will come with a 90-day warranty with a life expectancy of seven years. The purchase will provide for 5 years of extended hardware and software maintenance upon expiration of the standard warranty period. The maintenance will consist of a customer support number and online web site five days per week, eight hours per day, CST with a two-hour response time for emergencies and 4-hour normal response time. Two additional one-year options are available.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

65CDW 8209-R
Murdock Smith III
22609

MST

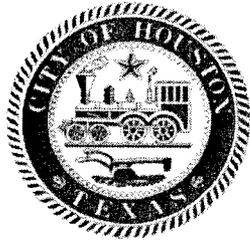
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Date: 2/19/2009	Subject: Purchase of a High-Capacity Cashier Remittance Processing System and Software for the Public Works & Engineering Department S17-H23144	Originator's Initials MS	Page 2 of 2
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Attachment: M/WBE Zero Percentage Goal Document approved by Affirmative Action Division.

Estimated Spending Authority

Department	FY09	Out Years	Total
Public Works & Engineering	\$215,930.65	\$125,005.64	\$340,936.29



Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance

Council Member James Rodriguez
CHAIR
District I

Jarvis Johnson
District B

Wanda Adams
District D

Sue Lovell
At Large Position 2

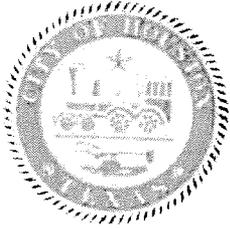
Jolanda Jones
At Large Position 5

COMMITTEE REPORT **February 23, 2009**

1. Welcome & Call to Order – James G. Rodriguez, Chair
2. Update on the Kossman lawsuit – Legal department *(Report only – no action taken)*
3. MWBE Overview – Affirmative Action and Contract Compliance Department *(Report only - no action taken)*
4. Discussion of various upcoming Requests for Council Action as to 0% MWBE goals or performance below the contract goal.
 - a. Review of MWBE participation on an RCA to approve an award to **Arrow Energy, Inc** for aviation gasoline and turbine fuel for the Police Department *(Moved to Council with recommendation)*
 - b. Review of MWBE participation on an RCA to approve the purchase of high capacity cashier remittance processing system and software for computer products and services for the Public Works and Engineering Department – **GTSI, Corp** *(Moved to Council with recommendation)*
 - c. Review of MWBE participation on an RCA to approve an award to **Liberty Data Products, Inc** for continuous feed paper and specialty computer paper for the Police Department *(Moved to Council with recommendation)*

- d. Review of MWBE performance on an RCA to Accept Work for City Wide Overlay Program that was required to improve and maintain a safe road surface and accessibility by **Angel Brothers Enterprises, Ltd.** (Moved to Council with recommendation)
 - e. Review of MWBE performance on an RCA to Accept Work for part of the Storm Drainage CIP and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity by **Conrad Construction Co, Inc.** (Moved to Council with recommendation)
 - f. Review of MWBE performance on an RCA to Accept Work for construction of extensions of water and wastewater lines to meet the capacity needs in various City neighborhoods by **D.L. Elliott Enterprises, Inc.** (Item reviewed but no recommendation made by committee)
 - g. Review of MWBE performance on an RCA to Accept Work for sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City by **Insituform Technologies, Inc.** (Item reviewed but no recommendation made by committee)
 - h. Review of MWBE performance on an RCA to Accept Work for part of the Neighborhood Street Reconstruction Program required to improve streets and upgrade the utilities for the various streets by **JFT Construction, Inc.** (Item reviewed but no recommendation made by committee)
- 5. Environmental Protection Agency Disadvantaged Business Enterprise (DBE) Program Goal - Affirmative Action and Contract Compliance Department (Moved to Council with recommendation)
 - 6. Possible discussion of rating system for subcontractors - Affirmative Action and Contract Compliance Department (Item tabled until the next meeting)
 - 7. Public Comment

Council Members Adams, Johnson and Jones were present.



CITY OF HOUSTON

Public Works and Engineering
Department

Interoffice

Correspondence

To: Robert Gallegos

From: Assistant Director
Materials Management Branch

Date: January 7, 2009

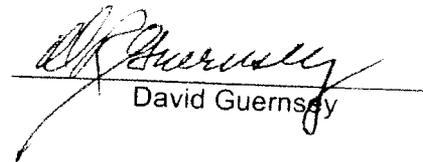
Cc

Subject: **Waiver of M/WDBE Participation
Utility Customer Service
Remittance Processing System**

The Department of Public Works and Engineering, Utility Customer Service is seeking a waiver of M/WDBE participation for a Remittance Processing System in the amount of \$219,859.56. This system will process mailed water and sewer payments, update customer account balances and other payment distributions. It will also distribute sort and process daily bank deposits for the City. The hardware will be purchased from existing City contracts and the proprietary software Netvantage ItemAge© is furnished by Netvantage-Pure Pay. There are no authorized third party providers of this software, installation services, upgrades or maintenance. Therefore no M/WDBE participation opportunities exist.

Concur:


Robert Gallegos


David Guernsey

DG:jr

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7858

Subject: Purchase of Uniforms through the Texas Local Governmental Purchasing Cooperative for Various Departments
S32-S22851-B

Category #
4

Page 1 of 1

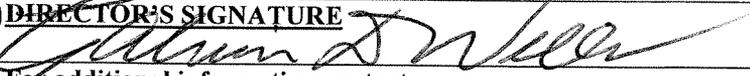
Agenda Item

22

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

Origination Date
February 18, 2009

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE

For additional information contact:
David Guernsey Phone: (713) 238-5241
Desiree Heath Phone: (832) 393-8742

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of uniforms through the Texas Local Government Purchasing Cooperative in an amount not to exceed \$1,131,866.28 for various departments.

Estimated Spending Authority: \$1,131,866.28

Finance Budget

\$ 760,982.86	General Fund (1000)
\$ 50,000.00	Stormwater Fund (2302)
\$ 39,480.00	Fleet Management Fund (1005)
\$ 277,293.57	PWE - Water & Sewer System Operating Fund (8300)
\$ 4,109.85	CIP Salary Recovery Fund (1001)
\$1,131,866.28	

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of uniforms through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Cooperative in an amount not to exceed \$1,131,866.28 for the General Services, Public Works & Engineering, Parks & Recreation, Solid Waste Management, Health and Human Services and Fire Departments, and that authorization be given to issue purchase orders, as needed to the Texas Local Government Purchasing Cooperative contractor, Unico Corporation. The uniforms will be worn citywide by personnel.

This purchase will consist of hats, work pants, jeans, shorts, jackets, shirts, and coveralls. The spending authority will allow the Departments to purchase needed uniforms and associated items for a one year period.

Buyer: Veronica Douglas, CPPB

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

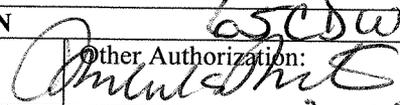
ESTIMATED SPENDING AUTHORITY

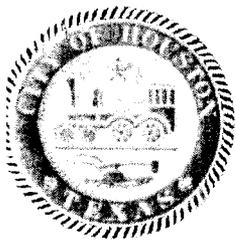
DEPARTMENT	FY 09	OUT YEARS	TOTAL
HEALTH & HUMAN SERVICES	\$ 43,000.00	\$ 0.00	\$ 43,000.00
FIRE	\$ 40,000.00	\$ 0.00	\$ 40,000.00
GENERAL SERVICES	\$ 72,000.00	\$101,000.00	\$ 173,000.00
SOLID WASTE MANAGEMENT	\$ 112,715.61	\$ 0.00	\$ 112,715.61
PARKS & RECREATION	\$ 256,520.00	\$ 0.00	\$ 256,520.00
PUBLIC WORKS & ENGINEERING	\$ 126,657.67	\$ 379,973.00	\$ 506,630.67
GRAND TOTAL	\$ 650,893.28	\$480,973.00	\$1,131,866.28

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

65CDW7858

2009



CITY OF HOUSTON

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

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

From: Veronica Douglas, CPPB

Date: June 3, 2008

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal: Yes No Type of Solicitation: Bid Proposal

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes No

I am requesting a **revision** of the MWBE Goal: Yes No Original Goal: _____ New Goal: _____

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

Solicitation Number: S22851 Estimated Dollar Amount: \$2,535,057.45

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:
Apparel, Uniforms for Various Departments

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

This 0% goal request is for the purchase of uniforms through the interlocal agreement for cooperative purchasing with the Texas Local Government Cooperative. This procurement has been competitively bid out and awarded to Unico Coporation. Unfortunately, Unico Corporation has had difficulty finding a path to include an M/WDBE partner in supplying uniforms to the City of Houston. This uniform contract has few areas of opportunity in regards to involving an M/WDBE partner. Sizing, order receiving, embroidery, application of patches, delivery, and invoicing is all handled in house. Unico Corporation has worked with the Affirmative Action Department and has contacted the two City of Houston certified M/WDBE vendors that Affirmative Action suggested. Unfortunately, both of the vendors contacted have opted not to work with Unico Corporation on this procurement. (see attachment)

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

Douglas, Veronica - ARA

From: James Robertson [jrobertson@unico.com]
Sent: Monday, May 19, 2008 1:09 PM
To: Douglas, Veronica - ARA
Cc: Trey Traylor
Subject: RE: S22851 - Uniform Bid

Veronica,

As a follow up to my e-mail below. My understanding of the City's MWDBE program from my conversation with Mr. Garza was that the inclusion of a partner should only be done when there is a legitimate benefit to the supplier, i.e. Unico. I gave the example to Mr. Garza of procuring patches manufactured by someone else through a middleman who was in the MWDBE program instead of buying them directly from the manufacturer as we normally do, and Mr. Garza responded that simply creating a middle man would only increase our costs and not create value, so that practice should be avoided, along with any other practice that simply increased our costs.

I was able to speak to both Uniforms Plus and Z-Wear Inc. since the e-mail of April 30th.

I learned from Z-Wear that they are a uniform manufacturing company, and they are not a producer of any of the garments that the City is intent on using in the program. Z-wear does not provide any other services, so I do not see an opportunity of using them in the program.

Don Pollard from Uniforms Plus and I had a conversation about the program, and he felt that the only way he could provide value would be through assisting Unico in sizing the City of Houston employees. I asked Mr. Pollard if he would be willing to conduct the sizing alone for a fee, but he was only interested in doing the sizing alongside Unico employees for an undetermined percentage of the program. Having Don work alongside our employees onsite does not help achieve any real cost savings for Unico, and thereby create value for us and the city. Mr. Pollard said he would think more about the program, but I have not heard back from him in several weeks.

As stated below, there is very little opportunity to include a partner in the program, because materials are purchased direct from manufacturer, the customization of the product is done in-house and moving product between Unico and a second shop for additional customization work would be expensive and time consuming. As a reminder, Unico is contributing 2% of the program spend back to the Buy Board Cooperative to help continue to fund that entity. I would welcome any suggestions the City has to include a MWDBE partner that meets the intent of the program.

Regards,
James Robertson

James C. Robertson
President & CEO
Unico Corporation
1060 Hercules
Houston, TX 77058
281-488-7882 (phone)
281-488-7187 (fax)
1-866-886-4367 (toll free)
jrobertson@unico.com

6/3/2008

An ISO 9001 Company

From: James Robertson
Sent: Wednesday, April 30, 2008 8:35 AM
To: Douglas, Veronica - ARA; Trey Traylor
Subject: RE: S22851 - Uniform Bid

Veronica,

Thank you for your patience while we have worked on this issue. We have had difficulty in finding a path to include a MWDBE partner in supplying uniforms to the City of Houston. I Spoke with Rick Garza at the City of Houston Affirmative Action office this week, and Mr. Garza helped identify three potential certified companies in the uniform arena from the City's MWDBE/SBE Directory. Those companies are Lone Star Uniforms, Uniforms Plus and Z-Wear Inc. We decided not to approach Lone Star Uniforms, as they are a previous supplier to the city of Houston and lost the contract due to service issues. The other two companies have yet to return my calls.

The uniform contract has only a few areas of opportunity in regards to involving an outside vendor/ certified MWDBE partner.

The makeup of the program is as follows:

- Employee Sizing – Currently done by Unico employees
- Order Receiving – Currently done by Unico in-house
- Purchas Uniform Ram Materials – Purchased direct from manufacturer
- Purchase Patches – Purchased direct from manufacturer once City's stock is depleted
- Application of Patches to Uniform Items – Currently done by Unico in-house
- Embroidery of logos to Uniform Items – Currently done by Unico in-house
- Delivery of Uniform Items – Currently done by UPS or Unico employees
- Customer Service & Account Management – Currently done by Unico in-house
- Invoicing – Currently done by Unico in-house
- Item Returns/Exchanges – Currently done by Unico in-house

Since Unico operates its own internal sewing shop and embroidery shop, it limits the opportunity for a partner to add value to both Unico and The City of Houston. Despite our in-house ability, outsourcing embroidery/patch work presents several challenges to the program due to the complexity of the program. Unico would be more able to use a partner for garment customization if every uniform item in the program received the same customization. The reality is that The City of Houston requires multiple customizations based up division, branch and job title of the City of Houston employee.

This complexity necessitates that all uniform items be received by Unico in order to be organized by those multiple customization options. Not only would Unico incur a higher cost to outsource the customization work, Unico would also have to pay for the additional shipping of moving the product from our warehouse once organized to the partner's operation. Once customized, the items would again need to be shipped back to Unico for inspection, organized by shipping location, and individually separated by employee when possible prior to delivery to the City. There is also a time cost to the City, since we would lose the time that the garments were in route to and from our partner.

The raw materials involved are purchased directly from our manufacturers, such as Dickies for the garments and

6/3/2008

PENN or World emblem for the patches. To purchase these items through a middle man would only add unnecessary cost to the program.

Lastly, Unico delivers the vast majority of its orders through a third party carrier, such as UPS, and I cannot envision a scenario where a partner operating as a daily courier service would be a less expensive alternative.

Based on our findings and my conversations with Mr. Garza on the intent of the program, I do not see path to including a partner in this program. I would welcome the opportunity of changing our stance at any time during the program if a way can be found to include a partner.

Regards,
James

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

R

SUBJECT: Ordinance amending Chapter 33, Code of Ordinances relating to historic preservation.		Category #	Page 1 of 1	Agenda Item # 23
FROM (Department or other point of origin): Planning and Development Department		Origination Date February 10, 2009		Agenda Date MAR 04 2009
DIRECTOR'S SIGNATURE: <i>Marcus F. Garick</i>		Council District affected: ALL		
For additional information contact: Michael Schaffer Phone: 713-837-7780		Date and identification of prior authorizing Council action: Ord. 95-228 3/5/1995		
RECOMMENDATION: (Summary)				
Adopt ordinance amending Chapter 33 of the Code of Ordinances relating to historic preservation.				
Amount and Source of Funding: NA			Finance Budget:	
<p>SPECIFIC EXPLANATION: In 2008, a subcommittee of the Houston Archaeological and Historic Commission proposed revisions to the Historic Preservation Ordinance. A working group comprised of members of the preservation community and the Greater Houston Builders Association met to further discuss these items. The proposed following amendments are a result of that collaborative process.</p> <ul style="list-style-type: none"> • Increased the number of HAHC members from 11 to 13; Commissioners holding positions 9 and 11 are appointed to terms that will expire March 1, 2011 as a result of adding and renumbering positions. • Makes the Director a non-voting member for quorum purposes. • One member of HAHC will be a registered remodeler or builder. • Two members of HAHC will be historic district homestead residents. • HAHC will adopt a schedule of meetings and submittal deadlines. • Application for a Certificate of Appropriateness for new construction must show that the lot is vacant. • Posted notice (front yard, 4' x 8' sign) is required for demolition or relocation of historic structure. • Applications for a Certificate of Appropriateness must be complete and meet submittal deadline to be on the next HAHC agenda. Applicants who are denied a COA must still abide by the 90-day waiver period. • Applications for demolition then new construction shall be non-concurrent. Currently, applications for COA's for both demolition or relocation and new construction can be made at the same time (concurrent). The revision to the ordinance provides that either a COA or a Waiver be obtained before a Contributing or Partially Contributing structure can be relocated or demolished. Upon receipt of a COA or Waiver for demolition or relocation of the historic structure, the owner can then file an application for a COA for the new home construction (non-concurrent). The maximum time for waivers under this scenario only shall be 180 days <p>The Houston Archaeological and Historical Commission approved the amendments on January 15, 2009 and the Planning Commission approved the amendments on January 22, 2009. Stakeholders that participated in the process included historic community representatives, GHBA and HAR. The amendments were presented to the Quality of Life Council Committee on February 5, 2009.</p>				
cc: Deborah, McAbee, City Legal Harold L. Hurtt, Chief of Police				
Arturo G. Michel, City Attorney Phil Boriskie, Fire Chief				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

22

Amendments to Chapter 33:

Amend Section 33-211 to read as follows:

Sec. 33-211. Composition; qualifications of members.

(a) The creation of the Houston archaeological and historical commission is hereby reaffirmed. The HAHC shall consist of ~~44~~13 members. Each member shall be a person who has knowledge and experience in the archaeological, architectural, cultural, social, economic, ethnic or political history of the city. The mayor shall assign a staff member to serve as a liaison between the HAHC and the mayor's office. The ~~planning official~~ director, or in his absence or inability to act, a deputy director or assistant director of the department shall serve as a non-voting, ex officio member and shall serve as executive secretary to the HAHC. The archivist of the Houston public library system and the directors of general services and public works and engineering shall serve as ex officio members of the HAHC, but shall not have a vote. When HAHC business requires the involvement of other departments, representatives of those departments shall attend meetings of the HAHC upon notice by the executive secretary. The HAHC shall elect its own chair and vice-chair.

(b) The ~~44~~13 members of the HAHC shall hold specific positions as follows:

- (1) Position 1 shall be filled by a professional archaeologist with knowledge of and interest in archaeology of the city.
- (2) Position 2 shall be filled by a professional historian with knowledge of and interest in the history of the city.
- (3) Position 3 shall be filled by an architectural historian.
- (4) Position 4 shall be filled by a representative of a cultural history organization.
- (5) Position 5 shall be filled by a registered architect.
- (6) Position 6 shall be filled by a landscape architect or an urban planner.
- (7) Position 7 shall be filled by a professional real estate appraiser certified to perform appraisals for the city.

(8) Position 8 shall be filled by a remodeler or builder registered with the Texas Residential Construction Commission with knowledge of and interest in restoration, historic building renovation and compatible new construction.

(89) Positions 8, 9, 10, and 11 through 13 shall be filled by citizen representatives.

(c) At least two members of the HAHC shall own a homestead in an historic district designated pursuant to this division.

(ed) Members holding Positions 1 through ~~8-9~~ of the HAHC shall be appointed by the mayor, subject to confirmation by the city council. Members holding Positions ~~9, 10, and 11~~ through 13 shall be appointed by the city council. The terms of each even-numbered position shall end on March 1 of even-numbered years, and the terms of each odd-numbered position shall end on March 1 of odd-numbered years.

(de) Each member shall serve for a term of two years and shall hold over until the member's successor is qualified.

Amend Section 33-212 to read as follows:

Sec. 33-212. Meetings; vacancies; removal.

(a) The HAHC shall ~~meet at such times and at such public places as may be required for the conduct of its business.~~ adopt a regular meeting schedule and a schedule of submittal deadlines for applications filed pursuant to this Article.

(b) A position on the HAHC shall be considered to be vacant if the member appointed to that position is absent from HAHC meetings three times within the period of a year, unless those absences are judged to be excusable by the mayor or a member of the mayor's staff who is designated as liaison to the HAHC.

(c) A vacancy in any position shall be filled in the manner provided for original appointments, and the person so appointed shall serve for the remainder of the unexpired term. A member may be appointed to serve consecutive terms, but not more than three full consecutive terms.

(d) Seven members of the HAHC shall constitute a quorum.—; ₁

however, in the event of vacancies on the commission, a majority of the members of the commission shall constitute a quorum. The executive secretary shall be counted for purposes of determining the presence of a quorum. Other Exex-officio members of the HAHC shall not be counted for purposes of determining the presence of a quorum.

Amend Section 33-238 to read as follows:

Sec. 33-238. Application.

An application for a certificate of appropriateness may be filed before, at the same time as or after the filing of an application for a building permit, but the 90-day period provided for in section 33-250 of this Code shall not begin until a completed application for a certificate of appropriateness is filed with the planning official. An applicant for a building permit may request the building official to review and process the application for a building permit during the 90-day period provided for in section 33-250 of this Code, but no building permit shall be issued until the applicant for the building permit presents a certificate of appropriateness or a 90-day waiver certificate issued pursuant to section 33-250 of this Code.

Application for a certificate of appropriateness shall be made by the owner of the property for which the application is requested or by the owner's agent. When necessary for the city to enforce the provisions of article IX of chapter 10 of this Code, the neighborhood protection official shall apply for any necessary certificate of appropriateness. Applications shall be filed with the planning official and shall contain the following information:

- (1) The name, address and daytime telephone number of the owner and the applicant, if different from the owner;
- (2) The address and general description of the property that is the subject of the application;
- (3) A statement of whether the intended action by the applicant is:
 - a. Demolition;
 - b. Relocation;
 - c. Alteration;
 - d. Restoration;
 - e. Rehabilitation;

- f. New construction;
 - g. Excavation; or
 - h. Mandatory repair;
- (4) A current photograph of the subject of the application; and
- (5) Either:
- a. A rendering of the exterior of the subject of the application as it will appear upon completion of the proposed activity; or
 - b. A description of the work intended to be done, the materials to be used and the changes to be made.

