

**AGENDA - COUNCIL MEETING - TUESDAY - JUNE 23, 2009 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

**PRAYER AND PLEDGE OF ALLEGIANCE** - Council Member Clutterbuck

**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 - JUNE 24, 2009 - 9:00 A. M.**

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

1. ORDINANCE canvassing the returns of the City of Houston Runoff Election held on June 13, 2009, for the purpose of filling a vacancy in the Office of Council Member, District H, on the Houston City Council; making various findings and provisions related to the subject; declaring the Official Results of the Special Election; providing an effective date

**HEARINGS - 9:00 A.M.**

2. **PUBLIC HEARING** relating to the Retail Water & Sewer Rates of **NITSCH & SON UTILITY COMPANY, INC** to determine just and reasonable rates to be observed within the City of Houston
  - a. ORDINANCE relating to the Retail Water and Sewer Rates of **NITSCH & SON UTILITY COMPANY, INC**; approving an increase to the rates that shall constitute the legal rates of Nitsch & Son Utility Company, Inc within the City of Houston until changed as provided by the Texas Water Code; providing for the filing of rate schedules and tariffs; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a repealer  
**DISTRICT B - JOHNSON**

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 3 through 54**

**MISCELLANEOUS** - NUMBERS 3 through 5

3. CONFIRMATION of the appointment of **MR. KASE L. LAWAL** to Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term
4. REQUEST for confirmation of the reappointment of the following to the **HOUSTON DOWNTOWN PARK CORPORATION BOARD OF DIRECTORS**:
  - Position Three - **MR. ALI SABERIOON**, for a term to expire 6/30/2011
  - Position Four - **MR. BRADY F. CARRUTH**, for a term to expire 6/30/2011
  - Position Five - **DR. LARRY R. FAULKNER**, for a term to expire 6/30/2012
  - Position Six - **MS. MACONDA B. O'CONNOR**, for a term to expire 6/30/2012
  - Position Seven - **MS. NANCY G. KINDER**, and to serve as Chair, for a term to expire 6/30/2012
5. Omitted

**DAMAGES** - NUMBER 6

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **JOSEPH SMITH** vs. the City of Houston and Mid-Century Insurance Company of Texas; in the Civil District Court 280th Judicial District of Harris County, Texas; Cause No. 2008-05404 - \$95,000.00 - Property and Casualty Fund

**ACCEPT WORK** - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,235,919.05 and acceptance of work on contract with **PACE SERVICES, L.P.** for Water Line Replacement in the Montrose South Area - 1.92% under the original contract amount - **DISTRICT C - CLUTTERBUCK**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,883,310.39 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Croyden Gardens Northwest Area 0.10% under the original contract amount - **DISTRICT H - GONZALEZ**

**PROPERTY** - NUMBER 9

9. RECOMMENDATION from Director General Services Department to appoint Gerald A. Teel and Jack W. Bass independent appraisers to determine the fair market value in connection with the sale of 2.999 acres of land located at 3630 and 3636 West Dallas known as the Centre for Hearing and Speech Inc., and Mental Health and Mental Retardation Authority of Harris County - **DISTRICT D - ADAMS**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 21

10. **FORD AUDIO VIDEO SYSTEMS, INC** for Audio Control System Replacement Parts for Houston Airport System - \$250,000.00 - Enterprise Fund
11. **COTTON RESTORATION SERVICES** for Emergency Cleanup and Restoration Services for Houston Airport System - \$116,469.89 - Enterprise Fund
12. **EQUIPMENT DEPOT, LTD** for Forklifts and a Scissor Lift for Department of Public Works & Engineering and the Houston Airport System - \$104,470.00 - Enterprise Fund

**PURCHASING AND TABULATION OF BIDS** - continued

13. ORDINANCE appropriating \$63,998.00 out of Fire Consolidated Construction Fund for Risk-Based Assessment, contaminated Groundwater Removal, and Monitoring Well Installation for the Houston Fire Department
  - a. **TERRAIN SOLUTIONS, INC** for Risk-based Assessment, Contaminated Groundwater Removal, and Monitoring Well Installation for the Houston Fire Department - **DISTRICTS A - LAWRENCE and D - ADAMS**
14. ORDINANCE appropriating \$457,700.00 out of General Improvement Consolidated Construction Fund for Fabrication and Installation of Exhibits and Graphics in the African American Library at the Gregory School for the General Services Department
  - a. **WN HOLDINGS LLC dba MALONE DESIGN/FABRICATION** for Fabrication and Installation of Exhibits and Graphics in the African American Library at the Gregory School for the General Services Department - \$398,000.00 and contingencies for a total amount not to exceed \$457,700.00 - **DISTRICT I - RODRIGUEZ**
15. **HEWLETT-PACKARD** for Maintenance and Support Agreement for Hewlett-Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources for the Houston Emergency Center - \$327,278.10 - Houston Emergency Center Fund
16. ORDINANCE appropriating \$23,524.75 out of Parks Consolidated Construction Fund for Purchase of a Pavilion Structure for Tanglewood Park for Parks & Recreation Department
  - a. **K. HANES INCORPORATED d/b/a BJ'S PARK & RECREATION PRODUCTS** to Purchase a Pavilion through the Texas Local Government Purchasing Cooperative for Parks & Recreation Department - **DISTRICT G - HOLM**
17. ORDINANCE appropriating \$62,139.00 out of Parks Consolidated Construction Fund for Purchase and Installation of a Baseball Barrier Netting System at Turner Park for Parks & Recreation Department
  - a. **BUCK TERRELL ATHLETICS, INC** for Purchase and Installation of a Baseball Barrier Netting System at Turner Park through the Texas Local Government Purchasing Cooperative (Buy Board) for Parks & Recreation Department - **DISTRICT A - LAWRENCE**
18. **TOTER, INCORPORATED** for Automated Recycling Containers through the Interlocal Agreement with the City of Tucson for Solid Waste Management Department - \$524,102.85 - General and Grant Funds
19. **TREMCO, INCORPORATED** for Construction Services to Build a Loading Dock at the Westpark Recycling Center from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department \$90,285.41 and contingencies for a total amount not to exceed \$94,799.68 - Grant Fund **DISTRICT C - CLUTTERBUCK**
20. **CARDINAL HEALTH 200, INC** - \$6,678,064.00, **STRYKER SALES CORPORATION** - \$1,113,060.00 and **CARDIOVASCULAR CONCEPTS, INC dba CVC, INC** - \$706,000.00 for Medical Equipment, 1st Aid, Emergency and (340B Program) Family Planning Aids and Supplies for Various Departments - General and Equipment Acquisition Consolidated Funds
21. **CARDINAL HEALTH 200, INC** for Medical Equipment and Supplies, First Aid, Emergency Response Products and Pharmaceuticals for Various Departments - \$5,774,045.94 - General and Enterprise Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 22 through 54

22. RESOLUTION designating a certain property within the City of Houston as a landmark and a protected landmark:  
First Evangelical Lutheran Church      1311 Holman Rd      **DISTRICT I - RODRIGUEZ**
23. RESOLUTION designating certain properties within the City of Houston as historic landmarks:  
Hugh Roy Cullen House      1402 Alabama Street      **DISTRICT I - RODRIGUEZ**  
William T. Campbell Jr. House      3237 Inwood Drive      **DISTRICT G - HOLM**
24. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks:  
Cleveland Sewall House      3456 Inwood Drive      **DISTRICT G - HOLM**  
Henry Brashear Building      910 Prairie Avenue      **DISTRICT I - RODRIGUEZ**
25. ORDINANCE to amend and restate Ordinance No. 2008-969 and authorizing the issuance of City of Houston, Texas Airport System Senior Lien Revenue Bonds or Senior Lien Revenue Refunding Bonds as may be further designated and described herein and providing for the payment thereof; authorizing the Mayor, the City Controller, and/or certain other designated City Officials to approve the amount, interest rate, price and terms thereof, determine the Outstanding Bonds, Notes or other obligations to be refunded and defeased, and approve certain other procedures, provisions and other agreements relating thereto; authorizing the refunding and defeasance of Certain Outstanding Airport System Senior Lien Commercial Paper Notes, Certain Outstanding Subordinate Lien Revenue Bonds and Certain Obligations Relating to Special Facilities Bonds; approving the sale of the Bonds and authorizing the execution and delivery of one or more Bond Purchase Agreements, one or more Escrow Agreements, and one or more Paying Agent/Registrar Agreements; authorizing the purchase of Bond Insurance and one or more Reserve Fund Surety Policies; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; making certain findings and other declarations necessary and incidental to the issuance of Bonds; and declaring an emergency
26. ORDINANCE establishing the north and south sides of the 600 block of Euclid Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GONZALEZ**
27. ORDINANCE approving and authorizing agreement between the City of Houston, Texas and the **GREATER HOUSTON PARTNERSHIP, INC** for Professional Services - \$885,000.00 - Enterprise Fund
28. ORDINANCE approving and authorizing Contract between the City and the **HOUSTON ARTS ALLIANCE (Formerly known as the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY)** for the Support of the Arts Community - \$11,194,000.00 - Enterprise Fund
29. ORDINANCE approving and authorizing First Amendment to Joint Development Agreement by and among the City of Houston, Texas, Houston Downtown Park Corporation and Discovery Green Conservancy, providing for payment by the City of \$300,000.00 per year for ten years to fund additional maintenance and security for Discovery Green Park - Enterprise Fund - **DISTRICT I - RODRIGUEZ**
30. ORDINANCE appropriating \$6,955,959.48 out of Tax Increment Funds for Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) and Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) for administrative expenses, payment of project costs, payments to **HUMBLE INDEPENDENT SCHOOL DISTRICT**, and payment to **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY** as provided herein - **DISTRICTS B - JOHNSON and E - SULLIVAN**

**RESOLUTIONS AND ORDINANCES** - continued

31. ORDINANCE relating to the Fiscal Affairs of Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy/Near Northside Zone); approving the Fiscal Year 2009 Operating Budget for the Zone - **DISTRICT H - GONZALEZ**
32. ORDINANCE approving and authorizing contract between the City of Houston and **MERCER (US) INC** for Financial/Human Resource Consulting Services for Finance Department; providing a maximum contract amount - \$125,000.00 - General Fund
33. ORDINANCE approving and authorizing contract between the City and **ASPYRA, INC** for the Cyberlab Laboratory Information System Information Technology Test Process System at the Houston Department of Health and Human Services; providing a maximum contract amount 5 Years - \$308,539.00 - Special Funds-Lab Fees
34. ORDINANCE approving and authorizing Contract between the City and the **DEPARTMENT OF STATE HEALTH SERVICES (No. 2009-31091-001)** for award of Community Preparedness Section/Bioterrorism Discretionary Fund Projects Phase I Contract Funds; approving the acceptance and disbursement of funds thereunder - \$431,688.00 - Grant Fund
35. ORDINANCE approving and authorizing Contract between the City and the **DEPARTMENT OF STATE HEALTH SERVICES (No. 2009-031305-001)** for award of Community Preparedness Section/Bioterrorism Discretionary Fund Projects Phase II Contract Funds; approving the acceptance and disbursement of funds thereunder - \$630,892.00 - Grant Fund
36. ORDINANCE approving and authorizing submittal of grant application to the **U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for the City's Morbidity and Risk Behavior Surveillance Program (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act at the City's representative in the application process; authorizing the Director of the Health and Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$658,975.00 - Grant Fund
37. ORDINANCE approving and authorizing first amendment to Interlocal Agreement between the City and **HARRIS COUNTY** for provision of Community Case Management Services targeted to Not-In-Care and newly diagnosed people living with HIV/AIDS in the Houston EMA pursuant to the Ryan White HIV/AIDS Treatment Modernization Act of 2006 - \$139,500.00 - Grant Fund
38. ORDINANCE authorizing and approving Compromise and Settlement Agreement between the City of Houston and **DUFREY AMERICA, INC, DUFREY HOUSTON DUTY FREE AND RETAIL PARTNERSHIP, DUFREY HOUSTON, INC, GLOBAL IMPEX HOUSTON, INC, BRANCH/MCGOWEN VENTURES, NEXUS POWER COMPANY, INC, ERNEST B. MCGOWEN, SR., BRANCH/MCGOWEN VENTURES, LLP** and **THELTON R. BRANCH III (collectively "DUFREY")** to settle claims - **DISTRICT B - JOHNSON**
39. ORDINANCE approving and authorizing Compromise and Settlement Agreement between **OSAMA IBRAHIM** and the City of Houston to settle a lawsuit - \$125,000.00 - Property and Casualty Fund
40. ORDINANCE appropriating \$165,000.00 out of Street & Bridge Consolidated Construction Fund Number 4506 (WBS N-000596-0001-3), and approving and authorizing Reimbursement Agreement between the City and **TEPPCO CRUDE PIPELINE, LLC** relating to the Brittmoore Road Reconstruction Project from I-10 to Hammerly Project, and finding a public necessity for, various projects identified in the body of this ordinance - **DISTRICT A - LAWRENCE**

**RESOLUTIONS AND ORDINANCES** - continued

41. ORDINANCE approving and authorizing first amendment to Professional Energy Audit Services Contract between the City of Houston and **TAC AMERICAS, INC** for Energy Audits for various City facilities (Approved by Ordinance No. 2008-0439)
42. ORDINANCE appropriating \$193,710.00 out of General Improvement Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (Approved by Ordinance No. 2008-0304) between the City of Houston and **PYRAMID CONSTRUCTORS, L.L.P.** for Renovation of Magnolia Health and Multi-Service Center; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
43. ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the Criminal Justice Division (“CJD”), Office of the Governor, under the Paul Coverdell Forensic Sciences 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 - \$274,560.00 - Grant Fund
44. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Department of Justice, Office of Justice Programs, National Institute of Justice to fund the FY09 Forensic DNA Backlog Reduction 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 - \$1,311,800.00 - Grant Fund
45. ORDINANCE approving and authorizing Agreement for Software Licenses, Design, Implementation, and Maintenance Services between the City of Houston and **T2 SYSTEMS, INC** for Parking Management Information System for General Services Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,514,850.05 - Parking Management Operating Fund
46. ORDINANCE approving and authorizing Contract between the City and **LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP** to provide Delinquent Collection Services for Municipal Courts Administration Department - 3 Years with two one-year options - Revenue
47. ORDINANCE appropriating \$460,718.00 out of Public Health Consolidated Construction Fund; \$77,744.00 out of General Improvement Consolidated Construction Fund; \$200,000.00 out of Fire Consolidated Construction Fund for Energy Management and Maintenance Services Contract between the City of Houston and **JOHNSON CONTROLS, INC** (Approved by Ordinance No. 2008-122); amending Ordinance No. 2008-1004 to increase the maximum contract amount
48. ORDINANCE determining that the formal taking of Competitive Bids is not required for the work described herein; and awarding contract to **TIBH INDUSTRIES, INC** for Cleaning & Janitorial Services for the Public Works & Engineering Department - 5 Years - \$6,261,869.47 - Enterprise and Fleet Management Funds
49. ORDINANCE appropriating \$668,600.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for North Eldridge Parkway widening from Memorial Drive to I-10; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and G - HOLM**

**RESOLUTIONS AND ORDINANCES** - continued

50. ORDINANCE appropriating \$350,871.00 out of Solid Waste Consolidated Construction Fund, awarding construction contract to **EXCALIBUR EXCAVATION, L.P.** for Paving and Drainage Improvements at the Southwest Environmental Service Center; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services and contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**
51. ORDINANCE appropriating \$3,504,972.00 out of Metro Project Commercial Paper Series E Fund and \$138,690.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **BEYER CONSTRUCTION, L.L.P.** for Mercury Drive Paving: US 90 to Wallisville Road; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
52. ORDINANCE appropriating \$1,851,246.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **HUFF & MITCHELL, INC** for Wastewater Collection System Rehabilitation and Renewal (Force Main); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
53. ORDINANCE No. 2009-565, passed first reading June 17, 2009  
ORDINANCE granting to **PFP ABATEMENT GROUP, LLC, A TEXAS 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 - **SECOND READING**
54. ORDINANCE No. 2009-507, passed second reading June 17, 2009  
ORDINANCE granting to **HUFF & MITCHELL, INC, A TEXAS 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**

**AGENDA - JUNE 24, 2009 - PAGE 8**

**MATTERS HELD** - NUMBERS 55 and 56

55. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director General Services Department (i) authorizing the sealed bid sale of Parcel SY9-080, known as the Heights Recycling Center, located at 3602 Center Street at Harvard, (ii) determining a public need for an alternative recycling center site, and (iii) appointing two independent appraisers and an alternate appraiser to determine the fair market value of Parcel SY9-080 - **DISTRICT H - GONZALEZ** - **POSTPONED BY MOTION #2009-330, 6/10/09**  
This was Item 39 on Agenda of June 10, 2009
56. ORDINANCE approving and authorizing Professional Contract between the City of Houston and **ABITIBI-CONSOLIDATED, CORP.** for the Implementation of a Recycling Program for City facilities; providing a maximum contract amount - 5 Years - \$1,630,514.00 - General and Enterprise Funds - **TAGGED BY COUNCIL MEMBER NORIEGA**  
This was Item 30 on Agenda of June 17, 2009

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Lovell 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

**CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
JUNE 23, 2009 - 2:00PM**

**AGENDA**

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MS. MARY PRITCHARD – 1916 Sabine – 77007 – 832-443-0005- Center Street Recycling Center – Item

**NON-AGENDA**

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MR. WILLIAM BENNETT – 520 Atascociata – TX – 77396 - 281-441-8390 – Metro  
Lift

MS. SANDRA MASSIE-HINES – 4421 Alvin – 77051 – 832-537-8477 – Noose Representation Prejudice  
People of Color

MR. JOHNNY ROBINSON – 7926 Shotwell - 7016 – 713-631-1758 – Triangle Garden Civic Club

MS. JOANNA GUEYE – 1520 Bailey St., No. 404 – 77019 – 832-893-3310 – Proposed a New Drug and  
Ex-offenders

MR. KYLE ENGLISH – 918 Comstock – Spring – TX – 77450 – 832-235-6234 – Ban cell phone while driving

MR. SMOKIE PHILIPS – 333 Fannin, No. 108 – 77002 – 832-654-8839 – Neighborhood issues

MS. TAMISHA TATUM – 7402 Calhoun, No. 6 – 77033 – 832-889-2314 – HPD

MR. SIDNEY R. SNELLINGS – 9187 Crystal Springs – Conroe - TX – 77303 – HPD/Business

MS. IRENE ORTIZ – 1109 W. 21<sup>st</sup> – 77008 – 713-302-7289 – HPD

MS. RHONDA BLAIR – 32011 Anne Ln. – Pinehurst – TX – 77362 – 281-259-5297 – HPD Office Complaint

MS. GENEVIEE SANCHEZ – 7211 Market St. – 77020 – 713-671-3680 – Environmental issues and  
Beautifying the Welcome to Denver Harbor sign

MS. MYIA LANDERS - 7211 Market St. – 77020 – 713-671-3680 – Environmental issues and  
Beautifying the Welcome to Denver Harbor sign

MR. AUGUSTINE MEDELLIN - 7211 Market St. – 77020 – 713-671-3680 – Environmental issues and  
Beautifying the Welcome to Denver Harbor sign

MS. ABIGAIL GARCIA - 7211 Market St. – 77020 – 713-671-3680 – Environmental issues and  
Beautifying the Welcome to Denver Harbor sign

MR. ALAN JUAREZ - 7211 Market St. – 77020 – 713-671-3680 – Environmental issues and  
Beautifying the Welcome to Denver Harbor sign - Dogs in the street

MR. JOHN MENEFEY – 2122 Creston Dr. – 77026 – 713-257-5654 – Theft in neighborhood

MR. OTIS JORDAN – 7663 s. Glenwillow – 77048 – 281-723-3700 – HFD

MR. DWIGHT ALLEN – 857 Lucky – 77088 – 281-685-4269 – HFD

MR. ALVIN JAMES – 12250 Villa Lea – 77071 – 281-989-0173 – Houston Fire Department

MR. CARLOS SOLIS – 309 Drew – 77006 – 713-520-9876 – Bar Ordinance

MR. STEVEN WILLIAM – No address – No phone – Referenced Collier murderer of Young Black Prostitute  
quickly, 20 days or less

MS. KRYSTAL MUHAMMAD – 7125 Reed – 77087 – 713-261-3558 – Houston Tax Dollars

MR. RAY LOCKE – Post Office Box 66062 – 77266 – 6062 – 281-832-6433 – 80% of Hurricane Ike money  
spent on private apartment not on Ike repairs

*Speaker List*  
*June 23, 2009*  
*Continued Page 2*

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MR. GERALD WOOD – 10346 Sage Plum Dr. – 77089 – 281-464-9255 – 281-204-5153 – Solid Waste Department attitude (garbage collection)

MS. ANNA PAUL – 122121 Westheimer, No. 102-108 – 77077 – 832-438-1069 – Police harassment

MR. LONNIE MARQUENT – 5006 Weeping Willow – 77092 – 713-688-2679 – Neighborhood Protection Not doing their job

MR. JOE MINAVI – 7938 Wright Rd. – 77041 – 713-856-8500 – Proposed Sign Code changes

MR. MIKE DRAKE – 2603 Joel Wheaton Rd. – 77082 – 832-212-2518 – Proposed Sign Code changes

MR. K J GREEN – 7938 Wright Rd. – 77041 – 832-498-5768 – Proposed Sign Code changes

MR. BENJAMIN CALHOUN – 8510 North Main – 77022 – 281-866-0987 – County Clerk Office/Police Records

MS. LOIS MYERS – 9701 Westview Dr. – 77055 – 713-461-7447 – Flooding in my Subdivision

***PREVIOUS***

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MR. WILLIAM BEAL - 4718 Boicewood - 77016 - 713-633-0126 – Superman Returns