(6) In addition, a complete application for a certificate of appropriateness for new construction in an historic district must contain, and the department shall not accept any application that does not contain, at least one of the following:

- a. Evidence that the proposed site for the new construction is vacant; or
- b. A copy of a certificate of appropriateness approving demolition or relocation of any buildings, structures, or objects located on the proposed property for the new construction; or
- c. A copy of a 90-day waiver certificate issued pursuant to Section 33-250 of this Code allowing the demolition or relocation of any buildings, structures or objects located on the proposed site for the new construction.

If any plans and specification are required to secure a building permit, a copy of the plans and specifications shall be submitted with the application for certificate of appropriateness. There shall be no fee for the filing of an application for a certificate of appropriateness.

Create a new section 33-238.1 to read as follows:

33-238.1. Notice Requirements

(a) The applicant for a certificate of appropriateness for demolition or relocation of a landmark, protected landmark, or any contributing or potentially contributing building, structure or object in an historic district shall give notice of a meeting of the HAHC to consider the application for a certificate of appropriateness not less than 10 days before the date of the meeting by posting at least one sign on the property for which the certificate of appropriateness is requested. A sign shall face each public right-of-way bordering the site; provided, however, that if more than four signs would be required to be posted, the applicant may request the director to approve an alternative number and location of signs. The director shall approve an alternative to the number and location of signs required by this subsection in excess of four upon determining that the alternative will provide maximum visibility and obtain the objectives of this section without unduly burdening the applicant.

(b) Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. The lettering on the sign shall be legible from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the HAHC acts on the application.

(c) Each sign shall provide the following information:

(1) The application number and the type of certificate of appropriateness being requested;

(2) The date, time, and place of the meeting at which the commission will first consider the application;

(3) A telephone number of the applicant to call for additional information; and

(4) A department telephone number to call for additional information.

Amend Section 33-239 to read as follows:

Sec. 33-239. Procedures.

~~The HAHC shall consider an application for certificate of appropriateness at a regular meeting within 35 days of the date the application for certificate of appropriateness is filed with the planning official or at a later time mutually agreed upon in writing by the planning official and the applicant.~~ An application for a certificate of appropriateness shall

be considered by the HAHC if the complete application is submitted by the next scheduled submittal deadline as approved by the HAHC. The HAHC may continue its consideration of an application for a certificate of appropriateness to its next regular meeting upon finding that specific information is needed by the HAHC to enable it to reach its decision or upon agreement with the applicant for a continuance. If the HAHC does not act upon an application for a certificate of appropriateness within the next two meetings of the HAHC after the first meeting in which the application is considered for a total of three meetings in which the application is considered, ~~the later of 70 days from the date the application is filed with the planning official or 35 days after the date mutually agreed on by the applicant and planning official for review of the application by the HAHC,~~ the application shall be deemed approved, unless the applicant consents in writing to an extension to a specified date.

Amend Section 33-250 to read as follows:

Sec. 33-250. Ninety-day waiver certificate.

(a) Except as provided in subsections (c) and (d) of this section, if for any reason a certificate of appropriateness has not been issued on or before the ninetieth day following the filing of scheduled submittal deadline at which a complete application for a certificate of appropriateness was received by ~~with~~ the planning official, then the applicant, upon request to the planning official, shall be entitled to the immediate issuance of a 90-day waiver certificate, which shall for all purposes be the equivalent of a certificate of appropriateness.

(b) Before the expiration of the 90 days, the applicant shall consult with department staff to explore alternatives to the actions proposed by the applicant to mitigate the reasons for which the certificate was denied. Notwithstanding the foregoing, any property for which a 90-day waiver certificate is granted pursuant to the provisions of this section shall not be eligible for any tax exemptions or other financial benefit authorized by the city council for the property based on its designation pursuant to this article.

(c) The planning official shall not issue a 90-day waiver certificate for any protected landmark or for any property located within the Old Sixth Ward Protected Historic District.

(d) This provision applies to a complete application for a certificate of appropriateness for new construction in an historic district that is filed within 90 days following the issuance of a certificate of appropriateness or a

90-day waiver certificate for demolition or relocation of any buildings, structures, or objects on the site of the proposed new construction. If a complete application for a certificate of appropriateness for new construction in an historic district is disapproved by the HAHC, the number of days that passed between the issuance of the certificate of appropriateness or a 90-day waiver certificate for demolition or relocation and the next scheduled submittal deadline shall be subtracted from the 90 days the applicant must wait to obtain a 90-day waiver certificate pursuant to subsection (a) of this section.

City of Houston, Texas, Ordinance No. 2009-_____

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO HISTORIC PRESERVATION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council of the City of Houston adopted Ordinance No. 95-228 and subsequent amendments thereto, codified as Article VII of the Code of Ordinances, City of Houston, Texas (the "Ordinance"), which established a program of historic preservation for landmarks, protected landmarks, historic districts and archaeological sites within the City of Houston; and

WHEREAS, the City Council finds that the Ordinance has been beneficial to the health, safety, and welfare of the public by preserving historic assets within the City; and

WHEREAS, the City Council finds that a committee of members of the Houston Archaeological and Historical Commission (the "HAHC") and representatives of interested parties have evaluated the effectiveness of the Ordinance and recommended certain amendments to improve the effectiveness and administration of the Ordinance; and

WHEREAS, the City Council finds that the HAHC conducted a public hearing on and considered the proposed amendments to the Ordinance on January 15, 2009, and recommended approval of the proposed amendments to City Council; and

WHEREAS, the City Council finds that the Houston Planning Commission conducted a hearing on and considered the proposed amendments to the Ordinance on January 22, 2009, and recommended approval of the proposed amendments to City

Council; and

WHEREAS, the City Council finds that the adoption of amendments to the Ordinance would further enhance the benefits derived to the public health, safety, and welfare through preservation of historic assets; **NOW, THEREFORE**;

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

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

Section 2. That Section 33-211 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 33-211. Composition; qualifications of members.

(a) The creation of the Houston archaeological and historical commission is hereby reaffirmed. The HAHC shall consist of 13 members. Each member shall be a person who has knowledge and experience in the archaeological, architectural, cultural, social, economic, ethnic or political history of the city. The mayor shall assign a staff member to serve as a liaison between the HAHC and the mayor's office. The director, or in his absence or inability to act, a deputy director or assistant director of the department shall serve as a non-voting, ex officio member and as executive secretary to the HAHC. The archivist of the Houston public library system and the directors of general services and public works and engineering shall serve as ex officio members of the HAHC, but shall not have a vote. When HAHC business requires the involvement of other departments, representatives of those departments shall attend meetings of the HAHC upon notice by the executive secretary. The HAHC shall elect its own chair and vice-chair.

(b) The 13 members of the HAHC shall hold specific positions as follows:

- (1) Position 1 shall be filled by a professional archaeologist with knowledge of and interest in archaeology of the city.
- (2) Position 2 shall be filled by a professional historian with knowledge of and interest in the history of the city.

- (3) Position 3 shall be filled by an architectural historian.
- (4) Position 4 shall be filled by a representative of a cultural history organization.
- (5) Position 5 shall be filled by a registered architect.
- (6) Position 6 shall be filled by a landscape architect or an urban planner.
- (7) Position 7 shall be filled by a professional real estate appraiser certified to perform appraisals for the city.
- (8) Position 8 shall be filled by a remodeler or builder registered with the Texas Residential Construction Commission with knowledge of and interest in restoration, historic building renovation and compatible new construction.
- (9) Positions 9 through 13 shall be filled by citizen representatives.

(c) At least two members of the HAHC shall own a homestead in an historic district designated pursuant to this division.

(d) Members holding Positions 1 through 9 of the HAHC shall be appointed by the mayor, subject to confirmation by the city council. Members holding Positions 10 through 13 shall be appointed by the city council. The terms of each even-numbered position shall end on March 1 of even-numbered years, and the terms of each odd-numbered position shall end on March 1 of odd-numbered years.

(e) Each member shall serve for a term of two years and shall hold over until the member's successor is qualified."

Section 3. That Section 33-212 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 33-212. Meetings; vacancies; removal.

(a) The HAHC shall adopt a regular meeting schedule and a schedule of submittal deadlines for applications filed pursuant to this Article.

(b) A position on the HAHC shall be considered to be vacant if the

member appointed to that position is absent from HAHC meetings three times within the period of a year, unless those absences are judged to be excusable by the mayor or a member of the mayor's staff who is designated as liaison to the HAHC.

(c) A vacancy in any position shall be filled in the manner provided for original appointments, and the person so appointed shall serve for the remainder of the unexpired term. A member may be appointed to serve consecutive terms, but not more than three full consecutive terms.

(d) Seven members of the HAHC shall constitute a quorum; however, in the event of vacancies on the commission, a majority of the members of the commission shall constitute a quorum. The executive secretary shall be counted for purposes of determining the presence of a quorum. Other ex officio members of the HAHC shall not be counted for purposes of determining the presence of a quorum.”

Section 4. That Section 33-238 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new item (6), which shall read as follows:

- “(6) In addition, a complete application for a certificate of appropriateness for new construction in an historic district must contain, and the department shall not accept any application that does not contain, at least one of the following:
- a. Evidence that the proposed site for the new construction is vacant; or
 - b. A copy of a certificate of appropriateness approving demolition or relocation of any buildings, structures, or objects located on the proposed property for the new construction; or
 - c. A copy of a 90-day waiver certificate issued pursuant to section 33-250 of this Code allowing the demolition or relocation of any buildings, structures or objects located on the proposed site for the new construction.”

Section 5. That Division 4 of Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 33-238.1 to read as follows:

“33-238.1. Notice requirements

(a) The applicant for a certificate of appropriateness for demolition or relocation of a landmark, protected landmark, or any contributing or potentially contributing building, structure or object in an historic district shall give notice of a meeting of the HAHC to consider the application for a certificate of appropriateness not less than 10 days before the date of the meeting by posting at least one sign on the property for which the certificate of appropriateness is requested. A sign shall face each public right-of-way bordering the site; provided, however, that if more than four signs would be required to be posted, the applicant may request the director to approve an alternative number and location of signs. The director shall approve an alternative to the number and location of signs required by this subsection in excess of four upon determining that the alternative will provide maximum visibility and obtain the objectives of this section without unduly burdening the applicant.

(b) Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. The lettering on the sign shall be legible from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the HAHC acts on the application.

(c) Each sign shall provide the following information:

- (1) The application number and the type of certificate of appropriateness being requested;
- (2) The date, time, and place of the meeting at which the commission will first consider the application;
- (3) A telephone number of the applicant to call for additional information; and
- (4) A department telephone number to call for additional information."

Section 6. That Section 33-239 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 33-239. Procedures.

An application for a certificate of appropriateness shall be considered by the HAHC if the complete application is submitted by the next scheduled

submittal deadline as approved by the HAHC. The HAHC may continue its consideration of an application for a certificate of appropriateness to its next regular meeting upon finding that specific information is needed by the HAHC to enable it to reach its decision or upon agreement with the applicant for a continuance. If the HAHC does not act upon an application for a certificate of appropriateness within the next two meetings of the HAHC after the first meeting in which the application is considered for a total of three meetings in which the application is considered, the application shall be deemed approved, unless the applicant consents in writing to an extension to a specified date.”

Section 7. That Section 33-250 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 33-250. Ninety-day waiver certificate.

(a) Except as provided in subsections (c) and (d) of this section, if for any reason a certificate of appropriateness has not been issued on or before the ninetieth day following the scheduled submittal deadline at which a complete application for a certificate of appropriateness was received by the planning official, then the applicant, upon request to the planning official, shall be entitled to the immediate issuance of a 90-day waiver certificate, which shall for all purposes be the equivalent of a certificate of appropriateness.

(b) Before the expiration of the 90 days, the applicant shall consult with department staff to explore alternatives to the actions proposed by the applicant to mitigate the reasons for which the certificate was denied. Notwithstanding the foregoing, any property for which a 90-day waiver certificate is granted pursuant to the provisions of this section shall not be eligible for any tax exemptions or other financial benefit authorized by the city council for the property based on its designation pursuant to this article.

(c) The planning official shall not issue a 90-day waiver certificate for any protected landmark or for any property located within the Old Sixth Ward Protected Historic District.

(d) This provision applies to a complete application for a certificate of appropriateness for new construction in an historic district that is filed within 90 days following the issuance of a certificate of appropriateness or a 90-day waiver certificate for demolition or relocation of any buildings, structures, or objects on the site of the proposed new construction. If a complete application for a certificate of appropriateness for new construction in an

historic district is disapproved by the HAHC, the number of days that passed between the issuance of the certificate of appropriateness or a 90-day waiver certificate for demolition or relocation and the next scheduled submittal deadline shall be subtracted from the 90 days the applicant must wait to obtain a 90-day waiver certificate pursuant to subsection (a) of this section.”

Section 8. The provisions of this Ordinance shall apply to applications for the designation of a landmark, protected landmark, or historic district or any application for a certificate of appropriateness filed on or after the effective date of this Ordinance. Applications filed before the effective date of this Ordinance shall be governed by the former provisions of Chapter 33, Code of Ordinances, Houston, Texas, which are saved from repeal for that limited purpose.

Section 9. That as the result of vacancy in Position 8 of the HAHC created by this Ordinance, the current holders of the current Positions 8 through 11 will become the holders of renumbered Positions 9 through 12, respectively. The current holders of Positions 9 and 11, as reassigned by the preceding sentence, are hereby appointed to an additional one-year term to begin at the end of their current term, so that their terms will expire on March 1, 2011, as provided in Section 33-211(d) of the Code of Ordinances, Houston, Texas, as amended by this Ordinance, and the terms will be staggered in compliance with the Code. Thereafter, appointments to all positions on HAHC will be for two year terms.

Section 10. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be

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

Section 11. 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 this date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this _____ day of _____, 2009.

Mayor of the City of Houston

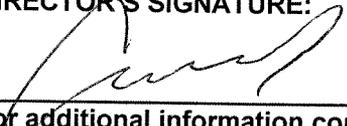
Prepared by the Legal Dep't
(SOI February 13, 2009

Requested by Marlene L. Gafrick, Director, Planning & Development Department
L.D. File No. 0619400053008

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SUBJECT: Ordinance amending Article IX of Chapter 45 of the Code of Ordinances, Houston, Texas, relating to the submission and review of parade permit applications	Category #	Page 1 of 1	Agenda Item # 24
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FROM (Department or other point of origin): Legal Department	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: 	Council District affected: All
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For additional information contact: Rashaad V. Gambrell Phone: 832.393.6439	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary)
 That City Council pass an ordinance amending Article IX of Chapter 45 of the Code of Ordinances, Houston, Texas, relating to the receipt, administration, and issuance of parade permits.

Amount of Funding: N/A	FIN Budget: N/A
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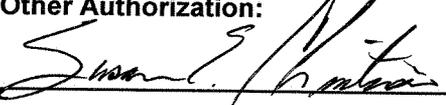
SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

The City of Houston prevailed on the majority of claims in the recent lawsuit challenging its parade ordinance. This amendment addresses a provision the court invalidated regarding the time the City may take to review and act upon permit applications. The proposed amendment removes the requirement that an applicant submit its application to the Mayor's Office of Special Events not less than 10 business days prior to the proposed parade date. The amendment also removes the requirement that the City's Special Events Manager take action on a proposed parade permit application not later than 10 business days after receipt of the application. Finally, the amendment tailors the procedure to be taken by the Special Events Manager to deny the issuance of a parade permit.

REQUIRED AUTHORIZATION

FIN Director:	Other Authorization: 	Other Authorization:
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Sec. 45-235. Permit application generally; issuance, etc.

(a) An application for a parade permit shall be submitted on a form supplied by the SEM, signed by the applicant or, if the applicant is other than an individual, a person authorized for that purpose by the applicant, and filed with MOSE.

~~(b) An application for a parade permit shall be submitted not less than 10 business days prior to the proposed parade date.~~ An application for a parade permit that requires the closure of a freeway entrance or exit ramp or any portion of a state-owned controlled access highway shall be filed not less than 90 days prior to the proposed parade date.

(c) The SEM shall review each application to ensure that the time, place, and manner of the proposed parade complies with the provisions of this division. ~~Not later than the tenth business day after receipt of the application,~~ The SEM shall:

- (1) Notify the applicant of the denial of the application if it is found to conflict with another parade already permitted for the same time, location, and date, or to be incomplete or to violate any provision of this Code, which notice shall set forth the reasons for the denial;
- (2) Issue a final permit as provided in section 45-243 of this Code if the applicant has satisfied all requirements of this division for the proposed parade; or
- (3) Issue a conditional permit, if additional requirements are to be satisfied in the future but within the time allotted by this division.

(d) The issuance of a conditional permit shall not authorize a parade applicant to conduct a parade at the requested time, place, or date and shall serve only to reserve the time, place, and date of the proposed parade route pending the applicant's timely satisfaction of all other requirements of this division applicable to the parade requested, including but not limited to the provision of required insurance, the payment of security and traffic control costs, or any other requirement.

(e) Each application for a parade permit must be accompanied by a non-refundable fee of \$250.00. All tendered fees must be in the form of a cashier's check or money order payable to the city.

(f) If at the time of submitting the parade application, a non-revenue-generating parade applicant is unable to pay the full amount of the permit application fee pursuant to subsection (e), the fee shall be reduced to that amount the applicant is able to pay, provided the applicant submits a sworn affidavit, on a form provided by the city attorney, containing the following information:

- (1) A statement that the applicant and the group or organization on whose behalf the application is made are unable to pay the full amount of the permit fee for the parade; and

- (2) A statement of the exact amount the applicant and the group or organization on whose behalf the application is made are able to pay for the permit fee at the time the application is delivered to MOSE.

(g) Applications for parade permits shall be delivered to MOSE and may be delivered between the hours of 8:00 a.m. and 5:00 p.m. except on Saturdays, Sundays, and holidays.

(h) Applications for parade permits may be filed no earlier than the 365th day prior to the date of the requested parade, provided that if the 365th day falls on a Saturday, Sunday, or holiday, then the application may be filed no earlier than the next day that is not a Saturday, Sunday, or holiday. Prematurely filed applications, or applications that do not meet all requirements of this section, shall be of no force and effect and shall be returned to the applicant.

(i) The numbers of parade permits that may be issued shall be subject to the following limitations:

- (1) Only one permit shall be issued for a parade to be conducted in the downtown area on the same day;
- (2) Only four permits may be issued for parades to be conducted on the same calendar day in the city limits; and
- (3) Permits may not be issued for conflicting times. For purposes of this provision, parades are considered to be conflicting if their starting times are less than four hours apart; provided, however, the director, in conjunction with the police chief, may exercise professional judgment by waiving the aforementioned four-hour provision provided:
 - a. The proposed parades will not substantially disrupt the use of any street in and around the parade route's respective locations; and
 - b. The director and police chief:
 - [1] Determine that their respective departments have the appropriate amount of city personnel and resources available to monitor the parades based upon the estimated number of parade participants; or
 - [2] Approve a parade permit applicant's submitted security control and traffic control plans to hire and pay all personnel necessary to deploy security control and traffic control devices and services along the proposed parade routes.

(j) Parade permits shall be issued in the order in which completed applications that comply with all applicable requirements of this division are received by MOSE.

Sec. 45-239. Procedure upon permit denial.

The SEM shall notify the applicant of any permit denial, and the reasons therefore, by placing such notice in the United States mail, certified, return receipt requested ~~within 10 working days of the date of the receipt of the application.~~ _

———Such letter shall be addressed to the applicant at the address stated on the application. ~~Any failure to give such notice of denial within the time limits prescribed in this section shall be deemed a granting of the permit as requested.~~

City of Houston, Texas, Ordinance No. 2009-_____

AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE SUBMISSION AND REVIEW OF PARADE PERMIT APPLICATIONS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, on January 16, 2008, City Council took action by amending the City's parade regulations to better serve the interests of the citizenry while preserving the interests of individuals and organizations who wish to engage in such activities; and

WHEREAS, recent litigation has demonstrated that many of the City's Code of Ordinance provisions concerning the receipt and processing of parade permit applications are content-neutral, time, place, and manner regulations that are narrowly tailored to serve a significant government interest yet leave open ample alternative channels of communication; and

WHEREAS, the outcome of recent litigation suggests that the City's parade regulations should be amended to further facilitate civic celebration by the City's citizens while preserving the regulatory provisions necessary for the successful administration of parade permit applications; **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 Subsection (b) and the introductory paragraph of Subsection (c) of Section 45-235 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"(b) An application for a parade permit that requires the closure of a freeway entrance or exit ramp or any portion of a state-owned controlled access highway shall be filed not less than 90 days prior to the proposed parade date.

(c) The SEM shall review each application to ensure that the time, place, and manner of the proposed parade complies with the provisions of this division. The SEM shall:"

Section 3. That Section 45-239 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 45-239. Procedure upon permit denial.

The SEM shall notify the applicant of any permit denial, and the reasons therefore, by placing such notice in the United States mail, certified, return receipt requested. Such letter shall be addressed to the applicant at the address stated on the application."