MR. JAMES PARTSCH-GALVAN - 1611 Holman - 77004 - 713-528-2607 - The Election in District H and 1611 Holman

MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 - YMCA 50 million dollars funded s money

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – Councilwoman Clutterbuck/ Congressman Archer w/J-Culbertson w/Newt Gingrich GA Congressman

SUBJECT: An Ordinance Canvassing the Returns of the Runoff Election of June 13, 2009 to Fill a Vacancy in the Office of Council Member, District H		Page 1 of 1	Agenda Item # 1
FROM (Department or other point of origin):  Anna Russell, City Secretary		Origination Date June 17, 2009	Agenda Date June 24, 2009
DIRECTOR'S SIGNATURE: 		Council District affected:  H	
For additional information contact: Anna Russell Phone: 832.393.1100 Tracy Calabrese, 832.393.6448		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary)  Enact an ordinance canvassing the results of the June 13, 2009 Runoff Election.			
Amount and Source of Funding:			
SPECIFIC EXPLANATION:  The Texas Election Code requires the City Council to canvass the returns of the June 13, 2009 Runoff Election no later than June 24, 2009. The proposed ordinance tabulates the votes cast and declares the final results of the Runoff Election.			
G:\GOVERNMENTAL\TBC\ELECTIONS\May09specialelection\RCACanvassRunoff.wpd June 17, 2009 (3:20pm)			
<b>REQUIRED AUTHORIZATION</b>			
Other Authorization:	Other Authorization:	Other Authorization:	Other Authorization:

MS  
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**Cumulative Report — Official  
City of Houston, Texas — Runoff Election For District H Vacancy — June 13, 2009**

Total Number of Voters : 4,707 of 93,883 = 5.01%

Precincts Reporting 13 of 13 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
	Edward "Ed" Gonzalez	428 54.31%	999 68.75%	1,427 58.51%	2,854 60.86%
	Maverick Welsh	360 45.69%	454 31.25%	1,012 41.49%	1,826 39.02%
	<b>Cast Votes:</b>	788 99.87%	1,453 99.52%	2,439 99.23%	4,680 99.43%
	<b>Over Votes:</b>	1 0.13%	0 0.00%	0 0.00%	1 0.02%
	<b>Under Votes:</b>	0 0.00%	7 0.48%	19 0.77%	26 0.55%

**Canvass Report — Total Voters — Official**  
**City of Houston, Texas — Runoff Election For District H Vacancy — June 13, 2009**

06/16/2009 11:07 AM  
 Precincts Reporting 13 of 13 = 100.00%

Total Number of Voters : 4,707 of 93,883 = 5.01%

**COUNCIL MEMBER, DISTRICT H**

Precinct	Early Voting Ballots Cast	Election Day Ballots Cast	Total Ballots Cast	Registered Voters	Percent Turnout	Edward "Ed" Gonzalez	Maverick Welsh	Totals
0003	258	447	705	9,558	7.38%	275	428	703
0010	204	121	325	5,304	6.13%	281	41	322
0046	255	159	414	6,915	5.99%	369	42	411
0071	56	105	161	6,476	2.49%	92	69	161
0057	233	492	725	11,705	6.19%	328	396	724
0078	361	286	647	9,066	7.14%	525	118	643
0079	130	143	273	6,551	4.17%	223	45	268
0105	68	108	176	4,666	3.77%	141	34	175
0192	208	168	376	9,883	3.80%	143	233	376
0206	243	263	506	7,071	7.16%	261	241	502
0344	99	56	155	8,061	1.92%	90	64	154
0579	96	73	169	6,563	2.58%	104	64	168
0809	38	37	75	2,064	3.63%	22	51	73
<b>Totals:</b>	<b>2,249</b>	<b>2,458</b>	<b>4,707</b>	<b>93,883</b>		<b>2,854</b>	<b>1,826</b>	<b>4,680</b>

**REQUEST FOR COUNCIL ACTION**

RCA #

Mayor via City Secretary

<b>SUBJECT: AN ORDINANCE RELATING TO THE RETAIL WATER AND SEWER RATES OF NITSCH &amp; SON UTILITY COMPANY, INC.; SETTING A HEARING TO DETERMINE JUST AND REASONABLE RATES TO BE OBSERVED WITHIN THE CITY OF HOUSTON</b>	Category # <i>Hearing</i>	Page 1 of <u>1</u>	Agenda Item# <i>2</i> JUN 24 2009 <i>15</i>
<b>FROM: (Department or other point of origin):</b> Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department	Origination Date May 28, 2009		Agenda Date <del>JUN 10 2009</del>
<b>DIRECTOR'S SIGNATURE:</b> <i>Alfred J. Moran, Jr.</i>	Council Districts affected: B <i>498</i>		
<b>For additional information contact:</b> Tina Paez Phone: 713-837-9630 Alisa Talley Phone: 713-837-0849	<b>Date and identification of prior authorizing Council Action:</b> January 28, 2009 — Ordinance No. 2009-49		

**RECOMMENDATION: (Summary)**  
Adopt an ordinance relating to the retail water and sewer rates of Nitsch & Son Utility Company, Inc.; setting a public hearing to determine just and reasonable rates to be observed within the City of Houston.

<b>Amount of Funding:</b> N/A <i>9M June 24, 2009</i>	<b>F &amp; A Budget:</b>
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**SOURCE OF FUNDING:**  General Fund  Grant Fund  Enterprise Fund  Other (Specify)  
N/A

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department recommends that City Council adopt an ordinance relating to the retail water and sewer rates of Nitsch & Son Utility Company, Inc. (Nitsch); setting a public hearing for June 24, 2009 to determine just and reasonable rates to be observed within the City of Houston.

Nitsch is an investor-owned utility operating within Houston. Therefore, the City has original jurisdiction over its rates. The Texas Commission on Environmental Quality (TCEQ) has appellate jurisdiction. Nitsch is a private water/wastewater company with the exclusive legal right to provide water and sewer services as granted under Certificate of Convenience ("CCN") No. 11124 (water) and No. 20446 (sewer). These certificates of convenience and necessity are issued by the TCEQ and are granted for an indefinite period of time.

On December 29, 2008, Nitsch & Son Utility Company, Inc. filed an application with the City of Houston to increase its water and sewer rates for customers located in Bellmar Terrace, Assumption Heights, Little York, Cortlandt Meadows, and Lazy Meadows Subdivisions in Houston (Council District B). Nitsch serves approximately 133 (water) and 53 (sewer) Houston customers. Approximately 130, or 98%, are customers with a standard 5/8" x 3/4" meters. Based on the information in the utility's Statement of Intent, Nitsch seeks a 30-32% increase (5/8" x 3/4" meter) and a 25-27% increase (1" meter) in water rates and a 24-26% (all meters) increase in sewer rates, depending on individual usage. The specific rate impact to Houston customers will vary by service, meter size and gallons used.

On January 28, 2009, City Council approved Ordinance No. 2009-49 suspending the new rates for 90 days beyond the proposed effective date of February 27, 2009 (to May 28, 2009). By agreement between the parties, the suspension period for the new rates was extended to June 24, 2009. During the suspension period, the City conducted two public meetings (March 2 and March 5, 2009) for in-City Nitsch customers on the subject of the new rates and customer service concerns. In addition, the City engaged a team of experts to review the rate case and analyze the proposed rate increase; and to assist in the preparation of the final recommendation.

During the public hearing, City Council will consider comments received by customers at the public meetings, Nitsch's requested new rates, and any recommendations by the City for adjustments to Nitsch's rates.

The Administration & Regulatory Affairs Department recommends that City Council approve an ordinance setting a public hearing to determine just and reasonable rates to be observed within the City of Houston.

**REQUIRED AUTHORIZATION**

ARA Director:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

<b>SUBJECT: AN ORDINANCE RELATING TO THE RETAIL WATER AND SEWER RATES OF NITSCH &amp; SON UTILITY COMPANY, INC.; APPROVING AN INCREASE TO THE RATES THAT SHALL CONSTITUTE THE LEGAL RATES OF NITSCH &amp; SON UTILITY COMPANY, INC. WITHIN THE CITY OF HOUSTON</b>	<b>Category #</b>	<b>Page 1 of <u>2</u></b>	<b>Agenda Item#</b>  <i>2A</i>
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<b>FROM: (Department or other point of origin):</b> Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department	<b>Origination Date</b> June 18, 2009	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> B
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<b>For additional information contact:</b> Tina Paez Phone: 713-837-9630 Alisa Talley Phone: 713-837-0849	<b>Date and identification of prior authorizing Council Action:</b> January 28, 2009 — Ordinance No. 2009-49 June 10, 2009 — Ordinance No. 2009-0498
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**RECOMMENDATION: (Summary)**  
Adopt an ordinance relating to the retail water and sewer rates of Nitsch & Son Utility Company, Inc.; approving an increase to the rates that shall constitute the legal rates of Nitsch & Son Utility Company, Inc. within the City of Houston.

<b>Amount of Funding:</b> N/A	<b>FIN Budget:</b>
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**SOURCE OF FUNDING:**  General Fund  Grant Fund  Enterprise Fund  Other (Specify)  
N/A

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department recommends that City Council adopt an ordinance relating to the retail water and sewer rates of Nitsch & Son Utility Company, Inc.; approving an increase to the rates that shall constitute the legal water and sewer rates of Nitsch & Son Utility Company, Inc. (Nitsch) within the City of Houston.

Nitsch is an investor-owned utility operating within Houston. Therefore, the City has original jurisdiction over its rates. The Texas Commission on Environmental Quality (TCEQ) has appellate jurisdiction. Nitsch is a private water/wastewater company with the exclusive legal right to provide water and sewer services as granted under Certificate of Convenience ("CCN") No. 11124 (water) and No. 20446 (sewer). These certificates of convenience and necessity are issued by the TCEQ and are granted for an indefinite period of time.

On December 29, 2008, Nitsch & Son Utility Company, Inc. filed an application with the City of Houston to increase its water and sewer rates for customers located in Bellmar Terrace, Assumption Heights, Little York, Cortlandt Meadows, and Lazy Meadows Subdivisions in Houston (Council District B). Nitsch serves approximately 133 (water) and 53 (sewer) Houston customers. Approximately 130, or 98%, are customers with standard 5/8" x 3/4" meters. Based on the information in the utility's Application for a Rate/Tariff Change, Nitsch sought a \$166,611 combined water and sewer rate increase to offset its increased cost of service over the past six years since its last non-GRP rate increase in 2001. However, following corrections for errors and deficiencies, ARA's consultant determined that the actual request represents a \$164,597 increase. Nitsch's application for increased water and sewer rates includes a requested rate of return of 12%, a capital structure comprised of 100% equity, and a requested rate increase on the combined water and sewer bill to the average residential customer of approximately 27.43% (based on 6,000 gallons used).

On January 28, 2009, City Council approved Ordinance No. 2009-49 suspending the requested new rates for 90 days beyond the proposed effective date of February 27, 2009 (to May 28, 2009). By agreement between the parties, the suspension period for the new rates was extended to June 24, 2009. During the suspension period, the City conducted two public meetings (March 2 and March 5, 2009) for in-city Nitsch customers on the subject of the new rates and customer service concerns. During the public meetings, customer concerns focused on the magnitude of the difference between the Nitsch rates and the City of Houston rates. No other customer concerns were raised, and participants expressed general satisfaction with the quality of service and water quality in the service area.

**REQUIRED AUTHORIZATION**

ARA Director:

*2A*

Date: 06/18/09	Adopt an ordinance relating to the retail water and sewer rates of Nitsch & Son Utility Company, Inc.; approving an increase to the rates that shall constitute the legal rates of Nitsch & Son Utility Company, Inc. within the City of Houston.	Originator's Initials tp/at	Page 2 of 2
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Also during the suspension period, ARA organized a team of cost of service utility experts to review the rate case, analyze the proposed rate increase, and assist in the preparation of the final recommendation. Based on this review, the experts determined that several categories of expenses, the Company's capital structure, and the proposed rate of return on equity were not reasonable for ratemaking purposes. As a result, the consultants prepared an alternate rate proposal for the Nitsch in-city service area.

ARA's proposal, based on the consultants' recommendations, represents a combined increase of approximately \$29,685 versus the \$164,597 Nitsch proposed increase. The City's recommended rates decrease the magnitude of the increase to the residential rate payer to approximately 4.86% — rather than the 27.43% requested by Nitsch — based on an average consumption of 6,000 gallons per month. The attached tables show the effects on residential customer bills, based on monthly consumption from 1,000 to 30,000 gallons, with a comparison to City of Houston customer bills and Nitsch requested rates. Additionally, the company is allowed to recover reasonable rate case expenses. Surcharging the expense provides the Company recovery of its reasonable rate case expense, but does not result in the overcollection that might result if the expense was included in the company's base rates. Therefore, ARA proposes recovery of \$10,000 for rate case expense through a surcharge over a six-year period, allocated equally between water and sewer systems and applied to all Nitsch customers.

ARA presented the rate proposal to the utility and attempted to enter into settlement negotiations; however, Nitsch's attorney rejected the proposal and refused to submit a counterproposal. Nitsch's unwillingness to respond with a counterproposal suggests a refusal to make any significant move from the Company's filed requested increase. Therefore, ARA recommends adoption of the consultants' recommended rate proposal as set out in the ordinance being presented to City Council for approval.

:C:

**City of Houston's Proposed Rates for Nitsch & Son  
Effect on Customer Bills - Customers with 5/8 x 3/4" Meters (130 Customers Affected)**

Usage (Gallons)	WATER				SEWER				TOTALS				% Increase Based on COH Proposed Rates	
	City of Houston Rates	Current Nitsch Customer Bill	Bill Based on Nitsch's Requested Rates*	Bill Based on COH Proposed Rates	City of Houston Rates	Current Nitsch Customer Bill	Bill Based on Nitsch's Requested Rates	Bill Based on COH Proposed Rates	City of Houston Rates	Current Nitsch Customer Bill	Bill Based on Nitsch's Requested Rates	Bill Based on COH Proposed Rates		Total Increase Based on COH Proposed Rates
	1,000	\$ 3.44	\$ 17.43	\$ 23.01	\$ 17.94	\$ 6.51	\$ 23.27	\$ 29.40	\$ 24.81	\$ 9.95	\$ 40.70	\$ 52.41		\$ 42.65
2,000	\$ 8.16	\$ 19.47	\$ 25.63	\$ 19.93	\$ 6.51	\$ 26.04	\$ 32.80	\$ 27.77	\$ 14.67	\$ 45.51	\$ 58.43	\$ 47.70	\$ 2.19	4.81%
3,000	\$ 8.16	\$ 21.51	\$ 28.25	\$ 22.02	\$ 6.51	\$ 28.81	\$ 36.20	\$ 30.73	\$ 14.67	\$ 50.32	\$ 64.45	\$ 52.75	\$ 2.43	4.83%
4,000	\$ 16.00	\$ 23.55	\$ 30.87	\$ 24.11	\$ 15.77	\$ 31.58	\$ 39.60	\$ 33.69	\$ 31.77	\$ 55.13	\$ 70.47	\$ 57.80	\$ 2.67	4.84%
5,000	\$ 18.95	\$ 25.59	\$ 33.49	\$ 26.20	\$ 18.72	\$ 34.35	\$ 43.00	\$ 36.65	\$ 37.67	\$ 59.94	\$ 76.49	\$ 62.85	\$ 2.91	4.85%
6,000	\$ 21.91	\$ 27.63	\$ 36.11	\$ 28.29	\$ 24.84	\$ 37.12	\$ 46.40	\$ 39.61	\$ 46.75	\$ 64.75	\$ 82.51	\$ 67.90	\$ 3.15	4.86%
7,000	\$ 24.83	\$ 29.67	\$ 38.73	\$ 30.38	\$ 28.79	\$ 39.89	\$ 49.80	\$ 42.57	\$ 53.62	\$ 69.56	\$ 88.53	\$ 72.95	\$ 3.39	4.87%
8,000	\$ 27.75	\$ 31.71	\$ 41.35	\$ 32.47	\$ 32.74	\$ 42.66	\$ 53.20	\$ 45.53	\$ 60.49	\$ 74.37	\$ 94.55	\$ 78.00	\$ 3.63	4.88%
9,000	\$ 30.67	\$ 33.75	\$ 43.97	\$ 34.56	\$ 36.69	\$ 45.43	\$ 56.60	\$ 48.49	\$ 67.36	\$ 79.18	\$ 100.57	\$ 83.05	\$ 3.87	4.89%
10,000	\$ 33.59	\$ 35.79	\$ 46.59	\$ 36.65	\$ 40.64	\$ 48.20	\$ 60.00	\$ 51.45	\$ 74.23	\$ 83.99	\$ 106.59	\$ 88.10	\$ 4.11	4.89%
30,000	\$ 134.29	\$ 76.59	\$ 98.99	\$ 78.45	\$ 119.64	\$ 103.60	\$ 128.00	\$ 110.65	\$ 253.93	\$ 180.19	\$ 226.99	\$ 189.10	\$ 8.91	4.94%

**City of Houston's Proposed Rates for Nitsch & Son  
Effect on Customer Bills - Customers with 1" Meters (3 Customers Affected)**

Usage (Gallons)	WATER				SEWER				TOTALS				% Increase Based on COH Proposed Rates	
	City of Houston Rates	Current Nitsch Customer Bill	Bill Based on Nitsch's Requested Rates*	Bill Based on COH Proposed Rates	City of Houston Rates	Current Nitsch Customer Bill	Bill Based on Nitsch's Requested Rates	Bill Based on COH Proposed Rates	City of Houston Rates	Current Nitsch Customer Bill	Bill Based on Nitsch's Requested Rates	Bill Based on COH Proposed Rates		Total Increase Based on COH Proposed Rates
	1,000	\$ 18.01	\$ 40.52	\$ 50.53	\$ 41.34	\$ 13.32	\$ 23.27	\$ 29.40	\$ 24.81	\$ 31.33	\$ 63.79	\$ 79.93		\$ 66.15
2,000	\$ 18.01	\$ 42.56	\$ 53.15	\$ 43.43	\$ 13.32	\$ 26.04	\$ 32.80	\$ 27.77	\$ 31.33	\$ 68.60	\$ 85.95	\$ 71.20	\$ 2.60	3.79%
3,000	\$ 18.01	\$ 44.60	\$ 55.77	\$ 45.52	\$ 18.38	\$ 28.81	\$ 36.20	\$ 30.73	\$ 36.39	\$ 73.41	\$ 91.97	\$ 76.25	\$ 2.84	3.87%
4,000	\$ 20.93	\$ 46.64	\$ 58.39	\$ 47.61	\$ 23.44	\$ 31.58	\$ 39.60	\$ 33.69	\$ 44.37	\$ 78.22	\$ 97.99	\$ 81.30	\$ 3.08	3.94%
5,000	\$ 23.85	\$ 48.68	\$ 61.01	\$ 49.70	\$ 28.50	\$ 34.35	\$ 43.00	\$ 36.65	\$ 52.35	\$ 83.03	\$ 104.01	\$ 86.35	\$ 3.32	4.00%
6,000	\$ 26.77	\$ 50.72	\$ 63.63	\$ 51.79	\$ 33.56	\$ 37.12	\$ 46.40	\$ 39.61	\$ 60.33	\$ 87.84	\$ 110.03	\$ 91.40	\$ 3.56	4.05%
7,000	\$ 29.69	\$ 52.76	\$ 66.25	\$ 53.88	\$ 38.62	\$ 39.89	\$ 49.80	\$ 42.57	\$ 68.31	\$ 92.65	\$ 116.05	\$ 96.45	\$ 3.80	4.10%
8,000	\$ 32.61	\$ 54.80	\$ 68.87	\$ 55.97	\$ 43.68	\$ 42.66	\$ 53.20	\$ 45.53	\$ 76.29	\$ 97.46	\$ 122.07	\$ 101.50	\$ 4.04	4.15%
9,000	\$ 35.53	\$ 56.84	\$ 71.49	\$ 58.06	\$ 48.74	\$ 45.43	\$ 56.60	\$ 48.49	\$ 84.27	\$ 102.27	\$ 128.09	\$ 106.55	\$ 4.28	4.19%
10,000	\$ 38.45	\$ 58.88	\$ 74.11	\$ 60.15	\$ 53.80	\$ 48.20	\$ 60.00	\$ 51.45	\$ 92.25	\$ 107.08	\$ 134.11	\$ 111.60	\$ 4.52	4.22%
30,000	\$ 96.85	\$ 99.68	\$ 126.51	\$ 101.95	\$ 155.00	\$ 103.60	\$ 128.00	\$ 110.65	\$ 251.85	\$ 203.28	\$ 254.51	\$ 212.60	\$ 9.32	4.58%

\* Nitsch's requested rates include a \$2.04 per month regulatory surcharge for in-city customers only, which is calculated into the base rate. The surcharge is to be applied for a period of two years.

3  
JUN 24 2009

MOTION NO. 2009 0357

MOTION by Council Member Khan that nominations for Position 3 on the Port of Houston Authority of Harris County for two-year term to expire, be closed.

Seconded by Council Member Green and carried.

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

PASSED AND ADOPTED this 17th day of June, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is June 23, 2009.

City Secretary

Council Member Khan nominated Mr. Kase L. Lawal for reappointment of Position 3.



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

4  
JUN 24 2009

June 10, 2009

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: 6-10-09  
COUNCIL MEMBER: \_\_\_\_\_

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to Article 2 of the Bylaws of the Houston Downtown Park Corporation, a public, non-profit Texas local government corporation, I hereby nominate the following individuals to the Houston Downtown Park Corporation's Board of Directors, subject to confirmation by the City Council:

- Mr. Ali Saberioon, reappointment to Position Three, for a term to expire June 30, 2011;
- Mr. Brady F. Carruth, reappointment to Position Four, for a term to expire June 30, 2011;
- Dr. Larry R. Faulkner, reappointment to Position Five, for a term to expire June 30, 2012;
- Ms. Maconda B. O'Connor, reappointment to Position Six, for a term to expire June 30, 2012;
- and
- Ms. Nancy G. Kinder, reappointment to Position Seven, for a term to expire June 30, 2012, and to serve as Chair.