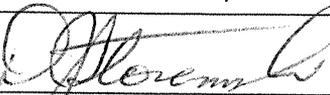
Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application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

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

PASSED AND APPROVED this ___ day of _____, 2009.

Mayor of the City of Houston

Prepared by Legal Dept. Richard W. Hambrick *st*
RVG:asw 02/11/2009 Assistant City Attorney
Requested by Arturo G. Michel, City Attorney
L.D. File No. 0390800211001

SUBJECT: Contract with CNA for regional catastrophic preparedness planning		Category	Page 1 of 2	Agenda Item # 25
FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security		Origination Date: 2/10/2009	Agenda Date MAR 04 2009	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Cheryl Murray Phone: 832-393-0929		Date and Identification of prior authorizing Council action: 12/30/2008: Ord # 2008-1210		
RECOMMENDATION: (Summary) Approval of an ordinance authorizing execution of a contract with CNA for regional catastrophic preparedness planning services.				
Amount of Funding: \$2,509,444		FIN Budget:		
Source of Funds: <input checked="" type="checkbox"/> Grant Funds: \$2,509,444 Governor's Division of Emergency Management (pass-through from DHS)				
SPECIFIC EXPLANATION:				
<p>In 2008, the U.S. Department of Homeland Security awarded grants to ten high risk urban areas to engage in regional catastrophic preparedness planning. Funds are exclusively to be used to (1) fix shortcomings in existing plans; (2) build regional planning processes and planning communities; and (3) link operational and capabilities-based planning for resource allocation.</p> <p>The City of Houston is the fiscal agent for this \$9 million grant program. A Regional Catastrophic Planning Team (RCPT) of public and private sector representatives was convened to lead the initiative. Organizations involved with the RCPT include:</p> <ul style="list-style-type: none"> ▪ Cities: Houston (multiple departments), Galveston, Pasadena ▪ Counties: Harris, Ft. Bend, Montgomery, Brazoria and Galveston ▪ HGAC (representing smaller counties and cities within the region) ▪ METRO ▪ Other stakeholders: CenterPoint Energy, the East Harris County Manufacturers Association, the Downtown Management District ▪ Other "advisory" members: US Coast Guard, FEMA, the Department of State Health Services, the Governor's Division of Emergency Management, the Harris County Department of Education ▪ Other Subject Matter Experts: law enforcement, fire service, health and medical, and other related fields <p>The RCPT unanimously recommended that technical, specialized planning services be sought from a qualified vendor to ensure the success of this effort.</p>				
RECOMMENDED VENDOR: CNA				
Following a review of responses to a Request for Qualifications, the RCPT unanimously recommended that a contract be awarded to CNA, a non-profit organization based in Alexandria, Virginia. The CNA Safety & Security division has assembled a team to provide direct planning supports and technical assistance for Houston's regional catastrophic preparedness planning initiative. Together with two proposed subcontractors – IEM and Digital Sandbox, Inc. – the CNA team brings more than 100 years of experience in homeland security, emergency management and risk analysis.				
SCOPE OF WORK AND CONTRACT TERMS				
The proposed scope of work is premised on three tenets:				
<ul style="list-style-type: none"> ▪ A regional approach offers an opportunity for greater clarity and focus in planning for the most complex of incidents, while preserving key scenario- and jurisdiction-specific nuances. ▪ Regional catastrophic planning requires integration of the different agencies and disciplines, levels of government, private sector interests, nonprofit organizations, and individual citizens that each have a role to play in an 				
REQUIRED AUTHORIZATION				
FIN Director:	Other Authorization:		Other Authorization:	

Date: 2/10/2009	Subject: Contract with CNA for regional catastrophic preparedness planning	Originator's Initials 	Page 2 of 2
<p>effective prevention, protection, response and recovery plan.</p> <ul style="list-style-type: none">▪ This catastrophic planning initiative must build on the extensive investments made and accomplishments already achieved by our region in the areas of risk analysis, capabilities-based planning, and regional collaboration. <p>Key tasks include (1) project kickoff and management; (2) development and implementation of a regional engagement strategy; (3) baseline analysis; (4) regional capability assessment; (5) regional operations planning; (6) refinement of a planning and resource investment framework; and (7) plan validation. CNA will be responsible for development of all deliverables required for submission to DHS under the grant program.</p> <p>The proposed contract is for costs plus a fixed fee (4.99%). It will be paid completely with grant funds. No local funds are involved.</p> <p>DJS/CFM</p>			

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

SUBJECT: Petition for the City's consent to the addition of 10.122 acres of land to Cinco Southwest Municipal Utility District No. 4 (Key Map No. 524-D, H)	Page 1 of 1	Agenda Item # 26
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: "ETJ"
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For additional information contact: Ann Marie Stone Sheridan, P.E. Supervising Engineer (713) 837-9142	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)

The petition for the addition of 10.122 acres of land to Cinco Southwest Municipal Utility District No. 4 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Cinco Southwest Municipal Utility District No. 4 has petitioned the City of Houston for consent to add 10.122 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of FM 1093, Katy-Gaston Road, Little Prong Creek/Buffalo Bayou, and Grand Parkway. The district desires to add 10.122 acres, thus yielding a total of 706.822 acres. The district is served by the Cinco Southwest Wastewater Treatment Facility, which is owned and operated by the district. The other districts served by this plant are Cinco Southwest Municipal Utility District Nos. 1, 2, 3, and 4. The nearest major drainage facility for Cinco Southwest Municipal Utility District No. 4 is Little Prong Creek which flows into Buffalo Bayou and finally into the Houston Ship Channel.

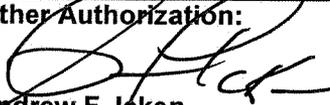
Potable water is provided by Cinco Southwest Water Supply Plant. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of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

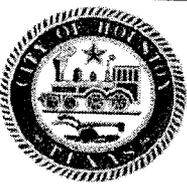
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen
Bill Zrioka Waynette Chan Deborah McAbee

REQUIRED AUTHORIZATION 20JZC523

Finance Department	Other Authorization:  Andrew F. Icken Deputy Director Planning & Development Services Div.	Other Authorization:
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CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the creation/ addition of 10.122 acres to Cinco Southwest MUD No. 4 under the provisions of Chapter 49 and 54 Texas Water Code.

[Signature]
Attorney for the District

Attorney: Steve Robinson, Allen Boone Humphries, Robinson

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027 Phone: 713-860-6408

Engineer: AECOM

Address: 5757 Woodway, Suite 101 West, Houston, TX Zip: 77057 Phone: 713-267-2762

Owners: John S. Beeson, Trustee

Address: 550 Waugh Drive, Houston, TX Zip: 77018 Phone: 713-622-5595

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

LOCATION

INSIDE CITY

OUTSIDE CITY

Survey S.M. Williams Survey

NAME OF COUNTY (S) Fort Bend
Abstract 347

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

North of: FM 1093

East of: Katy-Gaston Road

South of: Little Prong Crk/Buffalo Bayou

West of: Grand Parkway

WATER DISTRICT DATA

Total Acreage of District: 696.70

Existing Plus Proposed Land 706.822

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

Single Family Residential 0%

Multi-Family Residential 100%

Commercial 0%

Industrial 0%

Institutional 0%

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

Sewage Treatment Plant Name: Cinco Southwest Wastewater Treatment Facility

NPDES/TPDES Permit No: 0124851/WQ0014343001 TCEQ Permit No: 14313-001

523



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 1.25

Ultimate Capacity (MGD): 2.57

Size of treatment plant site: 415,829/9.546 square feet/acres.

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

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

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

Total permitted capacity: 1.25

MGD of (Regional Plant).

Name of District: Cinco Southwest MUD 1, 2
or property owner(s)

MGD Capacity Allocation 0.06, 0.46

Name of District: Cinco Southwest MUD 3, 4

MGD Capacity Allocation 0.36, 0.37

Water Treatment Plant Name: Cinco Southwest Water Supply Plant

Water Treatment Plant Address: 10302 1/2 South Fry Road, Katy, Texas

Well Permit No: 13065, 13066, 13067

Existing Capacity:

Well(s): 3,000

GPM

Booster Pump(s): 10,600

GPM

Tank(s): 1.4

MG

Ultimate Capacity:

Well(s): 10,500

GPM

Booster Pump(s): 16,600

GPM

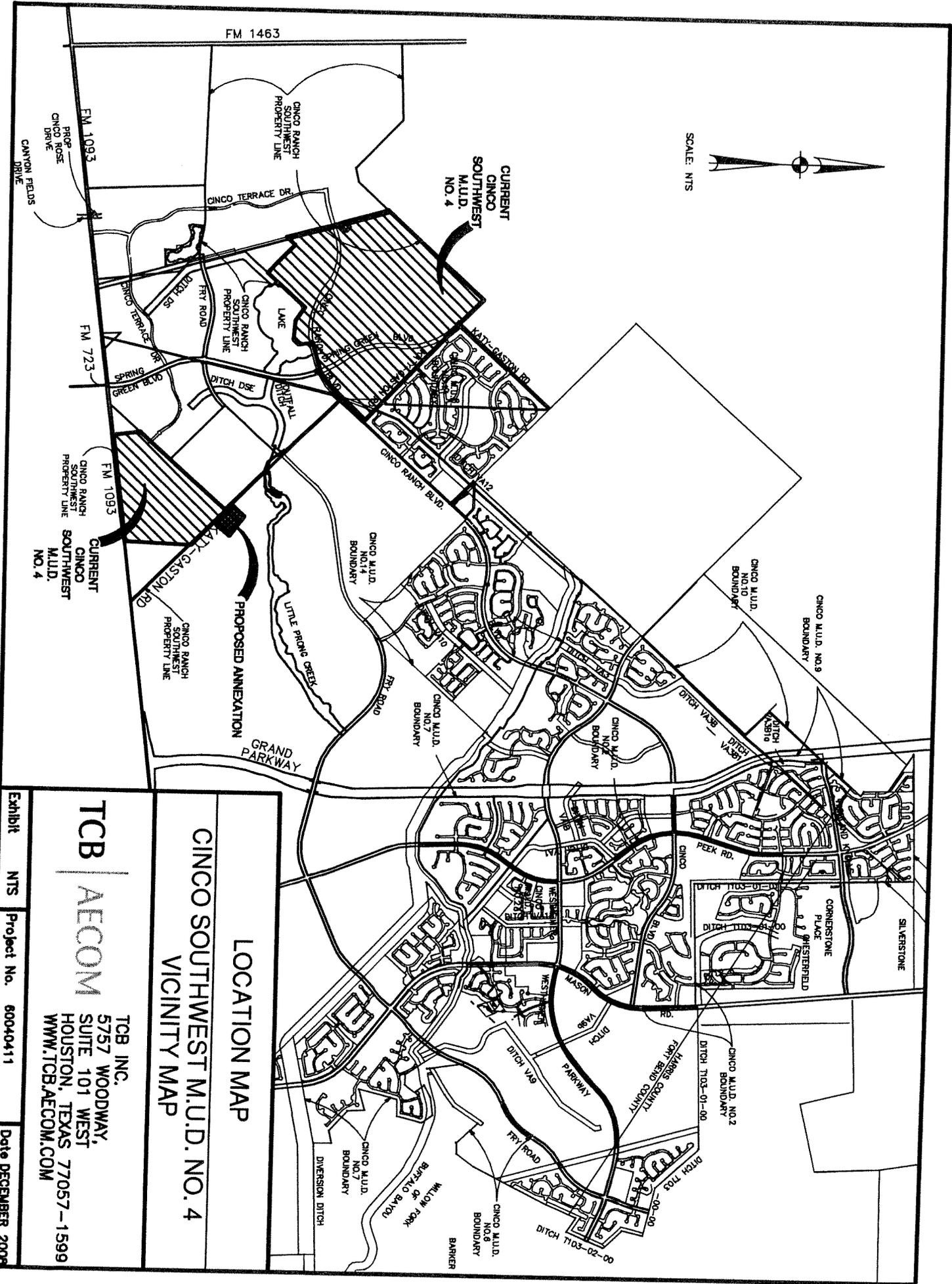
Tank(s): 2.8

MG

Size of Treatment Plant Site: 195,304/4.484

square feet/acres.

Comments or Additional Information: _____



SCALE: NTS



Exhibit NTS Project No. 60040411 Date DECEMBER 2008

TCB | **AECOM**

TCB INC.
5757 WOODWAY,
SUITE 101 WEST
HOUSTON, TEXAS 77057-1599
WWW.TCB.AECOM.COM

LOCATION MAP

CINCO SOUTHWEST M.U.D. NO. 4

VICINITY MAP

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approval of an ordinance to amend the 2009 -2013 5-Year CIP Budget and Fiscal Year 2009 Operating Budget for Main St. Market Square Redevelopment Authority dba Downtown Redevelopment Authority (TIRZ No. 3).

Category #

Page
1 of 1

Agenda Item#

27

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

February 20, 2009

Agenda Date

MAR 04 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell
Finance Department

Council Districts affected:

1

For additional information contact:

Robert Fiederlein
Julia Gee

Phone: (832)393-8091

Phone: (713)837-7828

Date and identification of prior authorizing

Council Action: Ord. 2008-517, 6/11/08

RECOMMENDATION: (Summary)

City Council amend an ordinance to approve the 2009-2013 5-Year CIP Budget and Fiscal Year 2009 Operating Budget for Main St. Market Square Redevelopment Authority dba Downtown Redevelopment Authority (TIRZ No. 3).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

On June 11, 2008, the City Council approved an Operating Budget and FY 2009-2013 Capital Improvement Plan (CIP) for Main St. Market Square Redevelopment Authority dba Downtown Redevelopment Authority. Subsequently, the boards of the Zone and the Authority submitted to the City for consideration a proposed amended budget. The proposed amended budget would allow for enhanced funding of Julia Ideson Library project and in cooperation with Harris County Flood Control District, the purchase of two blocks abutting Buffalo Bayou and the financing to do these and other capital projects. The Authority has also updated other project costs in the 5-year CIP to reflect current estimates of those projects.

Attachments: TIRZ Profile, FY09 Operating Budget, and FY 2009-2013 CIP.

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:

[Signature]

Other Authorization:

[Signature]

CITY OF HOUSTON
 FINANCE DEPARTMENT
 ECONOMIC DEVELOPMENT DIVISION
 FISCAL YEAR 2009 BUDGET PROFILE
 AMENDED

Fund Summary
 Fund Name: Main Street Market Square Redevelopment Authority
 TIRZ: 03
 Fund Number: 7551/64

P R O J E C T I V E	Base Year:	Created in 1995, expanded in 1998, and 2005
	Base Year Taxable Value:	\$ 215,947,300
	Projected Taxable Value (TY2008):	\$ 1,100,415,251
	Current Taxable Value (TY2007):	\$ 988,246,696
	Acres:	305 acres
	Administrator (Contact):	Vicki Rivers
	Contact Number:	713-526-7577

N A R R A T I V E	Zone Purpose:
	Main Street/Market Square TIRZ was created originally in 1995 to stimulate new residential development in the 9 block area around Rice Hotel (Part A). In 1998, the Zone was expanded (Part B) to include Main Street and northern blocks of the Central Business District along Buffalo Bayou; primarily to create pedestrian and transit amenities, to catalyze new investment, and enhance connections between eastern and western portions of downtown. In 2005, two blocks were added (Part C) for a new mixed use retail and entertainment project. The Zone provides tools needed to alleviate blight, deteriorated street and site conditions, obsolete transit services and facilities, while encouraging sound growth of residential, retail, hotel and commercial development. Through partnerships, leveraging and incentives, the Zone's purpose is to create an environment conducive to livability, residential infill, pedestrian functionality, multi-modal public transportation systems, public open spaces and parks. In 2007 the Zone was further expanded to add institutional facilities and public land.
	Accomplishments in FY08 (Projects Underway):
	In fiscal year 2008, the Main Street/ Market Square TIRZ accomplished:
	- Conducted Workshops and Focus Groups on Market Square Park in conjunction with Project for Public Spaces.
	- Contributed to the renovation of 1414 Congress (a single occupancy facility--SRO).
	- Began preliminary work on East-West Streets project.
	- Began the Extra-Duty Security Program in the Historic District with HPD per the Municipal Services agreement with the City.
	- Hardwired parking meters in the Historic District.
	- Continued to make Permit and Fee reimbursements to the Houston Pavilions project and Construction Draws per the Development Agreement.
	- Continued reimbursements to Buffalo Bayou Partnership on the Sabine-Bagby Project and approved a new agreement for Public Improvements at the International Coffee Building at Allens Landing.

	Total Plan	Cumulative Expenses (to FY08)		Variance
Capital Projects:				
Buffalo Bayou Riverwalk & Improvements	\$ 6,300,000	\$ 463,000	\$ 5,837,000	
Residential Development Sites	5,000,000	-	5,000,000	
Rice Hotel Financial Assistance	18,750,000	9,000,000	9,750,000	
Acquisition/Rehabilitation of Historic Structures	18,500,000	7,920,803	10,579,197	
Street Scape Enhancements, Related Roadways & Parks	27,100,000	456,930	26,643,070	
Transit Street, Improvements & Center	18,000,000	12,330,283	5,669,717	
Retail/Economic Development	28,300,000	3,461,218	24,838,782	
Theater District, Public and Cultural Facilities	31,000,000	1,500,000	29,500,000	
Parking Facilities	3,100,000	100,000	3,000,000	
Property Acquisition/Land Assemblage	10,000,000	-	10,000,000	
Total Capital Projects	\$ 166,050,000	\$ 35,232,234	\$ 130,817,766	
Affordable Housing	20,000,000	1,200,000	18,800,000	
Education Facilities	82,541,820	19,221,673	63,320,147	
Financing Costs	10,650,000	5,461,230	5,188,770	
Administration Costs	6,750,000	2,918,260	3,831,740	
Creation Costs	-	-	-	
Total Project Plan	\$ 285,991,820	\$ 64,033,397	\$ 221,958,423	

	Additional Financial Data		
	FY2008 Budget	2008 Projection	FY2009 Budget
Debt Service	\$ 1,084,503	\$ 1,088,604	\$ 1,081,164
Principal	\$ 500,000	\$ 500,000	\$ 520,000
Interest	\$ 584,503	\$ 588,604	\$ 561,164
	Balance as of 6/30/07	Balance as of 6/30/08	Balance as of 6/30/09
Year End Outstanding (Principal)			
Bond Debt	\$ 10,985,000	\$ 10,485,000	\$ 9,965,000
Bank Loan		\$ 100,000	\$ 17,500,000
Developer Agreement (Pavilions)	\$ 13,594,578	\$ 10,994,373	\$ 5,779,323
Other (Rice Hotel - Per Year)	\$ 750,000	\$ 750,000	\$ 750,000

**CITY OF HOUSTON
FINANCE DEPARTMENT
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2009 BUDGET SUMMARY
AMENDED**

Fund Summary
Fund Name: **Main Street Market Square Redevelopment Authority**
TIRZ: **03**
Fund Number: **7551/64**

TIRZ Budget Line Items	FY2008 Budget	2008 Projection	FY2009 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 2,165,322	\$ 1,177,498	\$ 2,165,322
Unrestricted Fund Balance	\$ 5,085,547	\$ 5,633,177	\$ 5,489,655
Total Beginning Fund Balance	\$ 7,250,869	\$ 6,810,675	\$ 7,654,977
TIRZ Revenue			
City	\$ 4,321,131	\$ 5,024,071	\$ 6,902,084
ISD *	\$ 5,463,763	\$ 5,333,097	\$ 5,774,721
County	\$ 522,052	\$ 387,528	\$ 740,671
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 10,306,946	\$ 10,744,696	\$ 13,417,476
Bond Proceeds			
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ 100,000	\$ 17,500,000
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ 150,000	\$ 180,000	\$ 120,000
Total Available Resources	\$ 17,707,815	\$ 17,835,371	\$ 38,692,453
Fund Transfers			
Affordable Housing			
City of Houston	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 3,278,258	\$ 3,226,194	\$ 3,493,350
Municipal Services	\$ 250,000	\$ 600,000	\$ 500,000
Administration Fee to General Fund			
COH Admin Fee (5%)	\$ 216,057	\$ 251,204	\$ 345,104
Harris County Admin	\$ 26,103	\$ 19,376	\$ 37,034
ISD Admin	\$ 25,000	\$ 25,000	\$ 25,000
HHFC Payment	\$ 750,000	\$ 750,000	\$ 750,000
Total Fund Transfers	\$ 4,545,418	\$ 4,871,774	\$ 5,150,488
Funds Available for Projects	\$ 13,162,397	\$ 12,963,598	\$ 33,541,965
Project Costs			
Administrative Staff	\$ 214,271	\$ 214,271	\$ 230,140
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 15,000	\$ 15,000	\$ 15,000
Accounting/ Audit	\$ 19,800	\$ 19,800	\$ 20,700
Program / Project Consulting	\$ 17,000	\$ 17,100	\$ 17,100
Administrative Operating Expense	\$ 63,225	\$ 63,225	\$ 73,051
Capital Expenditures	\$ 526,000	\$ -	\$ 10,750,000
Developer/ Project reimbursements	\$ 6,880,000	\$ 5,602,250	\$ 10,050,000
Debt Service			
Principal	\$ 500,000	\$ 500,000	\$ 520,000
Interest	\$ 584,503	\$ 588,604	\$ 561,164
Other debt items	\$ -	\$ 60,000	\$ 2,012,500
Total Project Costs	\$ 8,819,799	\$ 7,080,250	\$ 24,249,655
Total Budget	\$ 13,365,217	\$ 11,952,024	\$ 29,400,143
Resources Less Transfer and Expenses	\$ 4,342,598	\$ 5,883,348	\$ 9,292,310
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 2,165,322	\$ 2,165,322	\$ 3,915,322
Unrestricted Fund Balance	\$ 2,177,276	\$ 3,718,026	\$ 5,376,988

* State of Texas to make a portion of this payment relative to HBI.