The résumés of the nominees are attached for your review.

Sincerely,

*Bill White*

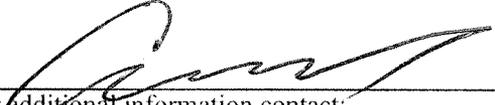
Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Ms. Dawn Ullrich, Director, Convention and Entertainment Facilities  
Mr. Guy Hagstette, Secretary, Houston Downtown Park Corporation and President of the Discovery Green Conservancy



SUBJECT: Settlement of lawsuit styled Cause No. 2008-05404; <i>Joseph Smith vs. The City of Houston and Mid-Century Insurance Company of Texas</i> ; In the Civil District Court 280 <sup>th</sup> Judicial District of Harris County, Texas. LD # 062 0800176 001		Page 1 of 2	Agenda Item # <b>6</b>
FROM (Department or other point of origin):  Legal		Origination Date  6/18/09	Agenda Date  JUN 24 2009
DIRECTOR'S SIGNATURE: 		Council District affected:  ALL	
For additional information contact: Arturo Michel Phone: 832.393.6412 Annie Teehan 832.393.6467		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary)  Approve the referenced settlement			
Amount and Source of Funding:  \$95,000.00 - Property & Casualty Fund - Fund 1004 (Claims and Judgments)			
SPECIFIC EXPLANATION:  <p style="text-align: center;"><b><u>FOR SETTLEMENT PURPOSES ONLY</u></b></p> <p>This lawsuit involves a vehicular accident between an HPD officer and a civilian driver which occurred on September 23, 2007 at the intersection of Fannin and Wheeler Streets at about 8:45 a.m. on a Sunday morning.</p> <p>At the time of the accident, Houston Police Officer Bernard Harrison (employee # 85505) was traveling south on Fannin. According to the accident investigation, the officer disregarded the red light and collided with Smith's vehicle. Officer Harrison's statement on the accident report was that he did not know what color his light was. The collision occurred when Mr. Smith's Jeep Wrangler collided with the HPD patrol car. Both Officer Harrison and Mr. Smith were transported by ambulance to Hermann Hospital.</p> <p>Under §101.021 of the Texas Civil Practice and Remedies Code, the City may be liable for damages caused by an employee, while in the course and scope of his/her employment, and as a result of the use of motor-driven equipment.</p> <p>As a result of this accident, Mr. Smith sustained severe back injuries. At the time of the accident, Mr. Smith was employed as a craft mechanic at the Shell Oil refinery. He was off work for 3 months and when he returned, he was unable to return as a mechanic. As a mechanic, he routinely worked 20 hours of overtime every week. He no longer gets overtime hours in his current position.</p>			
<b>REQUIRED AUTHORIZATION</b>			
Other Authorization:	Other Authorization:	Other Authorization:	

Date  
May 22, 2009

SUBJECT: Settlement of lawsuit styled Cause No. 2008-05404;  
*Joseph Smith vs. The City of Houston and Mid-Century Insurance  
Company of Texas*; In the Civil District Court 280<sup>th</sup> Judicial District of  
Harris County, Texas. LD # 062 0800176 001

Originator's  
Initials  
LAT

Page  
2 of 2

Mr. Smith received several months of physical therapy and underwent two separate rounds of epidural steroid injections (six injections total) in an effort to gain relief from the pain radiating from his lower back into his legs as a result of the accident. Mr. Smith has incurred approximately \$ 38,548.00 in medical expenses. His orthopedic surgeon has opined that Mr. Smith will need surgery in the near future and has estimated that cost, including physical therapy during recovery, to be approximately \$45,000.00.

I recommend this case be settled for \$95,000.00, payable to Joseph Smith, his attorney Richard Morrison (tax I.D. # 76-0509439), and ACS Recovery Services.

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

<b>SUBJECT:</b> Accept Work for Water Line Replacement in the Montrose South Area. WBS No. S-000035-00E4-4.	Page <u>1</u> of <u>1</u>	Agenda Item #  <b>7</b>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 6/18/09	<b>Agenda Date</b> JUN 24 2009
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council Districts affected:</b> C <span style="margin-left: 100px;">RSM</span>	
<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director  <b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2007-472 dated 04/11/2007	

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$4,235,919.05, which is 1.92% 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 \$4,914,000.00 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 was required to replace and upgrade water lines within the City to increase circulation and availability of water.

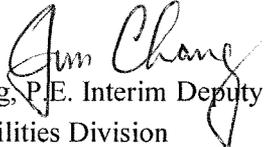
**DESCRIPTION/SCOPE:** This project consisted of construction of 26,414 linear feet of 8-inch, 2,592 linear feet of 6-inch, and 883 linear feet of 4-inch diameter water lines, valves, and appurtenances. Othon, Inc. designed the project with 265 calendar days allowed for construction. The project was awarded to Pace Services, L.P. with an original Contract Amount of \$4,318,838.00.

**LOCATION:** The project area is generally bound by Autrey on the north, Bissonnet on the south, Main on the east and Mandell on the west. The project is located in the Key Map Grids 492-Z and 493-W.

**CONTRACT COMPLETION AND COST:** The Contractor, Pace Services, L.P. has completed the Work under subject Contract. The project was completed beyond the established completion date and Liquidated Damages in the amount of \$68,800.00 at \$800.00 per day for 86 days have been assessed and are reflected in the final payment to the Contractor. The final cost of the project, including Liquidated Damages, overrun and underrun of estimated bid quantities and Change Order Nos. 1, 2 and 3 is \$4,235,919.05, a decrease \$82,918.95 or 1.92% under the original Contract Amount.  
  
The cost underrun is primarily due to Liquidated Damages.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 20%. According to Affirmative Action and Contract Compliance, the actual participation was 18.32%. The Contractor achieved an "Unsatisfactory" rating for M/WBE compliance. This item went to the MWBE Committee on 06/15/09 for review. The Committee did not take a vote.

  
MSM:DRM:JTL:JAK:JM:mq  
S:\E&C Construction\South Sector\PROJECT FOLDER\S-0035-00E4-4\Close Out\RCA\RCA.DOC  
  
c: Velma Laws      File No. S-000035-00E4-4 - 21.0

REQUIRED AUTHORIZATION		CUIC ID# 20MZQ106
<b>Finance Department:</b>	<b>Other Authorization:</b>   Jun Chang, P.E. Interim Deputy Director Public Utilities Division	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

MDT







(JIA)

**Kurian, Joseph - AAD**

**From:** Brody Maedgen [brody@paceservices.us]  
**Sent:** Tuesday, March 04, 2008 5:45 PM  
**To:** joseph.kurian@cityofhouston.net  
**Subject:** Contract # 4600007697

Mr. Kurian -

We received your letter regarding the MWDBE participation goal. Most of our goal on this project is through Jimerson Underground, which is installing water services. These are installed at the end of the project, so our percentage will be light until the end. To date, they have billed for approx. \$265k and will bill at least another \$150k. They will fall short of the original expected value due to inclement weather hindering project progress. We were forced to supplement their efforts with our crews in order to attempt to complete the project within the original contract period and this decreased the available work to be performed.

Separately, Oil Products Distribution has been continually unresponsive on each of our jobs. Therefore, we have not been able to utilize their services as planned.

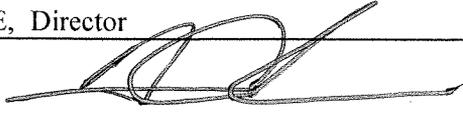
The total percentage for MWDBE participation will approach 15% after we get all of the billings from Jimerson.

*Sincerely,*  
*Brody B. Maedgen, P.E.*

**Pace Services, L.P.**  
**14226 Huffmeister**  
**Cypress, Texas 77429**  
1-281-256-2201 (office)  
1-281-256-9251 (fax)  
713-609-9598 (Houston metro)  
713-609-9872 (Houston metro fax)

*Keep in touch on response*

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

<b>SUBJECT:</b> Accept Work for Water Line Replacement in Croyden Gardens Northwest Area. WBS No. S-000035-00F8-4.		Page 1 of 1	Agenda Item # <b>8</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 6-4-09	<b>Agenda Date</b> JUN 24 2009
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		<b>Council Districts affected:</b> H	
<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director		<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2007-953 dated 08/22/2007	
		 <b>Phone:</b> (713) 837-7074	
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final Contract Amount of \$1,883,310.39, which is 0.10% under the original Contract Amount, accept the Work and authorize the final payment.			
<b>Amount and Source of Funding:</b> No additional appropriation required. (Original appropriation of \$2,205,700.00 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 circulation and availability of water.

**DESCRIPTION/SCOPE:** The project consisted of construction of 665 linear feet of 8-inch and 468 linear feet of 6-inch water lines, valves, and appurtenances. Ratnala & Bahl, Inc. designed the project with 240 calendar days allowed for construction. The project was awarded to McKinney Construction, Inc. with an original Contract Amount of \$1,885,268.75.

**LOCATION:** The project area is generally bound by Berry Drive on the north, East Crosstimbers on the south, West Road on the east, and Hardy Toll Road on the west. The project is located in the Key Map Grids 453-H & M and 545-J.

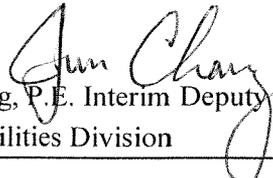
**CONTRACT COMPLETION AND COST:** The Contractor, McKinney Construction, Inc. has completed the Work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,883,310.39, a decrease of \$1,958.36 or 0.10% under the original Contract Amount.

The cost underrun is primarily due to Work not requiring use of Clean Air Incentive Items and most 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 9.52%. The Contractor achieved an "Unsatisfactory" rating for M/WBE compliance. This item went to the MWBE Committee on 06/15/09 for review. The Committee did not take a vote.

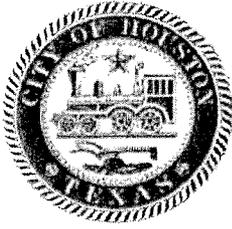
  
MSM: DRM: JTL: JAK: DO: mq  
SAE&C Construction\North Sector\PROJECT FOLDER\S-000035-00F8-4 WLR CROYDEN NW\23.0 Closeouts\RCA\RCA.DOC

C: Velma Laws File No. S-000035-00F8-4 - 21.0

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20MZQ099</b>
<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang, P.E. Interim Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

MA

8



**CITY OF HOUSTON**  
Office of the Mayor

**Interoffice**

---

Correspondence  
Affirmative Action and  
Contract Compliance  
Division

**To:** Marty Stein  
Agenda Director

**From:** Velma Laws  
Director

A handwritten signature in cursive script, appearing to read "Velma Laws".