2009 - 2013 CAPITAL IMPROVEMENT PLAN
 TIRZ No. 03 - Main Street Market Square Redevelopment Authority
 CIP by Project
 AMENDED

CITY OF HOUSTON - TIRZ PROGRAM
 Finance Department
 Economic Development Division

Council District	CIP No.	Project	FY Planned Appropriations (\$ Thousands)								Cumulative Total (To Date)	
			Through 2007	Projected 2008	2009	2010	2011	2012	2013	Total 2009-2013		
I	T-0301	Main Street Corridor E-W Improvements	\$ -	\$ -	\$ 450,000	\$ 3,120,000	\$ -	\$ -	\$ -	\$ -	\$ -	3,570,000
I	T-0302	Market Square Park	\$ -	\$ -	\$ 300,000	\$ 2,100,000	\$ -	\$ -	\$ -	\$ -	\$ -	2,400,000
I	T-0303	Pedestrian Amenities	\$ 121,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	121,000
I	T-0304	Julia Ideson - Phase II Renovation	\$ -	\$ -	\$ 10,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	10,000,000
I	T-0305	Pedestrian Bridge - Ballet Academy	\$ -	\$ -	\$ -	\$ 1,500,000	\$ -	\$ -	\$ -	\$ -	\$ -	1,500,000
I	T-0306	Parking Meters - Hard Wiring	\$ -	\$ 140,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	140,000
B	T-0307	Deluxe Theater	\$ -	\$ -	\$ -	\$ 1,500,000	\$ -	\$ -	\$ -	\$ -	\$ -	1,500,000
I	T-0308	Jones Plaza	\$ -	\$ -	\$ -	\$ 2,500,000	\$ 2,500,000	\$ -	\$ -	\$ -	\$ -	5,000,000
Totals			121,000	140,000	10,750,000	10,720,000	2,500,000	-	-	-	23,970,000	24,231,000

2009 - 2013 CAPITAL IMPROVEMENT PLAN
 TIRZ No. 03 - Main Street Market Square Redevelopment Authority
 CIP by Sources of Funds
 AMENDED

CITY OF HOUSTON - TIRZ PROGRAM
 Finance Department
 Economic Development Division

Source of Funds	FY Planned Appropriations (\$ Thousands)							Total 2009-2013	Cummulative Total (To Date)
	Through 2007	Projected 2008	2009	2010	2011	2012	2013		
TIRZ funds	21,000	140,000	10,750,000	10,720,000	2,500,000	-	-	23,970,000	24,131,000
Revenue bond proceeds	-	-	-	-	-	-	-	-	-
Proceeds from bank loan	-	-	-	-	-	-	-	-	-
Developer Advance/Reimbursement	-	-	-	-	-	-	-	-	-
City of Houston	-	-	-	-	-	-	-	-	-
Grants	100,000	-	-	-	-	-	-	-	100,000
Other	-	-	-	-	-	-	-	-	-
Project Total	121,000	140,000	10,750,000	10,720,000	2,500,000	-	-	23,970,000	24,231,000

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approval of an ordinance authorizing the issuance of up to \$30 million in Authority obligations by the Main Street Market Square Redevelopment Authority dba the Downtown Redevelopment Authority.

Category #

Page
1 of 1

Agenda Item#

27A

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

February 23, 2009

Agenda Date

MAR 04 2009

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. 2000-240, 4/4/2000

RECOMMENDATION: (Summary)

That City Council approve an ordinance authorizing the issuance of up to \$30 million in Authority obligations by the Main Street Market Square Redevelopment Authority dba the Downtown Redevelopment Authority.

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

To implement its FY2009 City Council-approved budget and capital improvement plan (CIP), the Downtown Redevelopment Authority (the "Authority") will need to shortly obtain financing to fully fund its current year and future year capital support and design and construction plans. On April 4, 2000, City Council approved an agreement between the City of Houston Reinvestment Zone Number Three, the City of Houston, Texas, and the Main Street Market Square Redevelopment Authority (the "Tri-Party Agreement") authorizing the Authority to issue up to \$20 million in Authority obligations (notes and/or bonds).

Approval of this ordinance will allow the Authority to issue obligations up to \$30 million in Authority obligations to provide the capital needed to support its activities with respect to public improvements and redevelopment in the Zone, which include, support for the renovation of the Julia Ideson Building of the Houston Public Library system, in cooperation with Harris County Flood Control District the purchase of two blocks abutting Buffalo Bayou for flood control and renovation of Market Square Park.

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:

[Signature]

[Signature]

26A

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approval of an ordinance authorizing the issuance of up to \$25 million in Authority obligations by the Memorial City Redevelopment Authority dba TIRZ 17 Redevelopment Authority.

Category #

Page
1 of 1

Agenda Item#

28

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

February 17, 2009

Agenda Date

MAR 04 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Finance Department

Council Districts affected:

A and G

For additional information contact:

Robert Fiederlein

Phone: (832)393-8091

Date and identification of prior authorizing Council Action: Ord. 2007-1194, 10/24/07

RECOMMENDATION: (Summary)

That City Council approve an ordinance authorizing the issuance of up to \$25 million in Authority obligations by the Memorial City Redevelopment Authority dba TIRZ #17 Redevelopment Authority.

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

To implement its FY2009 City Council-approved budget and capital improvement plan (CIP), the Memorial City Redevelopment Authority dba TIRZ #17 Redevelopment Authority (the "Authority") will need to shortly obtain financing to fully fund its current year and future year design and construction plans. On August 14, 2002, City Council approved an agreement between the City of Houston Reinvestment Zone Number Seventeen, the City of Houston, Texas, and the Memorial City Redevelopment Authority (the "Tri-Party Agreement") authorizing the Authority to issue up to the \$3 million in Authority obligations (notes and/or bonds). Subsequently, on October 24, 2007, City Council increased this authorization to \$10 million. To implement its FY 2009 budget and CIP the Authority will need to be able to issue up to \$25 million in Authority obligations.

Approval of this ordinance will allow the Authority to issue obligations up to \$25 million to provide the capital needed to support its activities with respect to redevelopment in the Zone, which include, major road and drainage projects. Among these are drainage projects along Memorial Drive, Bunker Hill Road, and Kimberly and intersection improvement projects at Gessner and Barryknoll and Town and Country Blvd. and Queensbury.

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

REQUIRED AUTHORIZATION

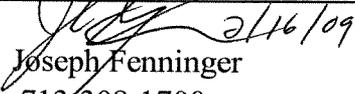
Finance Director:

Other Authorization:

Other Authorization:

[Signature]

[Signature]

SUBJECT: State Criminal Justice Planning Fund (Fund 421) Program	Category #	Page 1 of 1	Agenda Item # 29
FROM: (Department or other point of origin): Houston Police Department	Origination Date February 18, 2009		Agenda Date MAR 04 2009
DIRECTOR'S SIGNATURE: Harold L. Hurtt, Chief of Police 	Council Districts affected: All		
For additional information contact: Lt Steve Ward 713-308-1934	 Joseph Fenninger 713-308-1700		Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt an ordinance authorizing the grant application and award acceptance from the Office of the Governor, Criminal Justice Division (CJD), which will provide support for pro-active investigations of paroled offenders who commit violent crimes. There is no cash match required or hiring of personnel.

Amount of funding				Total Funding	Finance
CJD Funding	Cash Match Funding	In-Kind Funding			
\$295,152	0	0		\$295,152	

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

The Houston Police Department is in the process of applying for a grant through the Criminal Justice Department (CJD), Office of the Governor, in the amount of \$295,152. The grant would be funded through the State Criminal Justice Planning Fund (Fund 421) Program. It does not require a city cash match or hiring of personnel, but does require a City of Houston ordinance for the application to be submitted and for the award to be accepted. Additionally, the ordinance must state that in the loss or misuse of the CJD funds, the City of Houston will assure that the funds will be returned to CJD in full. It is requested the ordinance designate Chief Harold L. Hurtt as the authorized official on this grant project (application # 2149901).

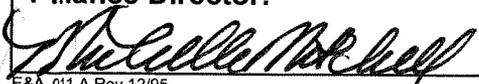
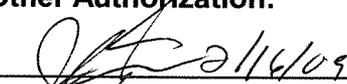
The goal of this grant project is to reduce the number of violent crimes committed by paroled offenders through incident review and coordination with the Texas Parole Division. The unit will target not only parolees, but also known suspects of violent crimes. After case development, felony warrants will be issued in an effort to remove the offender from the streets and further victimization.

The project will be carried out by the Houston Police Department's Paroled Offenders Unit, which is a proactive policing resource attached to the Southeast Patrol Division.

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

REQUIRED AUTHORIZATION

10SPW002

Finance Director: 	Other Authorization: 	Other Authorization:
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving new contracts for elderly services with various Contractors through the Harris County Area Agency on Aging		Category #	Page 1 of 2	Agenda Item # 30
FROM (Department or other point of origin): Department of Health and Human Services		Origination Date 2/23/09		Agenda Date MAR 04 2009
DIRECTOR'S SIGNATURE: Stephens J. Williams		Council District affected: All		
For additional information contact: Kathy Barton Telephone: 713-794-9998; pgr 713-826-5801		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Adopt an ordinance approving three contracts for elderly services through the Harris County Area Agency on Aging				
Amount of Funding: Maximum Contract Amount: \$2,552,000.05			Finance Department:	
SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify): Aging Title III Grant (Fund 5030)				
<p>The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing new contracts with three providers of elderly services. The providers were selected through a Request for Proposal process conducted by the Harris County Area Agency on Aging. The ordinance sets a maximum contract amount for each provider and authorizes the HDHHS Director to allocate supplemental funding as it becomes available, up to the maximum amount. The contract terms extend through September 30, 2009, with three one-year renewals. The Director may extend the contracts for an additional 90 days if funds remain. The City of Houston, as designated by the Texas Department of Aging and Disability Services, has full authority and responsibility for funds authorized under the Title of the Older Americans Action of 1965, as amended. These funds are disbursed by the U.S. Department of Health and Human Services through the Texas Department of Aging and Disability Services and administered by the Department's Harris County Area Agency on Aging.</p> <p>Services provided by these contractors include:</p> <ul style="list-style-type: none"> • Congregate meal services include a hot or appropriate meal that meets the recommended dietary allowance and is served to an eligible person at a congregate meal site. • Home delivered meal services include a hot or otherwise appropriate meal that meets the recommended dietary allowance and is served to an eligible person at his/her residence. • Caregiver information services and education and training services include the establishment of support groups for caregivers, conferences and training for those providing care to older adults. 				
REQUIRED AUTHORIZATION				
Finance Department		Other Authorization:		Other Authorization:

The Contractors and their respective total contract value will are:

Contractor	Maximum Contract Amount	Services
City of Jacinto City	\$272,884.92	Congregate and Home Delivered Meals
Jewish Community Center	\$1,450,027.39	Congregate and Home Delivered meals
Texas Southern University	\$829,087.74	Caregiver Education and Training and Information Services
TOTAL:	\$2,552,000.05	

Cc: Finance Director
 Legal Department
 Agenda Director

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Authorization for the Mayor to apply for and accept a DHS-FEMA Assistance to Firefighting Grant offer up to \$640,000 for electronic fire extinguisher monitoring systems for the Houston Airport System facilities.	Category #	Page 1 of 1	Agenda Item # 31
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FROM (Department or other point of origin): Houston Airport System	Origination Date 02/26/09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: <i>[Signature]</i> <i>[Signature]</i>	Council District affected: B, E, I
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For additional information contact: Charles F. Hamilton Phone: 281-233-1990	Date and identification of prior authorizing Council action:
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AMOUNT & SOURCE OF FUNDING: REVENUE: \$640,000.00 – Federal Emergency Management Agency (FEMA)	Prior appropriations:
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RECOMMENDATION: (Summary)
Enact an ordinance authorizing the Mayor to apply for and accept a Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Assistance to Firefighting Grant (AFG) Program for electronic fire extinguisher monitoring systems for George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Airport (EFD).

SPECIFIC EXPLANATION:
The Houston Airport System (HAS) is in the process of applying for grant funds to procure and install an electronic fire extinguisher monitoring system, a DHS recognized technology for strengthening facilities against fire and safety risks, as well as potential terrorist threats. The technology provides a system for monitoring the presence and inflation pressure of fixed-location fire extinguishers to ensure that they are in place and usable.

Under this technology, portable fire extinguishers are equipped with a wireless electronic monitoring system that includes an alarm sensor. The alarm system sends a signal to the location's central fire and security monitoring station the moment an extinguisher is removed, out of pressure or continually blocked. The technology provides immediate notification, reduces the threat of tampering and vandalism, and provides 24/7 surveillance, thus arming airports with a capability to immediately know if there is an extinguisher problem. A further advantage of the system eliminates manual monthly checks of fire extinguishers required by OSHA 29 CFR 1910.157 and NFPA 10, thereby reducing labor costs needed for such monitoring. The system also serves to deter terrorists replacing a legitimate extinguisher with a look-alike extinguisher actually containing an explosive or lethal gas that can be remotely triggered or set off by a timing device.

Council approval is requested to authorize the Mayor to apply for and accept a DHS-FEMA grant offer up to \$640,000 that might be awarded under the AFG Program. This grant program does not require matching funds.

Due to a short notice announcement about the availability of the grant, and the March 6, 2009 application submission deadline, this item may not be tagged, as a one week delay would render the grant application moot.

cc: Ms. Marty Stein Mr. Richard M. Vacar Mr. Aleks Mraovic
Mr. Anthony W. Hall, Jr. Mr. Thomas B. Bartlett Ms. Mary Case
Mr. Arturo G. Michel Ms. Cathy A. Nicholson Mr. Charles Wall
Mr. Brian Rinehart Mr. David Arthur Ms. Kathy Elek

REQUIRED AUTHORIZATION

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

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement with the Houston Golf Association for lease of certain space in Parking Cents lot at George Bush Intercontinental Airport/Houston (IAH).	Category #	Page 1 of 2	Agenda Item # 32
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FROM (Department or other point of origin): Houston Airport System	Origination Date February 16, 2009	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: <i>Eric K. Potter</i>	Council District affected: B, E, I <i>B</i>
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For additional information contact: Janet L. Schafer <i>JLS</i> Phone: 281/233-1796	Date and identification of prior authorizing Council action:
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AMOUNT & SOURCE OF FUNDING: Revenue: \$10,000.00 per year <i>INW</i>	Prior appropriations:
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RECOMMENDATION: (Summary)
Enact an ordinance approving and authorizing a Lease Agreement with the Houston Golf Association for lease of certain space in the Parking Cents lot at George Bush Intercontinental Airport/Houston (IAH).

SPECIFIC EXPLANATION:
The Houston Golf Association has requested to use a portion of the Parking Cents lot at George Bush Intercontinental Airport/Houston (IAH) for parking by its patrons attending the Shell Houston Open (SHO) event (April 2-5, 2009). In addition, they requested to lease such space for each SHO event until the earlier of lease expiration or termination by lessee.

The pertinent terms and condition of the Lease Agreement are as follows:

- 1. Leased Premises:** The northern lot of Parking Cents, which may be used only during the four-day SHO event, presently scheduled April 2-5, 2009. The lot may not be used for any other dates unless the Director allows an extension due to re-scheduling of the SHO event.
- 2. Term:** Effective on countersignature date, the term of the lease is four years, unless otherwise terminated in accordance with the terms of the lease. The lease may be terminated by HGA upon 30 days' advance written notice. The Director of the Houston Airport System may terminate the lease upon 120 days' advance written notice.
- 3. Options:** Four one year option periods, exercised by giving the Director 60 days' written notice prior to the particular year's event.

REQUIRED AUTHORIZATION

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

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement with the Committee on House Administration of the House of Representatives of the State of Texas (Lessee) for the benefit of Carol Alvarado, Member, for leased space in the Park Place Regional Library.	Page 1 of 1	Agenda Item 33
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FROM (Department or other point of origin): General Services Department	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 1/27/09	Council District affected: 1
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve and authorize a Lease Agreement with the Committee on House Administration of the House of Representatives of the State of Texas (Lessee) for the benefit of Carol Alvarado, Member, for leased space in the Park Place Regional Library, 8145 Park Place Boulevard.

Amount and Source Of Funding: Revenue	Finance Budget:
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SPECIFIC EXPLANATION The General Services Department recommends that City Council approve and authorize a Lease Agreement with the Committee on House Administration of the House of Representatives of the State of Texas (Lessee) for the benefit of Carol Alvarado, Member, for 300 square feet of space in the Park Place Regional Library located at 8145 Park Place Boulevard. The space will be used as an office in connection with her official business as a State Representative.

The proposed Lease Agreement provides for a two-year term with one two-year renewal option upon written approval of the director of the Houston Public Library, for the same monthly rental and under the same terms and conditions as the primary term. The monthly rental will be \$537.50 (\$21.50 psf per year/ \$1.79 psf per month). Either party may terminate this lease at any time upon thirty days written notice.

The City is responsible for janitorial services and utilities. The lessee is responsible for telephone service, copying and printing costs. The lease will commence on the date of countersignature by the City Controller.

The revenue will be directed to the General Fund.

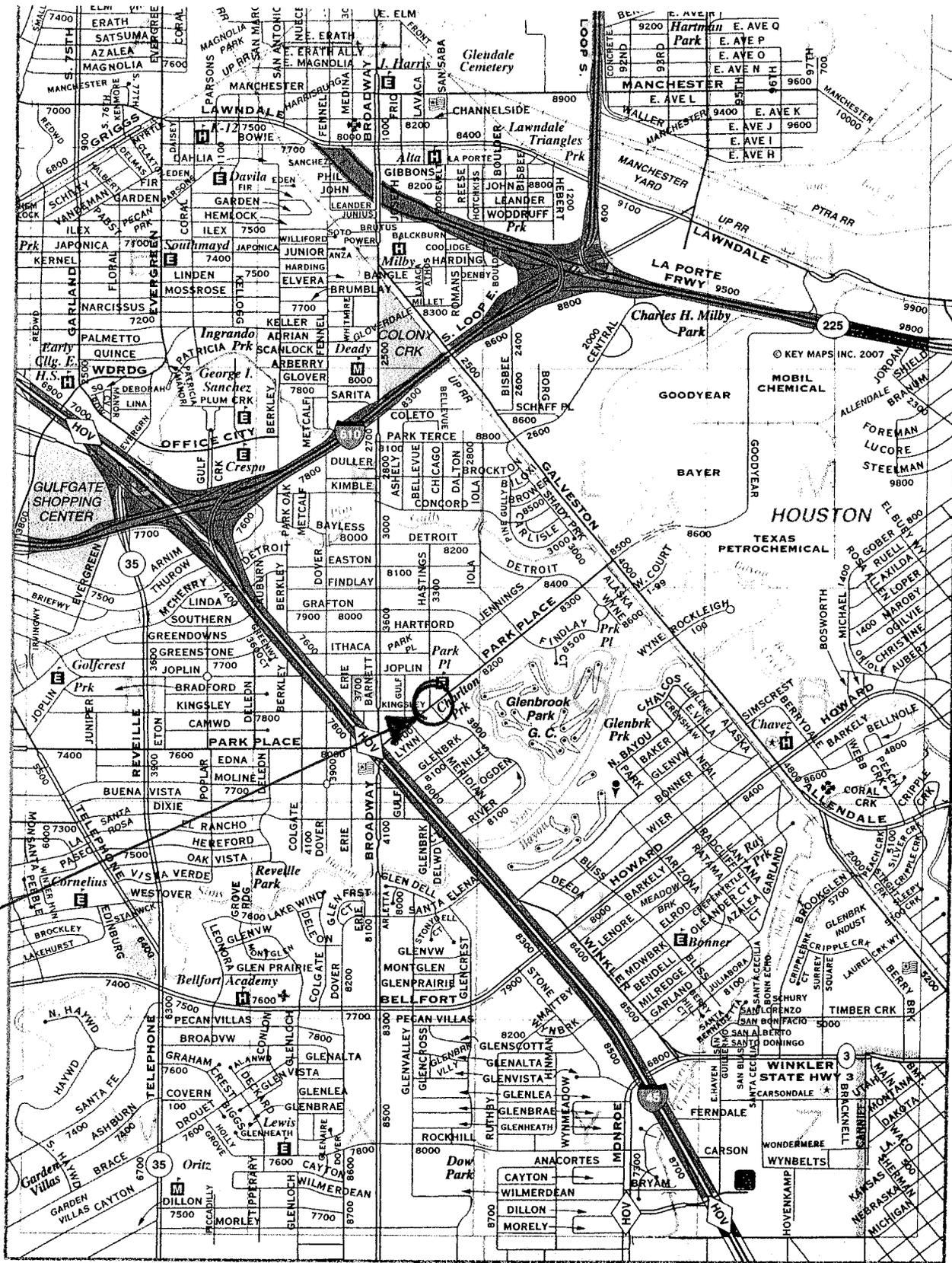
IZD:BC:JLN:JES:ddc

xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell

REQUIRED AUTHORIZATION

CUIC ID# 25 JES 21

General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr. Director of Real Estate	Houston Public Library: <i>Rhea Brown Lawson</i> Rhea Brown Lawson, Ph.D Director
---	---



subject

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: First Amendment to Lease Agreement with Wayside Business Center, Ltd. at 4300 South Wayside, Suite 109 for the Engineering and Construction Division of the Public Works and Engineering Department	Page 1 of 1	Agenda Item 34
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FROM (Department or other point of origin): General Services Department	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: <i>Issa Z. Dadoush</i> 2/6/09 Issa Z. Dadoush, P.E.	Council District affected: 1
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2006-1264, December 20, 2006
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RECOMMENDATION: Approve and authorize First Amendment to Lease Agreement with Wayside Business Center, Ltd., for the leased space at 4300 South Wayside, Suite 109, for the Engineering and Construction Division of the Public Works and Engineering Department and allocate funds.