**cc:**

**Date:** June 19, 2009

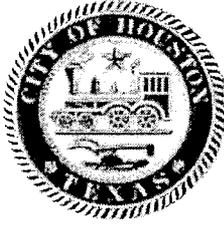
**Subject: McKinney Construction**

Mc Kinney Construction has received two consecutive Unsatisfactory Ratings for not making Good Faith Efforts to achieve the MWBE goals on Water Projects 10874-02 (Water Line Replacement in Clinton Park, Settegast, and Sunnyside) and 10859-03 (Water Line Replacement in Croyden Gardens – Northwest).

Therefore, we have initiated the sanctions process against this firm. If the violations are not sufficiently addressed, the recommendation to sanction the firm for a period of up to 1 year will be forwarded to the Contract Compliance Commission, which will conduct a hearing. If the contractor does not prevail, the final recommendation to sanction will be forwarded to City Council for approval.

If you have any questions or need additional information, I can be reached at 713.837.9015.

06/09:47



**CITY OF HOUSTON**  
Office of the Mayor

**Interoffice**

Correspondence  
Affirmative Action and  
Contract Compliance  
Division

**To:** Anthony Hall, Chief Administrative Officer  
Issa Dadoush, Director – GSD  
Calvin Wells, Deputy Director – ARA/SPD  
Eric Potts, Deputy Director – HAS  
Michael Marcotte, Director – PWE

**From:** Velma Laws, Director

**Date:** April 28, 2009

**cc:** Tony Henshaw - PWE  
J. Goodwille Pierre – HAS SBCDP

**Subject: Options for Potential Sanctions and Remedies to Encourage Compliance of MWSDBE Related Contract Terms**

The steps we are taking towards increasing communication and working relationships between our department staff for compliance by prime contractors of MWDBE utilization is a positive step forward and I appreciate your commitment. With the Contract Awarding Department project managers taking the critical step of reiterating the importance of MWBE utilization on contracts, the responsiveness to requests by AAD Contract Compliance Officers should improve.

Re-evaluation is needed of sanctions and remedies for those contractors that are non-responsive to inquiries and/or are in violation/breach of terms of the contract. The Cities of Austin and Philadelphia have taken a strong approach to handling violations of contract terms related to MWBE utilization. We could consider a combination of their standards that would work better in our environment and demonstrate that the City is serious about its commitment to MWBE utilization.

**City of Austin:**

Sanctions for Noncompliance

Failure to obtain prior authorization for substitutions, additions, or deletions of subcontractors as provided for in this Section is a violation of the MBE/WBE Ordinance. AAD may recommend to the City Department that the City enforce the following sanctions for each successive violation within a rolling twenty-four month period:

- 1<sup>st</sup> Violation: Written notice of violation
- 2<sup>nd</sup> Violation: Probation for a period of up to 6 months
- 3<sup>rd</sup> Violation: Suspension for a period of up to 24 months
- 4<sup>th</sup> Violation: Debarment for a period of up to 5 years

In order to dispute a finding of a violation, the prime contractor or prime consultant must submit a written request for an appeal to the Director within 4 days of receipt of written notice of the violation.

Contract Closeout

If the Director determines that the contractor's terms have not been fulfilled, the Director shall inform the Contract Awarding Department and the contractor/consultant in writing of the reasons for the determination, the sanctions recommended, and the procedures to appeal the determination. If the recommended sanction contains any fine or liquidated damages, the Contract Awarding Department, contract manager or project manager shall retain from any payment due the amount of such sanction during the pendency of an appeal.

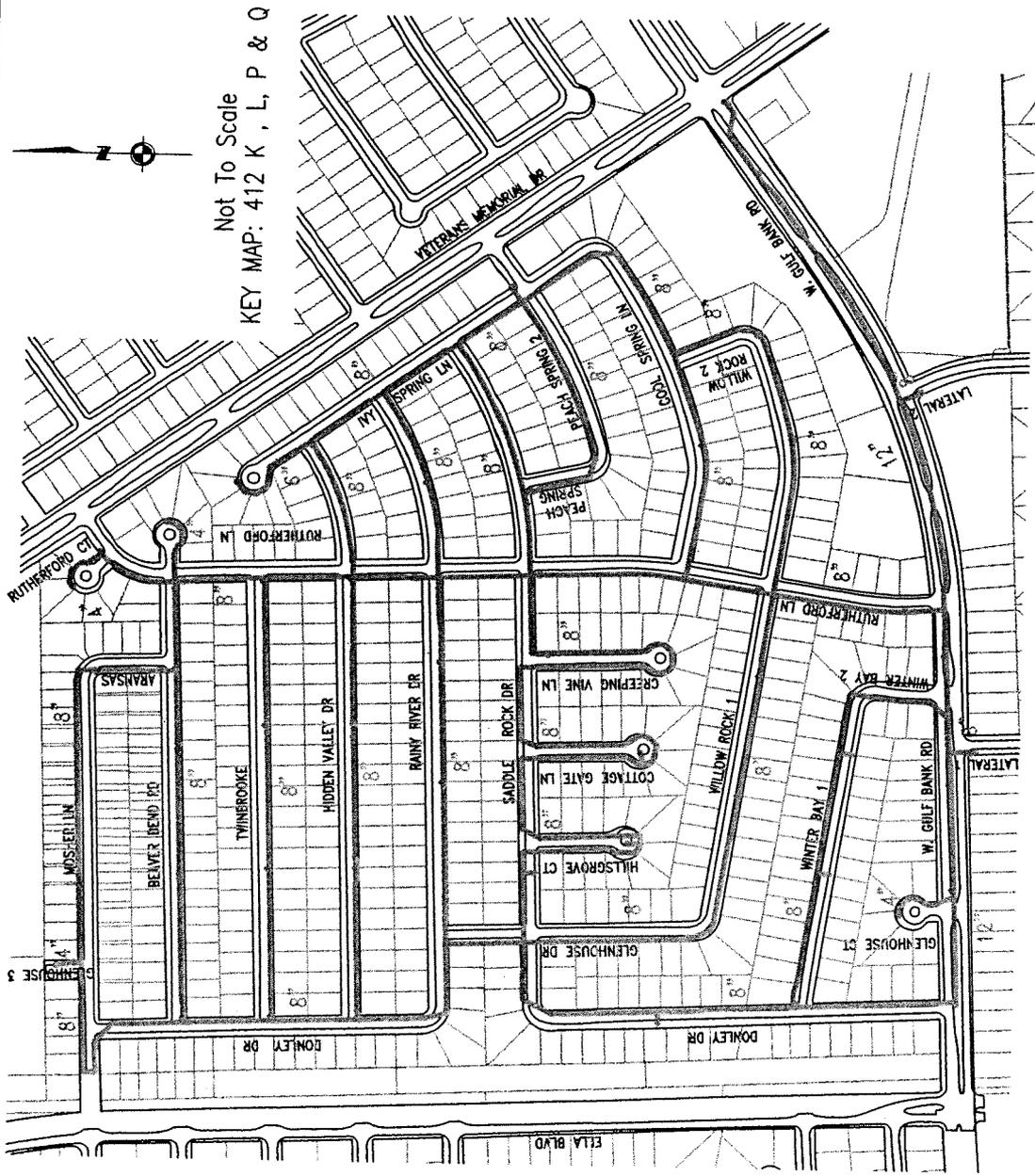
**City of Philadelphia:**

The successful bidder's compliance with all terms of the contract, including fulfillment of any MBE/WBE/SBE/DBE commitments, is material to the contract. Any failure to comply with these requirements constitutes a substantial breach of the contract. It is further understood and agreed that in the event the Director of AAD determines that the successful bidder hereunder has failed to comply with these requirements the City may, in addition to any other rights and remedies the City may have under the contract, any bond filed in connection therewith or at law or in equity, exercise one or more of the following remedies, as deemed applicable, which shall be deemed cumulative and concurrent:

- a. Withhold payment(s) or any part thereof until corrective action is taken
- b. Terminate the contract, in whole or in part
- c. Suspend the successful bidder from bidding on and/or participating in any future City contracts for a period of up to three (3) years
- d. Recover as liquidated damages, one percent of the total dollar amount of the contract for each one percent (or fraction thereof) of the commitment shortfall. (Note: The "total dollar amount of the contract" shall include approved change orders, amendments and for requirements contracts shall be based on actual quantities ordered by the City. For Concessions, the "total dollar amount of the contract" shall mean the Concession Fee paid to the City.)

The remedies enumerated above are for the sole benefit of the City and City's failure to enforce any provision or the City's indulgence of any non-compliance with any provision hereunder, shall not operate as a waiver of any of the City's rights in connection with any contract resulting from this invitation and Bid nor shall it give rise to actions by any third parties including identified M/W/SDBE subcontractors.

04/09:43



**PROPOSED WATER LINE SCHEDULE**

STREET NAME	START STREET	END STREET	PIPE SIZE (IN.)	LENGTH (LF)
WOSHER	DONLEY 2	ARANSAS	4, 6, 8	78, 18, 132
BEAVER BEND	DONLEY 2	RUTHERFORD	4, 8	217, 152R
TWINBROOK	DONLEY 2	RUTHERFORD	6	135A
HIDDEN VALLEY	DONLEY 2	IVY SPRING	8	180D
RAINY RIVER	DONLEY 2	IVY SPRING	8	192
SADDLE ROCK	DONLEY 1	IVY SPRING	8	181
PEACH SPRING 1	PEACH SPRING 2	SADDLE ROCK	8	261
PEACH SPRING 2	PEACH SPRING 1	IVY SPRING	8	58
COOL SPRING	RUTHERFORD	IVY SPRING	8	1069
WILLOW ROCK 1	GLENHOUSE 2	WILLOW ROCK 2	8	185D
WILLOW ROCK 2	WILLOW ROCK 1	COOL SPRING	8	278
WINTER BAY 1	DONLEY 1	WINTER BAY 2	8	97A
WINTER BAY 2	DONLEY 1	WINTER BAY 1	8	97A
W. GULF BANK	DONLEY 1	VETERANS MEMORIAL	8, 12	150, 292
DONLEY 1	W. GULF BANK	SADDLE ROCK	8	1301
DONLEY 2	RAINY RIVER	WOSHER	8	1074
RUTHERFORD	W. GULF BANK	VETERANS MEMORIAL	8	2526
RUTHERFORD CT	CU-DE-SAC	RUTHERFORD	4, 6	149, 11
HILLSGROVE CT	CU-DE-SAC	SADDLE ROCK	8	246
COTTAGE GATE	CU-DE-SAC	SADDLE ROCK	8	87A
CREEPING VINE	CU-DE-SAC	SADDLE ROCK	8	91A
IVY SPRING	COOL SPRING	CU-DE-SAC	6, 8	317, 10E2
ARANSAS	BEAVER BEND	WOSHER	8	308
GLENHOUSE CT	W. GULF BANK	CU-DE-SAC	4	200
GLENHOUSE 2	WILLOW ROCK 1	RAINY RIVER	8	283
F. H. LEWIS	-----	-----	6	192
<b>TOTAL (LF):</b>				<b>29,170</b>



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

**KIT Professionals, Inc.**  
Engineers • Planners • Construction Managers  
2028 Wilcrest Drive, Suite 600  
Houston, Texas 77042  
Phone: (713)782-8700, Fax: (713)782-8717

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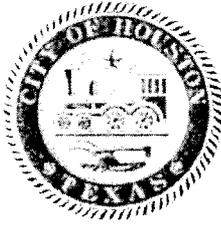


13440 HWY 100, SUITE 1100  
HOUSTON, TEXAS 77040  
(713) 462-3247  
(713) 462-3252 Fax

**WATER LINE REPLACEMENTS  
IN WILLOW RUN NORTH AREA**  
WBS NO.: S-000035-00F3-4

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**VICINITY MAP**



# 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

T. 713.837.9000  
F. 713.837.9055  
[www.houstontx.gov](http://www.houstontx.gov)

**CERTIFIED MAIL: 7006 0100 0003 2481 9311**

June 17, 2008

Mr. Sam Baaklini  
McKinney Construction, Inc.  
P.O. Box 131595  
Houston, TX 77219

**RE: Water #10859-03 – Water line Replacement in Croyden Gardens Northwest Area. S-000035-00F6-4. 4600008199.**

Dear Mr. Baaklini:

The Affirmative Action and Contract Compliance Division is responsible for monitoring MWDBE utilization on City of Houston contracts with MWDBE goals.