Amount and Source Of Funding: CIP Salary Recovery (1001): \$161,568.00 Initial Base Term	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the Lease Agreement with Wayside Business Center, Ltd., for approximately 3,960 square feet of leased space at 4300 South Wayside, Suite 109, for the Southeast Quadrant Office Construction Branch of the Public Works and Engineering Department (PWE). The construction inspectors have utilized this facility for general office space since July 1, 1999.

The proposed First Amendment will extend the lease term to a four-year base term with one four-year renewal option at the current market rate. The base rental rates are as follows:

Year	Monthly Payments
April 16, 2009 – April 15, 2010	\$3,128.40 (\$9.48 psf per year/\$0.79 psf per month)
April 16, 2010 – April 15, 2012	\$3,405.60 (\$10.32 psf per year/\$0.86 psf per month)
April 16, 2012 – April 15, 2013	\$3,524.40 (\$10.68 psf per year/\$0.89 psf per month)

The new renewal term will commence April 16, 2009, and expire April 15, 2013. The landlord will provide improvements and repairs to the leased premises, maintenance, utilities and janitorial services.

The original lease commenced on April 16, 2007 for an initial two-year term with one two-year renewal option, at a monthly rental of \$3,128.40 (\$9.48psf per year/ \$0.79 psf per month), and will expire on April 15, 2009. All other terms and conditions of the original lease remain the same during the initial lease term.

IZD:BC:JLN:RB:ddc

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Tim Lincoln

REQUIRED AUTHORIZATION

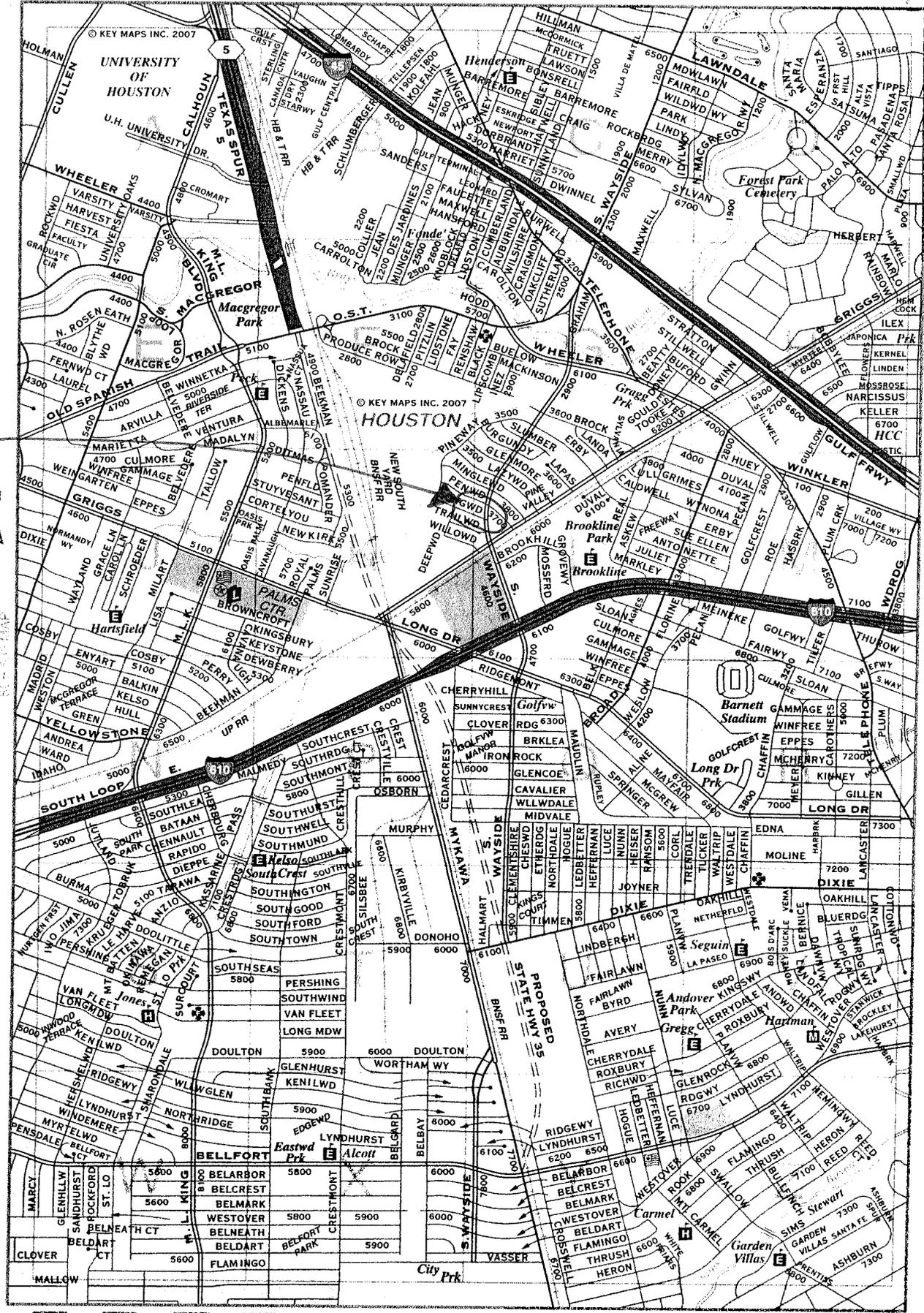
CUIC ID# 25 RB 41

General Services Department:
Forest R. Christy, Jr.
Forest R. Christy, Jr., Director
Real Estate Division

[Signature]

Public Works and Engineering Department:
Michael S. Marcotte
Michael S. Marcotte, P.E., D.WRE,
BCEE, Director

Site



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8183

Subject: Approve an Appropriating Ordinance and Approve a Contract to the Best Respondent for the Fleet Management Information System for Various Departments
S15-T22580

Category #
4

Page 1 of 2

Agenda Item

35

FROM (Department or other point of origin):

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

Origination Date

February 26, 2009

Agenda Date

MAR 04 2009

DIRECTOR'S SIGNATURE

For Kevin M. Colburn

Council District(s) affected
All

For additional information contact:

Richard Lewis Phone: (832) 393-0082
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt ordinance approving 1) the appropriation of \$1,157,035.00 out of the Equipment Acquisition Consolidated Fund, 2) awarding contract to best respondent AssetWorks, Inc. in an amount not to exceed \$1,774,372.00 for a fleet management information system for various departments; and 3) authorizing purchase of hardware and MS SQL licenses through the City's Master Agreement with the Texas Department of Information Resources (DIR) for a total amount not to exceed \$665,913.

Maximum Contract Amount: \$1,774,372.00

Finance Budget

KMC

- \$1,157,035.00 - Equipment Acquisition Consolidated Fund (1800) (WBS X-681006)
- \$ 477,203.00 - PWE-Combined Utility System General Purpose Fund (8305)
- \$ 172,184.00 - HAS-AIF Capital Outlay Fund (8012)
- \$ 794,512.00 - Central Services Revolving Fund (1002)

\$2,600,934.00 - Estimated Project Cost

SPECIFIC EXPLANATION:

The Information Technology Department requests Council approve a contract with AssetWorks, Inc. to provide a fleet management information system that will replace the City's 15-year old GEMS2000 Fleet Management Information System and associated hardware. The system is used by City departments to measure, monitor and control the operation and maintenance of over 12,000 pieces of rolling stock equipment. The user departments will include: Police, Fire, Public Works & Engineering, Houston Airport System, Solid Waste and Parks & Recreations and Health & Human Services. The proposed contract has a three-year term with two one-year options, in an amount not to exceed \$1,774,372.00. The scope of work requires the contractor to provide all supervision, labor, tools, software and supplies to implement the system. The contractor will be required to configure the system to interface with current City systems, implement and deploy the final operating system and provide on-going support and maintenance services.

Council is further requested to approve the purchase of hardware and MS SQL licenses through the City's Master Agreement with the Texas Department of Information Resources (DIR) in an amount not to exceed \$665,913 and authorize the issuance of purchase orders to DIR's Go-Direct vendors, Hewlett-Packard Company in the amount of \$513,680.20 for twenty computer servers and associated equipment; and SHI Government Solutions in the amount of \$140,138.30 for MS SQL licenses.

The total cost for implementation of the new fleet management system is estimated at \$2,600,934. Funding comes from the requested appropriation of \$1,157,035 from the Equipment Acquisition Consolidated Fund and budgeted funds from the Public Works and Engineering Department and the Houston Airport System. Out-year maintenance and special & optional services funding will come from the Central Services Revolving Fund. The breakdown of project costs is as follows:

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

13

26

Date: 2/26/2009	Subject: Approve an Appropriating Ordinance and Approve a Contract to the Best Respondent for the Fleet Management Information System for Various Departments S15-T22580	Originator's Initials DM	Page 2 of 2
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Contract Costs

\$ 958,710 Software and implementation
 \$ 250,000 Special and optional services
 \$ 565,662 5-year maintenance
\$1,774,372 Total contract

ITD Hardware and Licenses

\$513,680 Hewlett Packard Server
 \$140,139 MS SQL Server Licenses
 \$ 12,094 Switch Hardware
\$665, 913 Total Hardware

Salary Recovery and Support

\$160,649

AssetWorks, Inc. was selected as the result of a Request for Proposals process that was advertised in accordance with the requirements of the State bid laws. Eighty-three prospective bidders downloaded the solicitation document from SPD's e-bidding website and, as a result, proposals were received from Asset Works, Inc., UR International, Inc., IBM, Chevin Fleet Solutions, LLC, CCG Systems, Inc. and SAP. The evaluation committee consisted of six evaluators from the Houston Airport Systems, Police, Fire, Public Works & Engineering, Parks & Recreation, and Information Technology departments. The proposals were evaluated based upon the following criteria, and Asset Works, Inc. received the highest overall score.

- System Design, Functionality and Performance
- Cost of Software, Hardware and Services
- Interface with Key External Systems
- Experience, Expertise, Qualifications and Disclosure
- Financial Strength
- M/WBE

M/WBE Subcontracting:

This RFP was issued as a goal-oriented contract with a 14% M/WBE participation level. Asset Works, Inc. has designated the below-named companies as its certified M/WBE subcontractor:

Name	Type of Work	Dollar Amount
Criner-Daniels & Associates	Professional Services	\$169,219.40
Criner-Daniels & Associates	HP Hardware Reseller	\$20,547.20

The Affirmative Action Division will monitor this contract.

Pay or Play:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8255

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Insurance Property Loss Consulting Services for the Administration and Regulatory Affairs Department S22-Q23169

Category #
4

Page 1 of 2

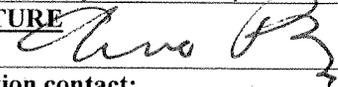
Agenda Item

36

FROM (Department or other point of origin):
Alfred Moran
Director
Administration & Regulatory Affairs Department

Origination Date
February 25, 2009

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE 

Council District(s) affected
All

For additional information contact:
Tina Paquet
Phone: (713) 837-9856
Phone:

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to MLA Claims, LLC for insurance property loss consulting services for the Administration and Regulatory Affairs Department

Not to exceed \$450,000.00 plus 5% of net insurance recoveries over \$15,000,000

Finance Budget


Initial allocation:
\$225,000.00 - HAS- Revenue Fund (8001)
\$225,000.00 - Property & Casualty Fund (1004)

SPECIFIC EXPLANATION:

As a result of Hurricane Ike, the City sustained property damages to approximately 500 insured facilities. Initial estimates by City staff place total damages at \$37.7 million, however that amount may increase after further expert analysis. The City's insurance policy has a maximum deductible of \$20 million. Due to the magnitude of the City's insured loss, the Director of the Administration and Regulatory Affairs Department (ARA) recommends the proposed contract with MLA Claims, LLC to expedite and maximize the City's insurance recovery.

The scope of work requires the contractor to provide all labor and supervision necessary to expedite the City's insurance claim for property damages resulting from the hurricane. Initial compensation will be based upon either 3% of the City's net insurance recovery for amounts collected up to \$15 million, or hourly rates established in the contract fee schedule, whichever is greater, up to a maximum of \$450,000. Additional compensation will be based on 5% of net insurance recoveries above \$15 million.

The initial allocation for the contract is \$450,000. This amount will be reimbursed to the Houston Airport System Revenue Fund and the Property and Casualty Fund as insurance recoveries are received. Additional compensation will come from insurance proceeds. The contract term is one-year plus one option year, and the Director may terminate the contract at any time upon 30-days written notice to the contractor.

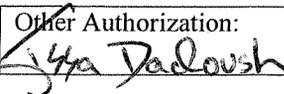
The Informal Request for Proposal (IRFP) was issued in accordance with the requirements of the State bid laws. Thirteen perspective bidders downloaded the solicitation document from SPD's e-bidding website and as a result, three proposals were received. The proposals were evaluated based upon the following criteria:

- Expertise, Experience & Qualifications
- Proposed Strategy
- Conformance to RFP Requirements

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:


Date: 2/25/2009	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Insurance Property Loss Consulting Services for the Administration and Regulatory Affairs Department S22-Q23169	Originator's Initials DM	Page 2 of 2
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MLA Claims, LLC is the recommended contractor due to their experience and expertise in adjusting large catastrophic insurance claims, qualifications in settling complex insurance coverage issues, implementation of a strategy to receive insurance claim payments and their ability to mobilize immediately. The contractor's most senior executive staff have committed to personal, full-time participation in the performance of the recommended contract services.

M/WBE Subcontracting:

The Director of Affirmative Action has reviewed the scope of contract work and determined that there is capacity for a 5% M/WBE participation goal. The Affirmative Action Division will monitor this contract.

Pay or Play:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8180

Subject: Formal Bids Received for the Cullen Boulevard Beautification Project for the Parks and Recreation Department
S50-C23096

Category #
1 & 4

Page 1 of 2

Agenda Item

37

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

Origination Date
February 20, 2009

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
D

For additional information contact:
Daniel Pederson Phone: (713) 865-4507
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$377,399.00 out of the Limited Use Roadway & Mobility Capital Fund (Fund 4034) and approve an award to Statewide Services, Inc. on its low bid in an amount of \$343,090.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$34,309.00 for a total amount not to exceed \$377,399.00 for demolition of concrete and asphalt within 27 medians, tree planting and maintenance service for the Parks & Recreation Department.

Maximum Contract Amount: \$377,399.00

Finance Budget

\$377,399.00 Limited Use Roadway & Mobility Capital Fund (4034)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance appropriating \$377,399.00 out of the Limited Use Roadway & Mobility Capital Fund (Fund 4034) and award a one-year contract, with two one-year options to Statewide Services, Inc. on its low bid in the amount of \$343,090.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$34,309.00 for a total amount not to exceed \$377,399.00 for demolition of concrete and asphalt within 27 medians, tree planting and maintenance services for the Parks and Recreation Department. The City Purchasing Agent may terminate this contract at any time upon 30 days written notice to the contractor.

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

<u>Company</u>	<u>Total Amount</u>
1. Statewide Services, Inc.	\$343,090.00
2. Amco Landscaping & Irrigation, Inc.	\$599,415.60
3. Landscape Art, Inc.	\$677,601.71

Due to the disparity between bids, Strategic Purchasing spoke with a representative of Statewide Services, Inc. to discuss the scope of work for this project. Statewide Services, Inc.'s representative stated that the bid includes all costs associated with performing the work called for in the published scope of work and subsequently provided a letter to the Strategic Purchasing Division confirming the same. Based on the aforementioned, Strategic Purchasing is confident that the recommended company can perform the specified work for the bid price. Additionally, the low bid price is in line with the City's estimate for this project. Therefore, the bid price is considered fair and reasonable.

The scope of work requires the construction contractor to provide all labor, supervision, materials, equipment, tools and transportation to furnish, deliver and plant various species of trees, such as oak, elm, cypress,

REQUIRED AUTHORIZATION

NOT

Finance Department:

Other Authorization:

Other Authorization:

37A

myrtle and sycamore, etc., at 27 medians along Cullen Boulevard between South Loop 610 and Meadow Park Road within the City. The contractor shall provide demolition services to remove the concrete and asphalt filler inside the 27 medians, plant 1209 trees and maintain the trees after the initial planting for a 24-month period. Maintenance includes, but is not limited to, pruning, bark mulching and repairing and replacing, as necessary, the protective collars. Additionally, the contractor will be required to rake around the trees and water as needed, to ensure healthy growth and survival.

ESTIMATED SPENDING AUTHORITY			
Department	FY09	Out Years	Total
Parks & Recreation	\$366,518.00	\$10,881.00	\$377,399.00

Pay or Play:

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

Buyer: Arturo Lopez

SUBJECT: Purchase of Integrated Workplace Management System Software and Implementation Contract Tririga, Inc. WBS No. D-000113-0003-3	Page 1 of 2	Agenda Item 38
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FROM (Department or other point of origin): General Services Department	Origination Date 02-12-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE: <i>Issa Z. Dadoush</i> 7/27/08 Issa Z. Dadoush, P.E.	Council District(s) affected: All
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve the Integrated Workplace Management System Software and Implementation Contract with Tririga, Inc., and appropriate funds for the project.

Amount and Source of Funding: \$405,000.00 General Improvement Consolidated Construction Fund (4509)	Finance Budget: <i>Madeleine Mitchell</i>
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SPECIFIC EXPLANATION: The General Services Department (GSD) desires to implement an integrated workplace management software solution to manage the real estate, design and construction, and facilities operations. This software will allow GSD to operate more effectively and efficiently by providing managers with comprehensive information that is easily accessible.

On October 26, 2007, GSD advertised a Request for Proposals (RFP) for this software. The RFP contained selection criteria that ranked the software system on design, performance, cost, and it's ability to interface with other software systems. The firms were ranked on expertise and financial strength. Proposals were received on November 15, 2007 and Tririga, Inc. and Manhattan Software, Inc. responded. GSD formed a selection committee consisting of representatives from GSD and the Information Technology Department to evaluate the respondents. Tririga, Inc. received the most points and offers the best value for the City based on the advertised criteria.

Tririga's software solution includes the following four modules that will be implemented in phases:

- **Space Management Module** – configures relocations, additions, and changes of employee workspaces, tracking space utilization and vacancy capabilities.
- **Operations Management** – planned/demand maintenance asset management, inventory management, energy management, and condition assessments.
- **Facilities Project Management** – tracks budget and scheduling throughout the design and construction process, focusing on online communication and managing of project tasks.
- **Real Estate Management** – lease administration and accounting, transaction management, and Geographic Information Systems.

NDT

REQUIRED AUTHORIZATION CUIC # 25MSCL12

General Services Department:

Humberto Bautista

Humberto Bautista
 Chief of Design & Construction Division

Information Technology Department:

Richard Lewis

Richard Lewis
 Director

Date:	SUBJECT: Purchase of Integrated Workplace Management Software System and Implementation Contract Tririga, Inc. WBS No. D-000113-0003-3	Originator's Initials LC	Page 2 of 2
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Under the proposed contract, GSD will implement the Phase I Space Management Module. City Council will be requested to appropriate funds for the additional modules under separate Council actions.

GSD recommends that City Council approve a contract with Tririga, Inc., for the Integrated Workplace Management System software. The initial installation of the Space Management Module will include the software, data conversion, training services, and a three-year maintenance agreement. The requested appropriation will cover the initial implementation costs of the integrated system.

FUNDING SUMMARY:

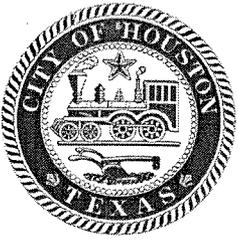
\$ 204,000.00	Professional Services for implementation and training
\$ 106,135.00	Product Licenses and software
\$ 40,073.21	Computer hardware
\$ 36,086.00	2 year-Maintenance Agreement
\$ 18,705.79	Reimbursable Expenses
\$ 405,000.00	Total Appropriation

M/WBE PARTICIPATION: An MWBE goal of 5% has been established for this contract. Affirmative Action reviewed the process and determined that the goal is appropriate due to the limited scope of the contract as described in the attached correspondence. The contractor has submitted the following certified firm to achieve the goal.