We are very concerned that as of today, you have not utilized the majority of your MWDBE subcontractors, nor submitted your plan to utilize MWDBEs on this contract despite several correspondences and phone calls.

Per contract documents and the RCA (Request for Council Action), the following companies were listed to meet the 22% goal for this project:

<u>MWDBE Subcontractor</u>	<u>RCA Contracted Amount</u>	<u>Amount Used to Date</u>
R. J. Best Concrete	\$ 263,937.61	\$ 16,210.36
Municipal Marketing System, Inc.	\$ 94,263.43	\$ 134,905.32
Miranda Trucking & Services	\$ 66,558.06	\$ 14,908.00
Total:	<b>\$ 424,759.10</b>	<b>\$ 166,023.68</b>

Based on the contract amount of this project, you have achieved **9.24%** of your 17% goal.

Additionally, the following labor compliance items remain outstanding:

**Prime:**  
McKinney Construction

**Missing Documents**  
CC Forms #5 - #10  
List of Subcontractors and Suppliers

**Subcontractors:**

R. J. Best Concrete

CC Forms #30 - #33  
Certified payroll from beginning to current or final

Municipal Marketing System, Inc.

CC Forms #30 - #33  
Certified payroll from beginning to current or final  
**OR**  
Document 00632

Miranda Trucking & Services

CC Forms #30 - #33  
Certified payroll from beginning to current or final

Our office has to determine if a contractor makes a good faith effort to meet the MWDBE goal on City of Houston projects. Compliance with the information required by this office will be a significant factor in evaluating your future participation in City of Houston contracts.

Be advised that, pursuant to Section 15-86 of the Code of Ordinances, failure to make a good faith effort to meet the MWDBE goal is grounds for suspension from engaging in any contract with the City for a period of up to, but not to exceed, five (5) years.

If you do not respond to this notice within the designated time frame, we will forward an official Notice of Non-Compliance to the administering department. Subsequent actions can include the imposition of sanctions, which can be applied to your contract.

You must submit within ten (10) days upon receipt of this letter, your plan to meet the goal or demonstrate good faith efforts on this project as well as the compliance documents mentioned above for your company and your subcontractors.

If you have any questions or need additional information, please contact Jean Abercrombie at (713) 837-9026.

Sincerely,

**Read and Approved:**



Joseph Kurian, Division Manager  
Contract Compliance Section



Velma Laws, Director  
Affirmative Action and Contract  
Compliance

06/08:23

(C)

# **MCKINNEY CONSTRUCTION, INC**

P.O BOX 131595 HOUSTON, TEXAS 77219 Tel: 281-924-0393 Fax: 713-526-2603  
Email: [mckinneyconstruction@hotmail.com](mailto:mckinneyconstruction@hotmail.com)

June 23, 2008

Mr. Joseph Kurian  
Division Manager  
City of Houston  
Affirmative Action & Contract compliance  
611 Walker, 7<sup>th</sup> Floor  
Houston, Texas 77002

RECEIVED  
JUN 25 2008  
City of Houston  
Affirmative Action

**RE: WATER LINE REPLACEMENT IN CROYDEN GARDENS AREA  
WBS NO. S-000035-00F8-3**

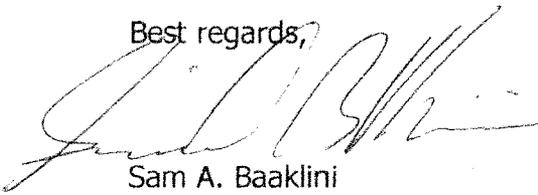
Dear Mr. Kurian

In reply to your letter dated June 17, 2008 I would like to inform you that we made a good faith effort to meet the 22% MWDBE goal on the above referenced contract. We did award R.J. Best Concrete all the concrete work on the above referenced project as we promised but due to the nature of the project there was not enough road, sidewalk, and handicap ramps construction to meet his goal. The same applies to Miranda Trucking & Services they handled all our trucking and material deliveries. We tried to compensate, for not being able to utilize their goals, by increasing the contract amount for Municipal Marketing System, Inc. and as you can tell it did increase tremendously.

We will always strive to meet our MWDBE goals on all our contracts and it is also our intent to exceed those goals in the future we are currently working on locating more dependable subcontractors that can accommodate our needs and we are making very good progress. Another thing I would like to bring to your attention is that we are under tremendous time restraints on these projects and we do not have a day to spare, in many instances we do not get the cooperation we expect from our subcontractors either because they are busy on other or simply because they are not interested.

We are currently working on securing all the CC forms that you require from us and from our subcontracts. We should have them ready for you late next week if we get the full cooperation of our subcontractors. I hope I was able to answer all your questions and concerns, please let me know if I can be of any further assistant.

Best regards,

A handwritten signature in black ink, appearing to read 'Sam A. Baaklini', written in a cursive style.

Sam A. Baaklini  
President

<b>SUBJECT:</b> Appointment of two Independent Appraisers in connection with the sale of 2.999 acres of land located at 3630 and 3636 West Dallas known as the Centre for Hearing and Speech Inc., and Mental Health and Mental Retardation Authority of Harris County		<b>Page</b> 1 of 1	<b>Agenda Item</b>  9
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 6-18-09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i> 6/18/09 Issa Z. Dadoush, P.E.	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> Phone: (832) 393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2008-0664; 07/23/08
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**RECOMMENDATION:** Approve a motion to appoint two Independent Appraisers to determine the fair market value in connection with the sale of 2.999 acres of land located at 3630 and 3636 West Dallas known as the Centre for Hearing and Speech Inc., and Mental Health and Mental Retardation Authority of Harris County.

<b>Amount and Source Of Funding:</b> N/A	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** On July 23, 2008, Ordinance No. 2008-0664, City Council amended Article VI, of Chapter 2 of the Code of Ordinances, entitled City Property, to provide that the City must obtain two independent appraisals to determine fair market value when the City intends to sell or lease real property with an estimated value over \$1 million.

The General Services Department recommends that City Council approve the appointment of two independent appraisers as listed below to determine the fair market value in connection with the sale of 2.999 acres of land located at 3630 and 3636 West Dallas:

- Gerald A. Teel - The Gerald A. Teel Company, Inc.
- Jack W. Bass – Integra Realty Resources

IZD:BC:JLN:RB:np

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

<b>REQUIRED AUTHORIZATION</b>		CUIC ID# 25 RB 53
<b>General Services Department:</b> <i>[Signature]</i> Forest R. Christy, Jr., Director Real Estate Division		

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8356**

**Subject:** Formal Bids Received for Audio Control System Replacement Parts for the Houston Airport System S35-S23198

Category #  
4

Page 1 of 2

Agenda Item

10

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

**Origination Date**  
June 11, 2009

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
B, I

**For additional information contact:**  
Dallas Evans Phone: (281) 230-8001  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**

Approve an award to Ford Audio Video Systems, Inc. on its low bid in an amount not to exceed \$250,000.00 for audio control system replacement parts for the Houston Airport System.

Estimated spending authority: \$250,000.00

**Finance Budget**

\$250,000.00 Houston Airport System Revenue Fund (8001)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Ford Audio Video Systems, Inc. on its low bid in an amount not to exceed \$250,000.00 for audio control system replacement parts for the Houston Airport System. It is further requested that authorization be given to make purchases, as needed, for a 36-month term with two one-year options to extend. This award consists of a price list with various computerized equipment such as MIC interface cards, ACS processor cards, power supply audio monitor cards, hub ambient analysis CPU cards, and other miscellaneous components. The replacement parts will be used in the IED 500 ACS system that controls switching and programming of the inter-terminal public address and paging systems at George Bush Intercontinental and William P. Hobby Airports.

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

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

<u>Company</u>	<u>Sample Pricing</u>
1. Ford Audio Video Systems, Inc.	\$ 9,422.06
2. LD Systems	\$11,943.45

Buyer: John Dearmon

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

**ESTIMATED SPENDING AUTHORITY**

DEPARTMENT	FY2010	OUT YEARS	TOTAL
Houston Airport System	\$50,000.00	\$200,000.00	\$250,000.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

MST

145

88

10 000



# 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 Dearmon

Date: March 16, 2009

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: S23198 Estimated Dollar Amount: \$250,000.00

Anticipated Advertisement Date: 3/23/2009 Solicitation Due Date: 4/9/2009

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:  
Audio Control System Replacement Parts

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

The manufacturer for these products drop-ship directly to the City of Houston. Consequently, there is no opportunity for M/WBE participation, therefore, we request a zero goal for this award. See attachment:

Concurrence:

John Dearmon  
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.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8381**

**Subject:** Emergency Cleanup and Restoration Services for the Houston Airport System  
S12-E23291

Category #  
4

Page 1 of 1

Agenda Item

11

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

**Origination Date**  
June 15, 2009

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**  


**Council District(s) affected**  
B

**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 payment to Cotton Restoration Services in the total amount of \$116,469.89 for the emergency clean up and restoration services of Terminal D at Bush Intercontinental Airport for the Houston Airport System.

Payment Amount: \$116,469.89

**Finance Budget**

\$116,469.89 - HAS Enterprise Fund (8001)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the payment to Cotton Restoration Services in the total amount of \$116,469.89 for the emergency clean up and restoration services of Terminal D at the Bush Intercontinental Airport (IAH) for the Houston Airport System.

On the evening of February, 20, 2009, raw sewage and water backed up into IAH Terminal D office areas as a result of clogged sewer lines. The raw sewage and standing water posed an immediate health and safety hazard to the general public and airport employees. The Strategic Purchasing Division issued a purchase order to address the emergency.