<u>Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% Of Contract</u>
Mobius Partners DBA Mobius Partners Enterprise Solutions	Computer Hardware Supplier	\$20,000.00	5.9%

IZD:HB:RAV:JLN:WM:LJC:lc

c : Marty Stein, Phil Golembiewski, P.E., Calvin Curtis, Jacquelyn L. Nisby, Richard Lewis, Velma Laws, Kim Nguyen, Webb Mitchell, File



CITY OF HOUSTON
Building Services Department

Interoffice

Correspondence

To: Velma Laws, Director
Affirmative Action and Contract
Compliance

From: Issa Z. Dadoush, P.E., Director

Date: July 21, 2008

Subject: Tririga, Inc.
Integrated Workplace Management
System Contract

We would like to request the establishment of a 5% goal for the Integrated Workplace Management System (IWMS) contract with Tririga, Inc.

The IWMS Contract is for the purchase of software, hardware, maintenance agreement, and implementation that are performed primarily by the prime consultant. Under this contract, GSD will implement the first phase of the project. The software in this phase will be incorporated "as is" with minor modifications from the vendor. Future phases will be more labor intensive in the customization for the department. City Council will be requested to appropriate funds for the additional modules under separate Council actions. MWBE participation level for this Contract will produce a negligible MWBE participation based on MWBE availability. We anticipate achieving the 12% MWBE participation under future Contracts with the same firm.

If you have any questions regarding this information, please call me directly at (832) 393-8021.

READ AND APPROVED:

for
Velma Laws, Director
Affirmative Action and Contract Compliance

IZD:PUB:CRC:PB:RAV:LJC:lc

c: Marty Stein, File

RECEIVED

JUL 31 2008

CITY OF HOUSTON
Affirmative Action

SUBJECT: First Amendment to Professional Energy Management Services Contract
Fulcrum Power Services, L.P.

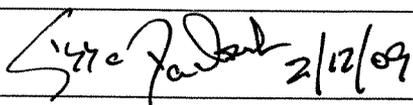
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Agenda Item
39

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

Origination Date
2/17/09

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE:  2/12/09
Issa Z. Dadoush, P.E.

Council District(s) affected:
All

For additional information contact:

Felix C. Johnson, P.E.  Phone: 832-393-8086
Jacquelyn L. Nisby Phone: 832-393-8023

Date and identification of prior authorizing Council actions:

Ordinance No. 2005-241 March 9, 2005
Ordinance No. 2006-113 February 1, 2006
Ordinance No. 2006-945 September 13, 2006
Ordinance No. 2008-317 April 16, 2008

RECOMMENDATION: Approve First Amendment to the professional energy management services contract with Fulcrum Power Services, L.P.; extend the renewal term; amend Ordinance No. 2005-241 to increase the maximum contract amount to \$1,605,000.00, and allocate funds.

Amount and Source of Funding
\$500,000.00 Central Service Revolving Fund (1002)
Previous Funding
\$1,105,000.00 Central Service Revolving Fund (1002)

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the First Amendment to the Professional Energy Management Services Contract with Fulcrum Power Services, L.P. (Fulcrum); extend the renewal term; amend Ordinance No. 2005-241 to increase the maximum contract amount to \$1,605,000.00; and approve a supplemental allocation of \$500,000.00 to provide additional services in connection with fuel procurement and management.

The proposed First Amendment will extend the renewal term for up to four one-year terms and expand Fulcrum's services to assist the City in the management and procurement of its vehicle fuel contracts and supply. Fulcrum will advise the City on future market prices, fuel contract structures, and logistics as well as be involved in purchasing additional quantities of fuel or in coordinating deliveries of fuel. Additionally, Fulcrum will assist in the negotiation of contracts with fuel and transport vendors, evaluate the feasibility of fuel storage, and negotiate fuel storage facility arrangements. Fulcrum will be compensated on a reimbursable basis.

PREVIOUS HISTORY AND PROJECT SCOPE: Under the original contract, approved by City Council on March 9, 2005, Fulcrum provided price and historical market analysis to assist the City in managing its natural gas risk under the electricity contract. On February 1, 2006, City Council approved a supplemental allocation for \$200,000.00 for Fulcrum to assist the City in diversifying its supply of power and for the development of a business implementation plan for the City to utilize other energy supply options, such as wind generation, to access the wholesale energy market. On September 13, 2006, City Council approved a supplemental allocation for \$500,000.00 for Fulcrum to continue with the development of the business implementation plan and for the procurement of renewable energy (wind) from the wholesale electricity market. On April 16, 2008, City Council approved a supplemental allocation for \$200,000.00 for Fulcrum to continue to research the City's authority to construct an onsite power generation facility and the procurement of other sources of renewable energy.

M/WBE INFORMATION: Due to the specialized, technical nature of the contract, Affirmative Action has reviewed the process and approved a 0% M/WBE goal as described in the attached correspondence.

IZD:FCJ:JLN:fcj
cc:Marty Stein, Jacquelyn L. Nisby, Anna Russell, File

REQUIRED AUTHORIZATION

CUIC ID # 25MSCL22

Other Authorization:

Other Authorization:

NDT

Patrick, Regina - BSD

From: Laws, Velma - AAD
Sent: Friday, January 27, 2006 1:07 PM
To: Dadoush, Issa - BSD
Subject: RE: Fulcrum Amended Contract

Issa ~

I concur that the 0% goal should be maintained on this project, due to its unique and technical nature and lack of subcontracting opportunities.

Velma Laws, Director
Affirmative Action and Contract Compliance

-----Original Message-----

From: Dadoush, Issa - BSD
Sent: Friday, January 27, 2006 11:33 AM
To: Laws, Velma - AAD
Subject: Fulcrum Amended Contract

Velma,

Under this amendment, Fulcrum will utilize the expertise of two individuals to provide these services. They will be providing the City with historical data and other technical information to aid the City in its decision when to trigger natural gas trades to lock in our electricity price under our contract with the GLO. They will also use their expertise to develop an implementation plan for the City to utilize other energy supply options to access the wholesale energy market.

It is the opinion of BSD that the services under this contract are of a highly technical nature and pursuant to Section 15-83(c)(1)(b) of the Code of Ordinances the 0% MWBE goal should be maintained under this amendment.

Issa

SUBJECT: Design-Build Alternative Delivery method for Combined Heat and Power (CHP) System at the Alameda Sims Wastewater Treatment Plant for the Public Works and Engineering Department	Page 1 of 1	Agenda Item 40
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FROM (Department or other point of origin): General Services Department	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. 2/14/09	Council District(s) affected: All
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve the Design-Build Alternative Delivery method for the CHP System at the Alameda Sims Wastewater Treatment Plant for the Public Works and Engineering Department (PWE).

Amount and Source Of Funding: N/A	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council determine that the Design-Build Alternative Delivery method offers the best value for the CHP System at the Alameda Sims Wastewater Treatment Plant for the Public Works and Engineering Department. Under the Design-Build method, the City would contract with a single entity to perform both design and construction services.

GSD has reviewed this project and determined that the Design-Build method will provide the best value to the City because this method provides the City with one point of accountability for budget, schedule, and quality of design and construction. This method also provides the City with the flexibility to overlap design and construction, thus reducing the overall time to complete the project.

To utilize the Design-Build method for construction of wastewater treatment plants, Texas Local Government Code §271.185 requires City Council to make the following four findings:

1. The City has adequately defined the project requirements.

In October 2008, Bocci Engineering LLC as a sub consultant to Geo-Technology Research Institute (GTRI), performed a preliminary development study. The study conceptually defined the project.

2. The City has time constraints in the delivery of this project.

It is anticipated that this project will result in significant energy savings; therefore the Design-Build delivery method will facilitate accelerating the schedule so that the City can realize the savings.

3. The City has the ability to ensure that a competitive procurement is held.

The Design-Build firm will be selected through a two-step selection process. The firms will initially be short-listed based on qualifications and the final selection will be based on the short-listed firms' technical and cost proposals.

4. The City has the capability to manage and oversee the project.

GSD's expertise is in managing design and construction projects. In addition, GSD has successfully managed three design-build contracts.

SELECTION PROCESS: GSD and PWE will evaluate the financial feasibility of the project, and will only implement if the energy savings are sufficient to justify the costs. Representatives from GSD and PWE will evaluate the respondents and interview the short-listed firms. The selected design-build firm will be required to meet performance criteria.

IZD:CRC:JLN:FCJ:mlg
 c: Issa Dadoush, P.E., Marty Stein, Jacquelyn L. Nisby, File

REQUIRED AUTHORIZATION CUIC 25MSCL21

Public Works and Engineering Department: Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Other Authorization:
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds to In-House Renovation Revolving Fund for Renovation/Reconstruction of Various City Facilities during FY09
WBS No. C-000122-0007-4

Page
1 of 1

Agenda
Item
41

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

Origination Date
2-20-09

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE:
Issa Z. Dadoush, P.E. *[Signature]* 2/16/09

Council District(s) affected:
All

For additional information contact:
Jacquelyn L. Nisby *[Signature]* Phone: 832-393-8023

Date and identification of prior authorizing Council action:

RECOMMENDATION: Appropriate bond funds to the In-House Renovation Revolving Fund (1003) for renovation/reconstruction projects for various City facilities during Fiscal Year 2009.

Amount and Source of Funding:
\$2,540,000.00—Fire Consolidated Construction Fund (4500)

Finance Budget:
Michelle Mitchell

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council appropriate \$2,540,000.00 out of the Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for renovation/reconstruction projects completed to date and projects remaining in FY 2009.

GSD's In-House Renovation Group provides labor and expertise to address serious maintenance deficiencies by performing capital improvements to various city facilities and emergency repairs affecting life safety issues.

PROJECT DESCRIPTION AND SCOPE: The renovation/reconstruction projects include fire stations and office build-outs. A typical renovation will involve multiple trades and may include demolition and replacement of walls and doors, painting, installation of electrical wiring and lighting, new plumbing, new flooring, new ceiling, new millwork and replacement of related equipment.

PROJECT LOCATIONS: The FY09 renovation/reconstruction projects are as follows:

Houston Fire Department Projects for FY-09

Fire Projects by GSD In-House Renovation Group:

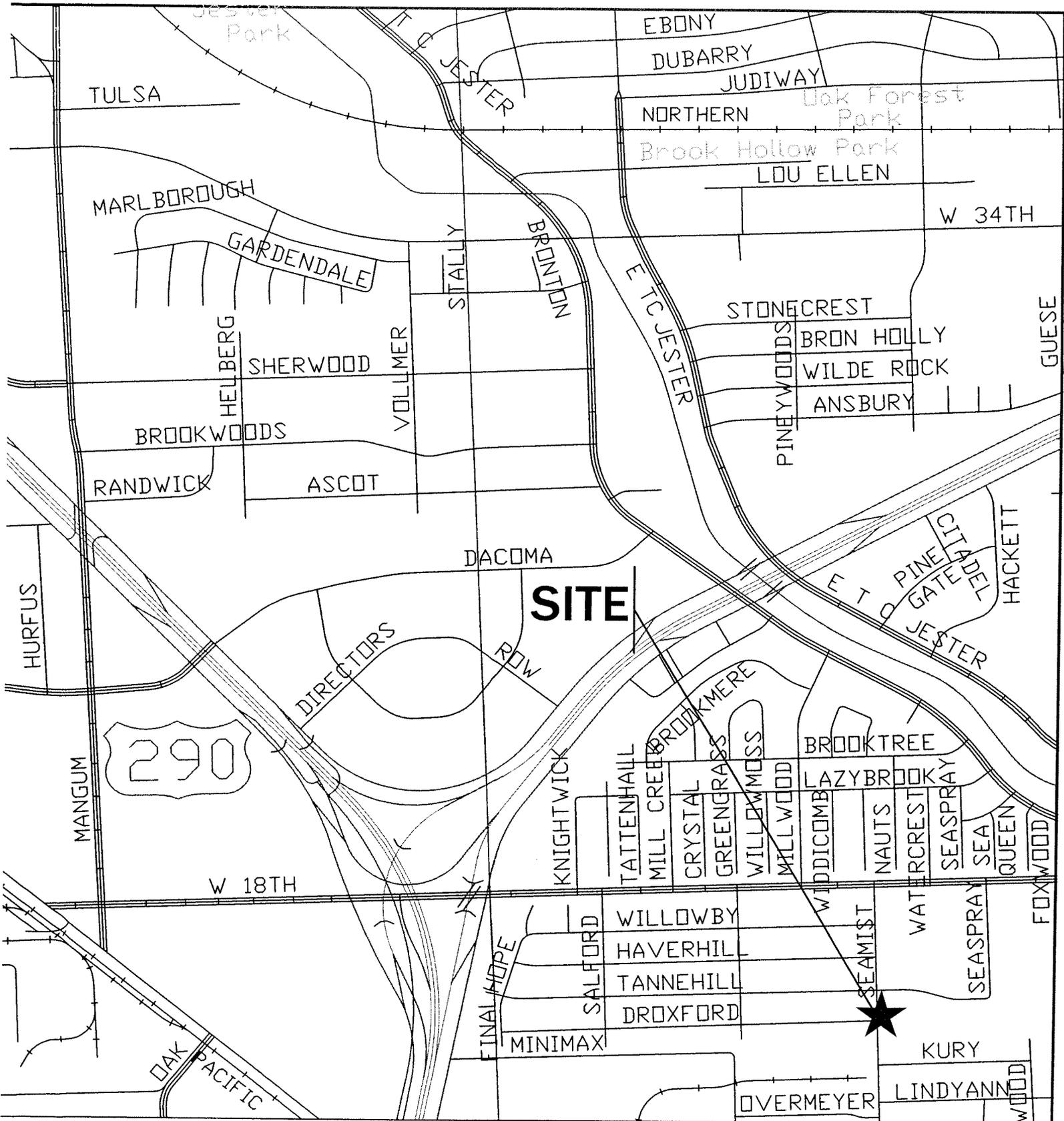
1	Fire Station No. 62	1602 Seamist	452S	Dist. A	Major Renovation (FY08 - FY09)
2	Fire Station No. 49	1212 Gessner	450W	Dist. A	Major Renovation (FY08 - FY09)
3	Fire Station No. 44	675 Maxey Rd	496G	Dist. I	Major Renovation
4	Fire Station No. 56	5820 E. Little York	414V	Dist. B	Major Renovation (FY09 - FY10)
5	HFD Logistics Building	1205 Dart St.	493G	Dist. H	Multiple Office Build-outs

[Signature]
IZD:HB:JLN:MCP:RV:ps
c: Marty Stein, Jacquelyn L. Nisby, Rey Vargas, Webb Mitchell, Jack Williams

REQUIRED AUTHORIZATION CUIC ID# 25CONS82

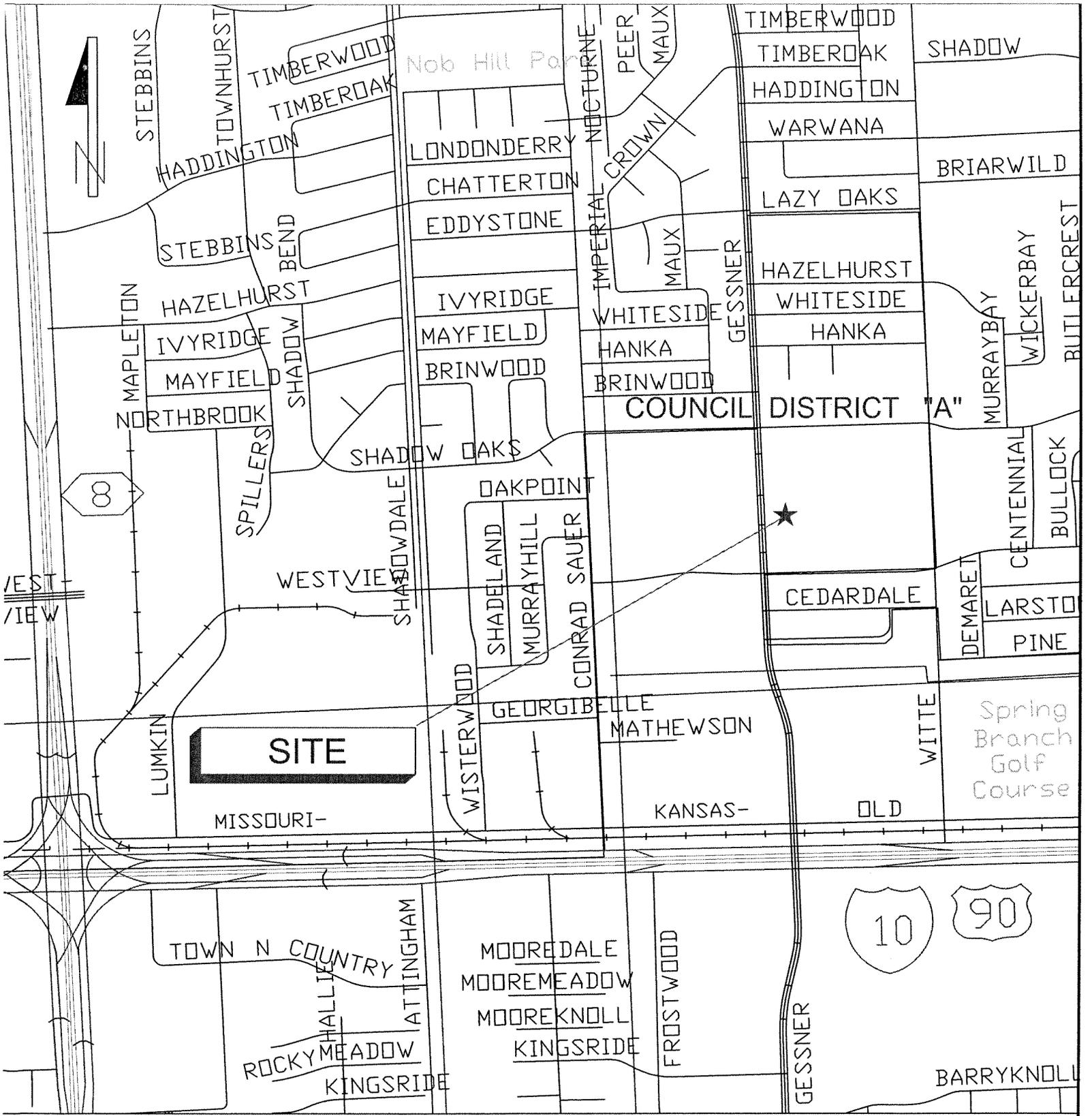
General Services Department:
[Signature]
Humberto Bautista, P.E.
Chief of Design & Construction Division

Houston Fire Department:
[Signature]
Phil Boriskie
Fire Chief

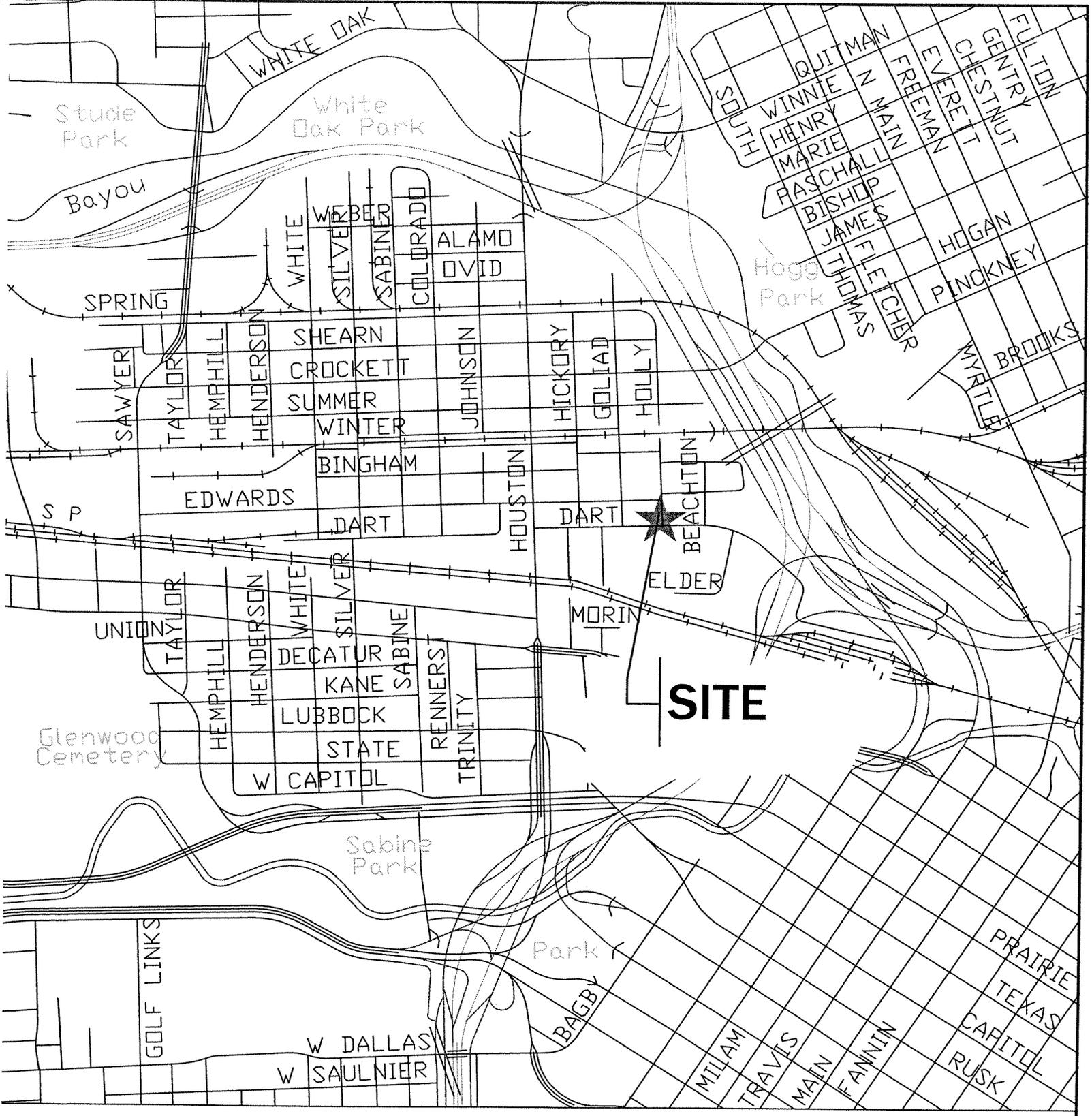


SITE

**FIRE STATION NO. 62
1602 SEAMIST
HOUSTON , TX 77008**



FIRE STATION NO. 49
1212 GESSNER
HOUSTON , TX 77055



**HFD LOGISTICS BLDG.
1205 DART ST.
HOUSTON , TX 77007**

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8141

Subject: Approve an Amending Ordinance to Increase the Spending Authority for Contract No. C56717 for Furniture Relocation Services for Various Departments
LC-R-0739-027-20409-A1

Category #
4

Page 1 of 2

Agenda Item

42

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

Origination Date
February 26, 2009

Agenda Date
MAR 04 2009

DIRECTOR'S SIGNATURE

MS Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Jacquelyn L. Nisby Phone: (832) 393-8023
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:
Ord. 2005-0161, passed 02/23/2005

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the spending authority for the contract between the City of Houston and Houston Installation Services, Inc. for furniture relocation services from \$712,013.54 to \$941,153.54 for furniture relocation services for various departments.

Maximum Contract Amount Increased by: \$229,140.00

Finance Budget

\$206,640.00 General Fund (1000)
\$ 22,500.00 Water and Sewer System Fund (8300)

\$229,140.00 Total Funding

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the spending authority for the contract between the City of Houston and Houston Installation Services, Inc. from \$712,013.54 to \$941,153.54 for furniture relocation services for various departments. This contract was awarded on February 23, 2005, by Ordinance No. 2005-0161 for a three-year term, with two one-year options, for a total five-year term in the amount of \$712,013.54. Expenditures as of December 4, 2008 totaled \$660,008.41.

The scope of work requires the contractor to provide all equipment, labor, materials, parts, supervision, tools and transportation necessary to disassemble, remove, reconfigure and re-assemble existing modular workstations and associated furniture at various facilities citywide. The contract also requires the contractor to furnish reconfiguration drawings and miscellaneous parts to complete reassembly.

This contract was awarded with an 11% M/WBE participation goal and Houston Installation Services, Inc. has achieved 6.81% participation on this contract. The majority of the jobs require one- or two- person teams, which are not beneficial to hire from a temporary firm. Houston Installation Services, Inc. utilizes an M/WBE subcontractor to provide temporary personnel for large jobs requiring approximately ten or more people. Houston Installation Services, Inc. will continue to work with the Affirmative Action Division (AAD) toward meeting its good faith effort on this contract.

The Public Works & Engineering Department (PW&E) initially underestimated the number of relocations it would need during the contract term. This resulted in the Department using spending allocations from other participating departments, thus causing the contract to reach its spending limit prior to contract expiration. In the future, the General Services Department will coordinate part of PW&E's furniture relocation requirements to avoid a reoccurrence of the problem.

REQUIRED AUTHORIZATION

NOT

Finance Department:

Other Authorization:

Other Authorization:

54
D

Date:
2/26/2009

Subject: Approve an Amending Ordinance to Increase the Spending Authority for Contract No. C56717 for Furniture Relocation Services for Various Departments
LC-R-0739-027-20409-A1

Originator's
Initials
GK

Page 2 of 2

Pay or Play Program

This contract does not have the "Pay or Play Program" requirement therein as it was awarded prior to the effective date of the ordinance which established the "Pay or Play Program".

Spending Authority Increase

Department	FY09 – FY10
Health and Human Services	\$ 80,000.00
Public Works & Engineering	\$ 22,500.00
Planning & Development	\$ 1,640.00
General Services	\$125,000.00

Buyer: Gloria Jordan-King

SUBJECT: Amendment to the Restatement of Contract for Professional Engineering Services between the City and Wilbur Smith Associates, Inc. for Herman Brown Park Trail Phase II WBS No. N-000420-015A-3, TxDOT CSJ 0912-71-591	Page 1 of 2	Agenda Item # 43
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From: (Department or Other Point of Origin) Department of Public Works and Engineering	Origination Date 2-26-09	Agenda Date MAR 04 2009
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Director's Signature: Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: 1
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For additional information contact: Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action: <table style="width:100%; border: none;"> <tr> <td style="width:50%;">Ordinance # 2001-922</td> <td style="width:50%;">Dated: 10/03/01</td> </tr> <tr> <td>Ordinance # 95-1388</td> <td>Dated: 12/20/95</td> </tr> <tr> <td>Ordinance # 94-1095</td> <td>Dated: 10/12/94</td> </tr> <tr> <td>Ordinance # 93-1355</td> <td>Dated: 10/27/93</td> </tr> <tr> <td>Ordinance # 92-1171</td> <td>Dated: 09/02/92</td> </tr> </table>	Ordinance # 2001-922	Dated: 10/03/01	Ordinance # 95-1388	Dated: 12/20/95	Ordinance # 94-1095	Dated: 10/12/94	Ordinance # 93-1355	Dated: 10/27/93	Ordinance # 92-1171	Dated: 09/02/92
Ordinance # 2001-922	Dated: 10/03/01										
Ordinance # 95-1388	Dated: 12/20/95										
Ordinance # 94-1095	Dated: 10/12/94										
Ordinance # 93-1355	Dated: 10/27/93										
Ordinance # 92-1171	Dated: 09/02/92										

Recommendation:
 Approve an Ordinance amending the Restatement of Contract for Professional Services between the City and Wilbur Smith Associates, Inc. and appropriating additional funds.

Amount and Source of Funding: \$17,600.00 from the Street and Bridge Consolidated Construction Fund No. 4506. (Previous Appropriations Amounting to \$8,639,500 from the Street and Bridge Consolidated Construction Fund No. 437.)

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project is part of the Houston Bikeway Program. It consists of design and construction of Herman Brown Park Trail Phase II. This amendment will add a task to the Additional Services to update the Categorical Exclusion (CE) Report that expired during a delay in the project caused by easement acquisition and flood plain mitigation. The CE Report determines the environmental impact of the project and is a requirement of Federal Enhancement Funds, which are used on this project. The Texas Department of Transportation (TxDOT) administers the funds, which are split 80% federal and 20% local match. The City is the sponsor of this project and is responsible for the local match. TxDOT ensures compliance with requirements of the funding and is currently performing a final review of the plans before the project is bid for construction.

DESCRIPTION/SCOPE: This project consists of design and construction of approximately 1.98 miles of a 10 feet wide reinforced concrete/asphalt trail, 380 feet long bike/pedestrian bridge, approaches to the bridge, retaining walls, and associated hydraulic structures. Under the scope of this amendment and appropriation, the consultant will perform Additional Services to update the Categorical Exclusion Environmental Report.

LOCATION: The project is generally bound by Woodforest Blvd. on the north, I-10 East on the south, Maxey Road on the east, and Oates Road on the west. Key Map grids: 496 A, B, C, F, G.

PREVIOUS HISTORY AND SCOPE: In September 1992 City Council approved a contract for the development of a Comprehensive Bikeway Plan. Wilbur Smith Associates (WSA) was the Program Manager for the entire Houston Bikeway Program that included eighteen (18) projects, and WSA is the design consultant for this project.

REQUIRED AUTHORIZATION		CUIC ID #20BB156A ND
Finance Department:	Other Authorization:	Other Authorization: Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

Date	SUBJECT: Amendment to the Restatement of Contract for Professional Engineering Services between the City and Wilbur Smith Associates, Inc. for Herman Brown Park Trail Phase II WBS No. N-000420-015A-3, TxDOT CSJ 0912-71-591	Originator's Initials	Page 2 of 2
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The total cost of this amendment is \$17,600.00 to be appropriated as follows; \$15,978.00 for the Additional Services and \$1,622.00 for Project Management.

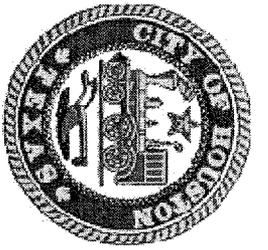
M/WBE INFORMATION: The M/WBE goal for this contract was set at 15%. The original contract and subsequent additional appropriations total \$8,347,000.00. The Consultant has been paid \$8,312,665.00 (99.59%) to date. Of this amount, \$1,738,029.38 (20.91%) has been paid to M/WBE sub-consultants to date. Assuming approval of this additional appropriation, the contract amount will increase to \$8,362,978.00, and the revised M/WBE amount will be 20.78%. Since the M/WBE goal has been met, the Consultant is not required to submit additional M/WBE participation.

AM Jos

MSM:DRM:RKM:FOS:BB:mg/dh

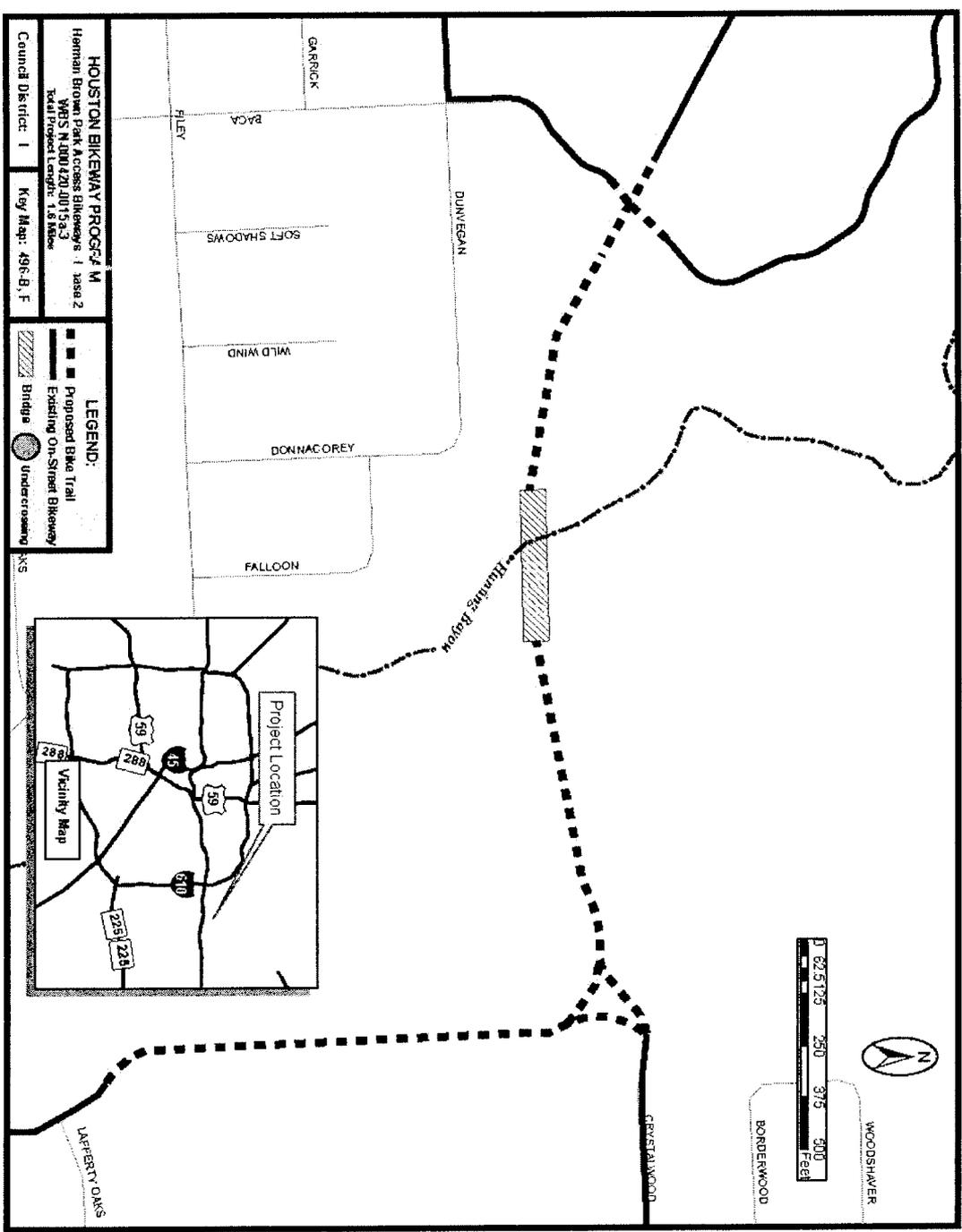
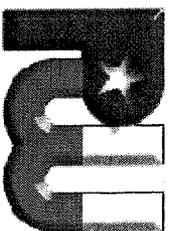
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- c: Marty Stein
Susan Bandy
Velma Laws
Craig Foster
File No. N-000420-015A-3 (1.2 RCA)

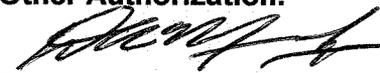


Trail Projects in Design

Herman Brown Park Phase II



January 23, 2009

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City of Houston and Pate Engineers, Inc. for Monroe Road Paving from Fuqua to Beltway 8 W.B.S. No. N-000711-0001-3		Page 1 of 2	Agenda Item # 44												
From: (Department or other point of origin): Department of Public works and Engineering	Origination Date 2-26-09	Agenda Date MAR 04 2009													
Director's Signature:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: (Council District Letter Only) E JK MR														
For additional information contact:  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action: <table border="0"> <tr> <td>Ordinance #:</td> <td>Dated: (earliest on top)</td> </tr> <tr> <td>2005-557</td> <td>05/04/2005</td> </tr> <tr> <td>2006-358</td> <td>04/19/2006</td> </tr> <tr> <td>2006-602</td> <td>06/14/2006</td> </tr> <tr> <td>2008-608</td> <td>06/25/2008</td> </tr> <tr> <td>2008-820</td> <td>09/10/2008</td> </tr> </table>			Ordinance #:	Dated: (earliest on top)	2005-557	05/04/2005	2006-358	04/19/2006	2006-602	06/14/2006	2008-608	06/25/2008	2008-820	09/10/2008
Ordinance #:	Dated: (earliest on top)														
2005-557	05/04/2005														
2006-358	04/19/2006														
2006-602	06/14/2006														
2008-608	06/25/2008														
2008-820	09/10/2008														
Recommendation: (Summary) Approve an Ordinance appropriating additional Funds for Professional Engineering Services Contract with Pate Engineers, Inc.															
Amount and Source of Funding: \$36,602.00 from Street and Bridge Consolidated Construction Fund No. 4506. (Original (previous) appropriations of \$585,700 from the Street and Bridge Consolidated Construction Fund No. 437, \$373,000.00 from 49-M Series Commercial Paper Metro Project Fund and \$2,169,635.00 from Street and Bridge Consolidated Construction Fund.)															
PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Bridge Capital Improvement Plan (CIP) program. This program is required to meet City of Houston standards and improve mobility.															
DESCRIPTION/SCOPE: This project consists of the construction of 8 inch reinforced concrete roadway section with four 12 foot lanes with concrete curb and gutters, storm sewers, sanitary sewers, waterlines, sidewalks, wheelchair ramps and driveways. The project length is approximately 3,950 linear feet of new pavement.															
LOCATION: The project is bounded by Fuqua to the North, Beltway 8 to the South, Blackhawk to the East and Telephone Rd to the West. The project is located in Key Map Grids 575 U and Y.															
PREVIOUS HISTORY AND SCOPE: The original Contract was approved by Ordinance No. 2005-557 and included design services for the Monroe Road Paving Project and Mercury Drive Paving Project. The contract is a work order contract for multiple project assignments. The contract was amended and approved for additional funding by Ordinance 06-358 to add design services for the Hayes Street Paving Project and Preliminary Design for the Yale Street Rehabilitation Project. The contract was subsequently supplemented by Ordinance 2006-602 to add additional funds for the Mercury Drive Paving Project. It was also amended by Ordinance 2008-608 to increase the scope and add additional funds for the Hayes Street Paving Project, then by Ordinance 2008-820 to add additional funds to Yale Street Rehabilitation. All projects are currently in the Final Design Phase.															
REQUIRED AUTHORIZATION		CUIC ID #20MR62													
Finance Department: 	Other Authorization:	Other Authorization:  Daniel R. Menendez P.E. Deputy Director Engineering and Construction													

NDT

45

SUBJECT: Additional Appropriation to Professional Engineering Services Contract between the City of Houston and Pate Engineers, Inc. for Monroe Road Paving from Fuqua to Beltway 8 W.B.S. No. N-000711-0001-3

**Originator's
Initials**

WJK

**Page
2 of 2**

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation is necessary to complete Phase III Construction Phase Services for the Monroe Paving Project. The funds for Phase III were used to relocate the detention pond site impacted by the development of a new Target site in the area. The cost for the detention pond relocation included new survey, traffic control revisions and environmental services.

The total requested additional appropriation for Monroe Road Paving is 36,602.00 to be appropriated as follows: \$33,274.00 for Contract Services and \$ 3,328.00 for Project Management.

M/WBE INFORMATION: The M/WBE goal established for this project is 24%. The total contract amount approved is \$2,840,548.00. The consultant has been paid \$1,397,176.31 (49.19%) to date. Of this amount \$887,372.00 (63.51%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested Additional Appropriation, the contract amount will be increased to \$2,873,822.00. The current MWBE participation plan will meet the established goal.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Previous MWBE Work	Various Services	<u>\$887,372.00</u>	<u>30.88 %</u>
	Total	\$887,372.00	30.88%

DRM RKM JHK MR
MSM:DRM:RKM:JHK:MR:cd

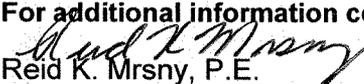
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c: Marty Stein
Velma Laws
Craig Foster

SUBJECT: Professional Engineering Services Contract between the City and CH2M Hill, Inc. for 69 th Street Wastewater Treatment Plant Improvements (Package 4). W.B.S. No. R-000509-0013-3.	Page 1 of 2	Agenda Item # 45
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 1-29-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: B-2 1
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For additional information contact:  Reid K. Mersny, P.E. Senior Assistant Director Phone: (713) 837-0452	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
 Approve Engineering Services Contract with CH2M Hill, Inc. and appropriate funds.

Amount and Source of Funding: \$1,090,100.00 Water and Sewer System Consolidated Construction Fund No. 8500.
12/19/08

DESCRIPTION/SCOPE: This project is part of the City's program to renew/replace inefficient components of the existing wastewater treatment plant (WWTP) facilities. This project consists of the design of various components at 69th Street Wastewater Treatment Plant.

LOCATION: The project is located at 2525 S/Sgt. Macario Garcia. The project is located in Key Map Grid 494R.

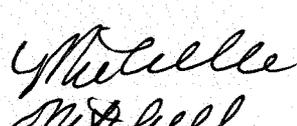
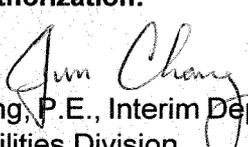
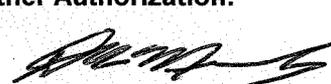
SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Design, Phase II - Final Design, Phase III -Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on cost of time and materials with not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III will be negotiated on a lump sum amount after the completion of Phase I. The negotiated maximum for Phase I Basic Services is \$16,000.00. The total Basic Services appropriation is \$791,000.00.

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include surveying, geotechnical, reproduction, etc. The total Additional Services appropriation is \$200,000.00.

The total cost of this project is \$1,090,100.00 to be appropriated as follows: \$991,000.00 for Contract services and \$99,100.00 for project management.

[Handwritten mark]

REQUIRED AUTHORIZATION CUIC ID #20BZ78 ✓ NDT

Finance Department:  Michelle Mitchell	Other Authorization:  Jun Chang, P.E., Interim Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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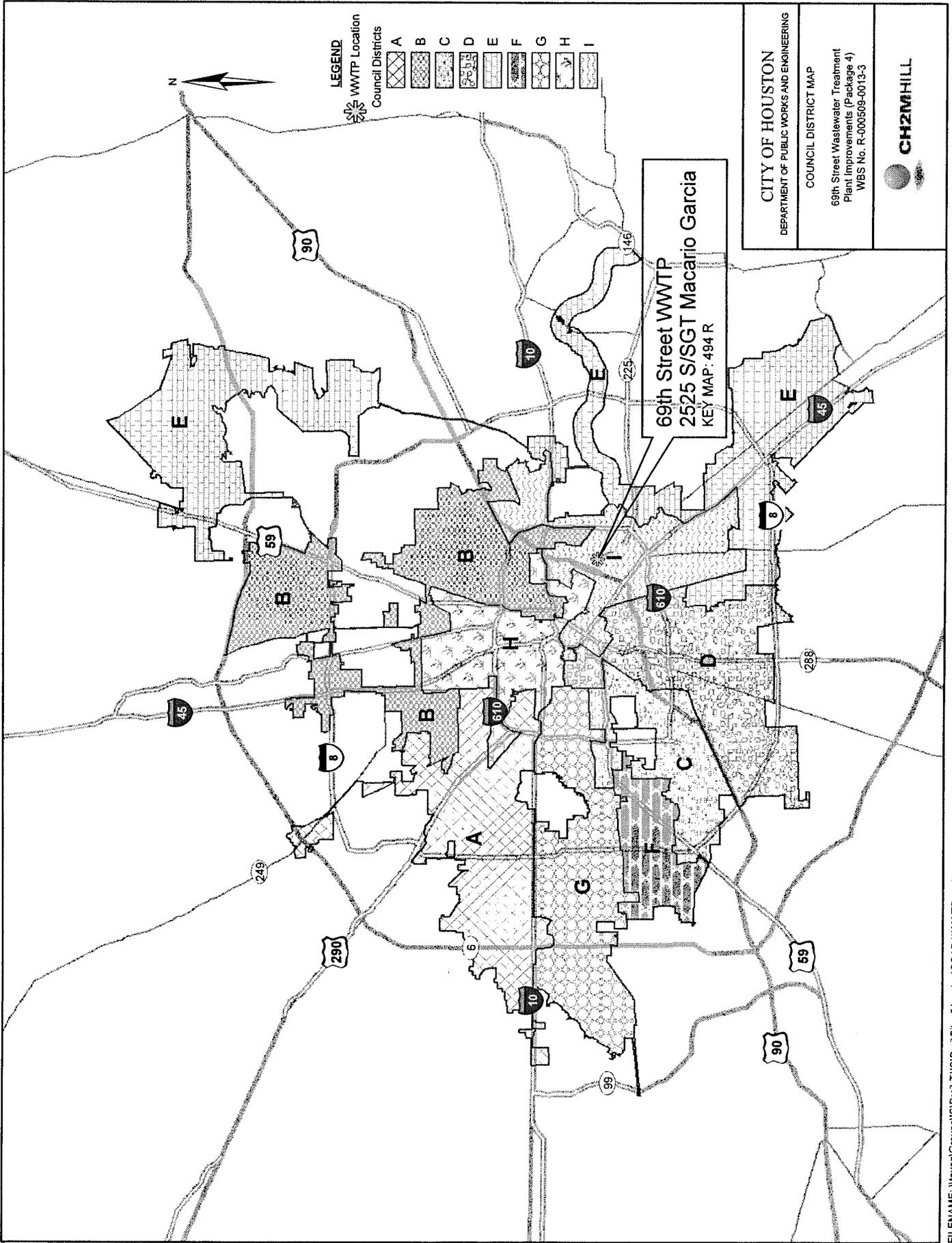
M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Kalluri Group, Inc.	Engineering Services	\$161,640.00	16.31%
2. United Engineers, Inc.	Engineering Services	\$ 24,000.00	2.42%
3. HVJ Associates, Inc.	Geotechnical and Environmental Services	\$ <u>52,200.00</u>	<u>5.27%</u>
TOTAL		\$237,840.00	24.00%

MSM:DRM:RKM:EN:BZ:pa

MSM:DRM:RKM:EN:BZ:pa

- c: Marty Stein
- Susan Bandy
- Velma Laws
- Mike Pezeshki, P.E.
- Craig Foster
- File No. R-000509-0013-3 (1.2)



CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

COUNCIL DISTRICT MAP
69th Street Wastewater Treatment
Plant Improvements (Package 4)
WBS No. R-000509-0013-3



69th Street WWTTP
2525 S/SGT Macario Garcia
KEY MAP: 494 R

LEGEND

WWTTP Location

Council Districts

A	B	C	D	E	F	G	H	I
[Pattern A]	[Pattern B]	[Pattern C]	[Pattern D]	[Pattern E]	[Pattern F]	[Pattern G]	[Pattern H]	[Pattern I]

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation for the SAN FELIPE STREET PAVING IMPROVEMENTS PROJECT (from Sage to IH-610). WBS N-000692-0002-2	Page 1 of 1	Agenda Item # 46
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-26-09	Agenda Date MAR 04 2009
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DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D. WRE, BCEE	Council District affected: G Key Map 491 Q, R
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For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director	Date and identification of prior authorizing Council Action: Ordinance 2001-0966, October 24, 2001
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RECOMMENDATION: (Summary) An Ordinance be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation for the SAN FELIPE STREET PAVING IMPROVEMENTS PROJECT (from Sage to IH-610).

Amount and Source of Funding: None required; Uptown TIRZ funds will be used for this project.

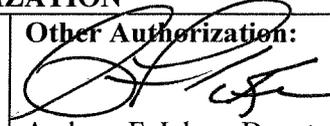
SPECIFIC EXPLANATION:
The Uptown Development Authority (Authority) was authorized by Ordinance 2001-0966, October 24, 2001, Public Improvement Development Contract to develop and implement a policy for improving vehicular and pedestrian circulation for the Uptown Area. The Authority is required to pay all costs and expenses related to the acquisition of property, whether the property is acquired by dedication, purchase or condemnation, including payment of all fees and expenses of any special counsel retained by the City to acquire said property necessary for the construction of the Project.

The Department of Public Works and Engineering is requesting that an Ordinance be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation for the SAN FELIPE STREET PAVING IMPROVEMENTS PROJECT (from Sage to IH-610). This project provides for improvements consisting of three lanes of concrete pavement, 35 feet wide in each direction, with curbs, sidewalks, raised median and necessary underground utilities.

This action authorizes payment for the costs of land purchases/condemnations, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire rights-of-way and easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. This will expedite the process of acquiring land in support of the SAN FELIPE STREET PAVING IMPROVEMENTS PROJECT (from Sage to IH-610).

MSM:NPC:sr
c: Marty Stein

S://Roberts/San Felipe Uptown/21 RCA-SF Uptown.doc CUIC #20SDR21

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

LOCATION MAP

Description: SAN FELIPE PAVING IMPROVEMENTS PROJECT

(from Sage to IH-610)

WBS N-000692-0002-2

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



Subject:

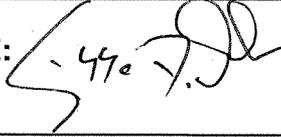
CAUTION:

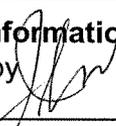
The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

Copyright 1994-2007 MapPro Inc.

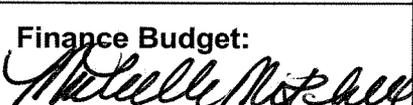
SUBJECT: Award Construction Contract Inland Environments, Ltd. Asbestos and Lead Based Paint Abatement, Demolition and Disposal at Six Public Works and Engineering Department Water Plants WBS No. S-000536-0004-4	Page 1 of 2	Agenda Item 47
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FROM (Department or other point of origin): General Services Department	Origination Date 2-26-09	Agenda Date MAR 04 2009
---	------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE:  1/14/09 Issa Z. Dadoush, P.E.	Council Districts affected: A, B, E, F, G
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For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding: \$182,324.00 Water and Sewer System Consolidated Construction Fund (8500)	Finance Budget: 
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SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Inland Environments, Ltd. on its low bid amount of \$148,880.00 for asbestos and lead based paint abatement, demolition and disposal at six water plants for the Public Works and Engineering Department.

PROJECT LOCATIONS: District 112 – 4700 Tidwell (Key Map 451-C) District 107 – 14441 Briarhills (Key Map 488-E) District 111#1 – 9603 Cook (Key Map 529-S) District 42#2 – 7501 Langley (Key Map 415-W) Westway MUD – 10824 Heatherford (Key Map 449-H) Anti-Pollution – 26615 W. Shorewood Loop (Key Map 338-V)	Council District B Council District G Council District F Council District B Council District A Council District E
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PROJECT DESCRIPTION: The scope of work consists of asbestos/lead abatement, demolition and disposal of six water tanks, buildings, booster pumps, electrical equipment, splash boxes, pipe supports and all concrete foundations. Work also includes removal of distribution lines and storm sewer lines, loading, hauling and proper disposal of debris generated as a result of all activities.

The contract duration for this project is 180 calendar days.

BIDS: The following two bids were received on November 6, 2008:

<u>Bidder</u>	<u>Bid Amount</u>
Inland Environments, Ltd.	\$148,880.00
AAR Incorporated Environmental Contractor	\$166,460.00

REQUIRED AUTHORIZATION CUIC ID # 25GM179

General Services Department:  Humberto Bautista Chief of Design & Construction Division	Other Authorization:   	Public Works and Engineering Department:  Michael S. Marcotte, P.E., D. WRE, BCEE, Director
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Date	SUBJECT: Award Construction Contract Inland Environments, Ltd. Asbestos and Lead Based Paint Abatement, Demolition and Disposal at Six Public Works and Engineering Department Water Plants WBS No. S-000536-0004-4	Originator's Initials GM	Page 2 of 2
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Bids were obtained from the list of pre-qualified asbestos/lead abatement contractors to act as the general contractor for the project. All pre-qualified asbestos/lead abatement contractors were notified of the request for bids on this project. The City Legal Department has previously determined that formal bids are not required when the pre-qualified asbestos/lead abatement contractors' list is utilized and all contractors on the list are notified of the bid request.

AWARD: It is recommended that City Council award the construction contract to Inland Environments, Ltd., and appropriate funds for the project, including an additional appropriation of \$26,000.00 for project management, construction oversight and air monitoring services under the existing contract with Technology Serving People, Inc.

FUNDING SUMMARY:

\$ 148,880.00	Construction Contract Services
\$ 7,444.00	5% Contingency
\$ 156,324.00	Subtotal
\$ 26,000.00	Project Management, Construction Oversight and Air Monitoring
\$ 182,324.00	Total Funding


IZD:HB:JLN:GM:FK:fk

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

CITY OF HOUSTON
HARRIS COUNTY, TEXAS

4700 Tidwell

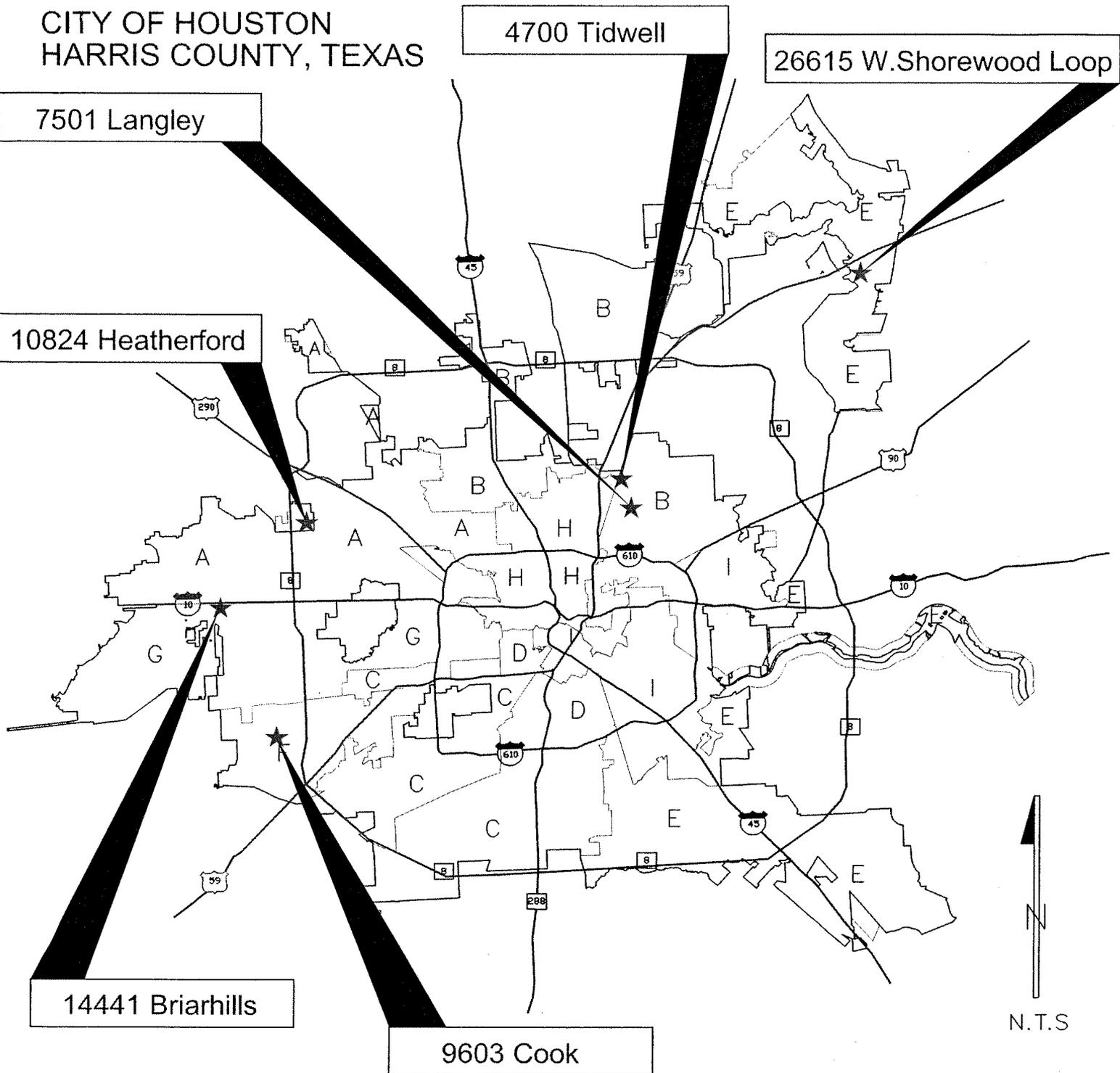
26615 W. Shorewood Loop

7501 Langley

10824 Heatherford

14441 Briarhills

9603 Cook



Asbestos and Lead Based Paint Abatement, Demolition and Disposal for PW&E Water Plants

4700 Tidwell (District 112);

7501 Langley (District 42#2);

14441 Briarhills (District 107);

10824 Heatherford (Westway Mud);

9603 Cook (District 111#1);

26615 W. Shorewood Loop (Anti-Pollution)

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

1st Reading

Page 1 of 1

Agenda Item#

48

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

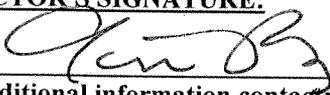
Origination Date

2/25/09

Agenda Date

MAR 04 2009

DIRECTOR'S SIGNATURE:

AS


Council Districts affected:

ALL

For additional information contact:

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

Date and identification of prior authorizing

Council Action: Ord. # 2002-526 – June 19, 2002;
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:

REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. K & S Construction Services, LLC

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

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

2nd Reading

49 35

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

2-19-09

Agenda Date

~~FEB 25 2009~~

DIRECTOR'S SIGNATURE:

[Handwritten Signature]

Council Districts affected:

ALL

MAR - 4 2009

For additional information contact:

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

Date and identification of prior authorizing

Council Action: Ord. # 2002-526 – June 19, 2002;
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

F & A Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. Ace Septic and Plumbing Company

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

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary		RCA #	
SUBJECT: Ordinance granting Commercial Solid Waste Operator Franchise		Category #	Page 1 of 1
Alfred J. Moran, Director Administration & Regulatory Affairs		Agenda Item#	
		3rd Reading FINAK	50 36 54
FROM: (Department or other point of origin):		Origination Date	Agenda Date
Alfred J. Moran, Director Administration & Regulatory Affairs		2/10/09	FEB 18 2009 MAR - 4 2009
DIRECTOR'S SIGNATURE:		Council Districts affected:	
[Signature]		ALL	
For additional information contact:		Date and identification of prior authorizing Council Action:	
Juan Olguin ^{ASO} Phone: (713) 837-9623 Nikki Cooper Phone: (713) 837-9889		Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.	

RECOMMENDATION: (Summary)
 Approve ordinance granting Commercial Solid Waste Operator Franchise

Amount of Funding: REVENUE	F & A Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

It is recommended that City Council approve ordinance granting Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

- Contractors Roofing & Supply Company of Texas, LLC

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

The Pay or Play Program does not apply to the solid waste franchises.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

R

TO: Mayor via City Secretary

RCA# 8176

Subject: Formal Bids Received for Personal Protective Gear for Various Departments
S44-S22978

Category #

Page 1 of 2

Agenda Item

4

51-51A ~~8-8A~~

FROM (Department or other point of origin):

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

Origination Date

February 20, 2009

Agenda Date

MAR - 4 2009
~~FEB 25 2009~~

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Jack Williams Phone: (713) 247-8793
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$329,915.38 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve an award to Lion Apparel, Inc on its low bid in an amount not to exceed \$5,905,073.95 for personal protective gear for the Fire Department.

Estimated spending authority: \$5,905,073.95

Finance Budget

\$5,649,672.58 Equipment Acquisition Consolidated Fund (1800)
\$ 255,401.37 HAS-AIF Capital Outlay (8012)

\$5,905,073.95

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$329,915.38 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further requested that City Council approve an award to Lion Apparel, Inc. (Bid No. 1) on its low bid in an amount not to exceed \$5,905,073.95 for personal protective gear for various departments and that authorization be given to make purchases, as needed for a 60-month term. This award consists of personal protective gear that protects the fire fighters from physical harm while in the performance of their duties. The personal protective gear consists of approximately 4,421 sets of bunker coats and pants, 4,610 pairs of suspenders, 189 sets of aluminized Kevlar® coats and pants, and 50 sets of USAR Tactix® TR51™ coats and pants. The appropriation requested by this Council action will fund this contract for FY09. The appropriations for out years will be presented to Council annually for approval as part of the Equipment Acquisition Plan.

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

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Lion Apparel, Inc (Bid No. 1)	\$5,905,073.95
2. Lion Apparel, Inc (Bid No. 2)	\$6,271,428.31

A bid was received from Casco Industries, Inc. but was not considered due to a material defect as previously determined by the Legal Department. Specifically, Casco Industries, Inc. submitted its bid without an original signature.

Buyer: John Tatman

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

REQUIRED AUTHORIZATION

NOT

Finance Department:

Other Authorization:

Other Authorization:

9 2 09
AW

Date:
2/20/2009

Subject: Formal Bids Received for Personal Protective Gear for
Various Departments
S44-S22978

Originator's
Initials
JT

Page 2 of 2

Estimated Spending Authority

DEPARTMENT	FY2009	OUT YEARS	TOTAL
Fire	\$329,915.38	\$5,319,757.20	\$5,649,672.58
Houston Airport System	\$ 0.00	\$ 255,401.37	\$ 255,401.37
Total	\$329,915.38	\$5,575,158.57	\$5,905,073.95



CITY OF HOUSTON

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

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

From: John G. Tatman

Date: August 8, 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 N/A

I am requesting a revision of the MWBE Goal: Yes No Original Goal: N/A New Goal: N/A

If requesting a revision, how many solicitations were received: 0

Solicitation Number: S44-S22978 Estimated Dollar Amount: \$11,368,125.18

Anticipated Advertisement Date: 9/3/2008 Solicitation Due Date: 9/18/2008

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

If goal was not met, what did the vendor achieve: 0

Name and Intent of this Solicitation:
Personal Protective Gear for the Fire Department

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

This solicitation is for personal protective gear for use by the fire department. History has shown this equipment will be direct shipped to the City by the manufacturer. There is no potential for M/WBE participation.

Concurrence:

John G. Tatman
SPD Initiator

Juana Rhone
for Division Manager

Robert Gallegos
Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

RECEIVED

AUG 12 2008

11:00 AM

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8143

Subject: Approve an Amending Ordinance to Increase the Spending Authority for Contract No. C61277 for Dry Pit Pump Repair Services for the Public Works & Engineering Department
LC-R-0739-063-20580-A1

Category #
4

Page 1 of 1 Agenda Item

152/26

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

Origination Date
January 12, 2009

Agenda Date
MAR - 4 2009
~~FEB 2 2009~~

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Gary Norman Phone: (713) 837-7425
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:
Ord. #2005-1308, Passed 11/30/2005

RECOMMENDATION: (Summary)
Approve an amending ordinance to increase the spending authority to Contract No. 61277 from \$2,979,858.50 to \$3,579,858.50 between the City of Houston and Coastal Pump Services, Inc. for dry pit pump repair services for the Public Works & Engineering Department.

Spending Authority Increase: \$600,000.00

Finance Budget

\$600,000.00 - 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. C61277 between the City of Houston and Coastal Pump Services, Inc. from \$2,979,858.50 to \$3,579,858.50 for dry pit pump repair services for the Public Works & Engineering Department. The current spending authority is insufficient for the remaining contract term and an increase in spending authority in an amount not to exceed \$600,000.00 is required to meet the Department's operational needs through the end of the contract term.

This contract was awarded on November 30, 2005 by Ordinance No. 2005-1308 for a three-year term with two one-year options, for a total five-year term in the original amount of \$2,979,858.50. Expenditures as of January 6, 2009 totaled \$2,675,080.96. All other terms and conditions shall remain as originally approved by City Council. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, material, equipment, transportation and supervision necessary to provide dry pit pump repair services. The contractor will provide all labor, parts, tools, materials, equipment, supplies, facilities, supervision, and transportation necessary to perform precision repair services for dry pit pumps ranging from fractional horsepower to over 500 horsepower. These pumps are located at Wastewater facilities throughout the City of Houston.

Extremely bad weather over the course of the last three years has increased the need for repairs above what was originally estimated. Hurricane Ike pump repairs were handled separately and the department has already applied to FEMA for reimbursement.

This contract was awarded with a 4% M/WBE participation goal and the contractor is currently exceeding its goal.

Buyer: Gloria Jordan-King

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

26