The scope of work required the contractor to provide all labor, materials, equipment, and supervision necessary to thoroughly cleanup and restore the structure and content integrity of Terminal D as a result of the damage caused by the raw sewage and water backup in this area. The work required the prompt mobilization of clean up crews and restoration technicians necessary to extract the raw sewage and water from all of the affected flooring and porous/non-porous contents; dry the affected areas using portable dehumidifiers, air-scrubbers and air movers; remove all affected carpet, tile, drywall and insulation and apply anti-microbial agents.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) of the Texas Local Government Code for exempted procurements.

Buyer: Martin L. King  
PR No. 10078390

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

10/1

10/1

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8334**

**Subject:** Formal Bids Received for Forklifts and a Scissor Lift for the Public Works & Engineering Department and the Houston Airport System  
S38-N23163

Category #  
4

Page 1 of 2

Agenda Item

12

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

**Origination Date**  
May 26, 2009

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
All

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

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

**RECOMMENDATION: (Summary)**  
Approve an award to Equipment Depot, LTD on its low bid meeting specifications in the total amount of \$104,470.00 for forklifts and a scissor lift for the Public Works & Engineering Department and the Houston Airport System.

Award Amount: \$104,470.00

**Finance Budget**

\$ 63,830.00 - PWE Combined Utility System Fund (Fund 8305)  
\$ 40,640.00 - HAS-AIF Capital Outlay ( Fund 8012)  

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\$104,470.00 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Equipment Depot, LTD on its low bid meeting specifications in the total amount of \$104,470.00 for three forklifts and a scissor lift for the Public Works & Engineering Department and the Houston Airport System, and that authorization be given to issue a purchase order. The forklifts will be used by the Departments to move materials and equipment at various City facilities. The scissor lift will be used by the Houston Airport System for maintenance and to re-lamp interior terminal lighting at the William P. Hobby Airport.

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

<b><u>Company</u></b>	<b><u>Amount (Item Nos. 1-3)</u></b>
1. Subfin Commodities	\$ 99,720.00 (Partial Bid/Higher Unit Price)
2. Briggs Equipment	\$100,442.00 (Did Not Meet specifications)
<b>3. Equipment Depot, LTD</b>	<b>\$104,470.00</b>

This purchase consists of a gasoline-powered forklift and two electric-powered forklifts, and an electric-powered scissor lift. The gasoline-powered forklift will meet the EPA's current emission standards for equipment with gasoline-powered engines. The forklifts and the scissor lift will come with a full 12-month warranty and the life expectancy is ten years. See the Equipment Justification Summary on Page 2 of 2 for usage and replacement details. The equipment that will be replaced has exceeded its life expectancy and will be sent to auction for disposition.

Buyer: Lena Farris

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

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

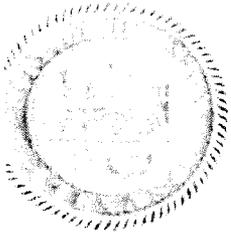
*John*

*MOT*

*12*

**EQUIPMENT USAGE SUMMARY**

Requisition No./ Item Description	Qty.	Department/Division Fleet Usage	Equipment Replacement	
Item No. 1 PR Nos. 10056943/ 10056995 3,500-lb. Lifting Capacity, Electric Forklifts	2	Public Works & Engineering Department/ Utility Customer Service  These forklifts will be used by Department personnel to move materials and equipment at Department facilities.	<u>Shop No.</u> 16125 12429	<u>Age/Yrs.</u> 21 25
Item No. 2 PR No. 10057201 6,000-lb. Lifting Capacity, Gasoline- Powered Forklift	1	Houston Airport System/ Grounds Maintenance  This forklift will be used by Department personnel to move materials and equipment at the William P. Hobby Airport.	<u>Shop No.</u> 14730	<u>Age/Yrs.</u> 23
Item No. 3 PR No. 10057590 32-ft. Working Height Electric Scissor Lift	1	Houston Airport System/ Physical Plant Maintenance  This scissor lift will be used by Department personnel for maintenance and to re-lamp interior terminal lighting at the William P. Hobby Airport.	<u>Shop No.</u> 16992	<u>Age/Yrs.</u> 17



# CITY OF HOUSTON

# Interoffice

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

Correspondence

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

**From:** Lena Farris

**Date:** 03/04/2009

**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: N23163 Estimated Dollar Amount: \$105,000.00

Anticipated Advertisement Date: 3/13/2009 Solicitation Due Date: 4/2/2009

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:  
Purchase of Forklifts and Scissor Lift for Various Departments

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

These forklifts and scissor lift will be shipped directly from the manufacturer to the City's bidders. There are no aftermarket accessories. Therefore, there is no potential for M/WBE participation for this procurement.

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.

<b>SUBJECT:</b> Appropriate Funds and Authorize Issuance of a Purchase Order to Terrain Solutions, Inc. for Risk-based Assessment, Contaminated Groundwater Removal, and Monitoring Well Installation for the Houston Fire Department WBS No. C-000170-0010-4	<b>Page</b> 1 of 1	<b>Agenda Item</b>  13-13A
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 6-17-09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE</b> Issa Z. Dadoush, P.E. 	<b>Council Districts affected:</b> A, D
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<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: (832) 393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** (1) Appropriate funds for the project, and (2) adopt a Motion authorizing the issuance of a purchase order to Terrain Solutions, Inc. in the amount of \$63,998.00 for risk-based assessment, contaminated groundwater removal, and installation of a monitoring well for the Houston Fire Department.

<b>Amount and Source Of Funding:</b> \$63,998.00—Fire Consolidated Construction Fund (4500)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council appropriate \$63,998.00 out of the Fire Consolidated Construction Fund and authorize the issuance of a purchase order to Terrain Solutions, Inc. for risk-based assessment, contaminated groundwater removal, and installation of a monitoring well for the Houston Fire Department.

**PROJECT LOCATIONS:**

Fire Station 49	Fire Station 59
1212 Gessner (450W)	13925 S. Post Oak Rd. (571Q)

**PROJECT DESCRIPTION:** The following work is necessary due to the presence of petroleum hydrocarbon impacted soils and groundwater resulting from leaking gasoline from the bottom of tankholds at Fire Station 49 and Fire Station 59. The scope of work is as follows:

**Fire Station 49**—Installation of a 25-foot 2-inch diameter monitoring well in a former tank hold area; development and purging of well; collection and analysis of soil and groundwater samples; and generation of a groundwater assessment report.

**Fire Station 59**—Perform necessary field work to delineate impacted soils and groundwater; collect and analyze soil samples; store and arrange for disposal and purging of anticipated 6 x 55-gallon soil drums and 2 groundwater 55-gallon drums of Class II non-hazardous waste and prepare a risk-based site assessment report generating laboratory results; perform three - 8 hour mobile-dual phase extractions of groundwater over a one-year period; monitor groundwater for one year; request for site closure and prepare a final site report.

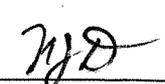
**REQUIRED AUTHORIZATION** CUIC# 25GM190

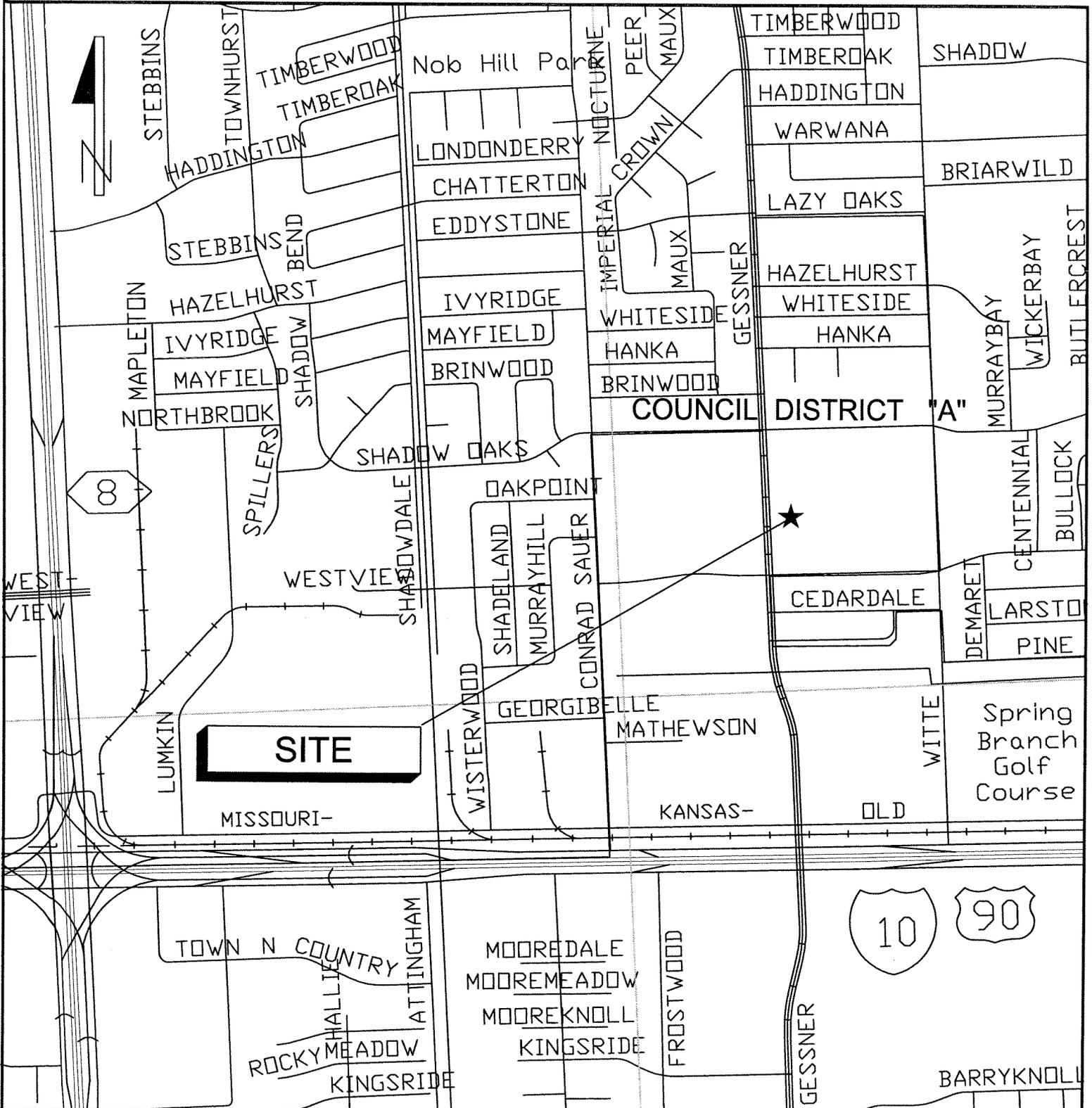
**General Services Department:**

  
Humberto Bautista, P.E.  
Chief of Design & Construction Division

**Houston Fire Department:**

  
Phil Boriskie  
Chief

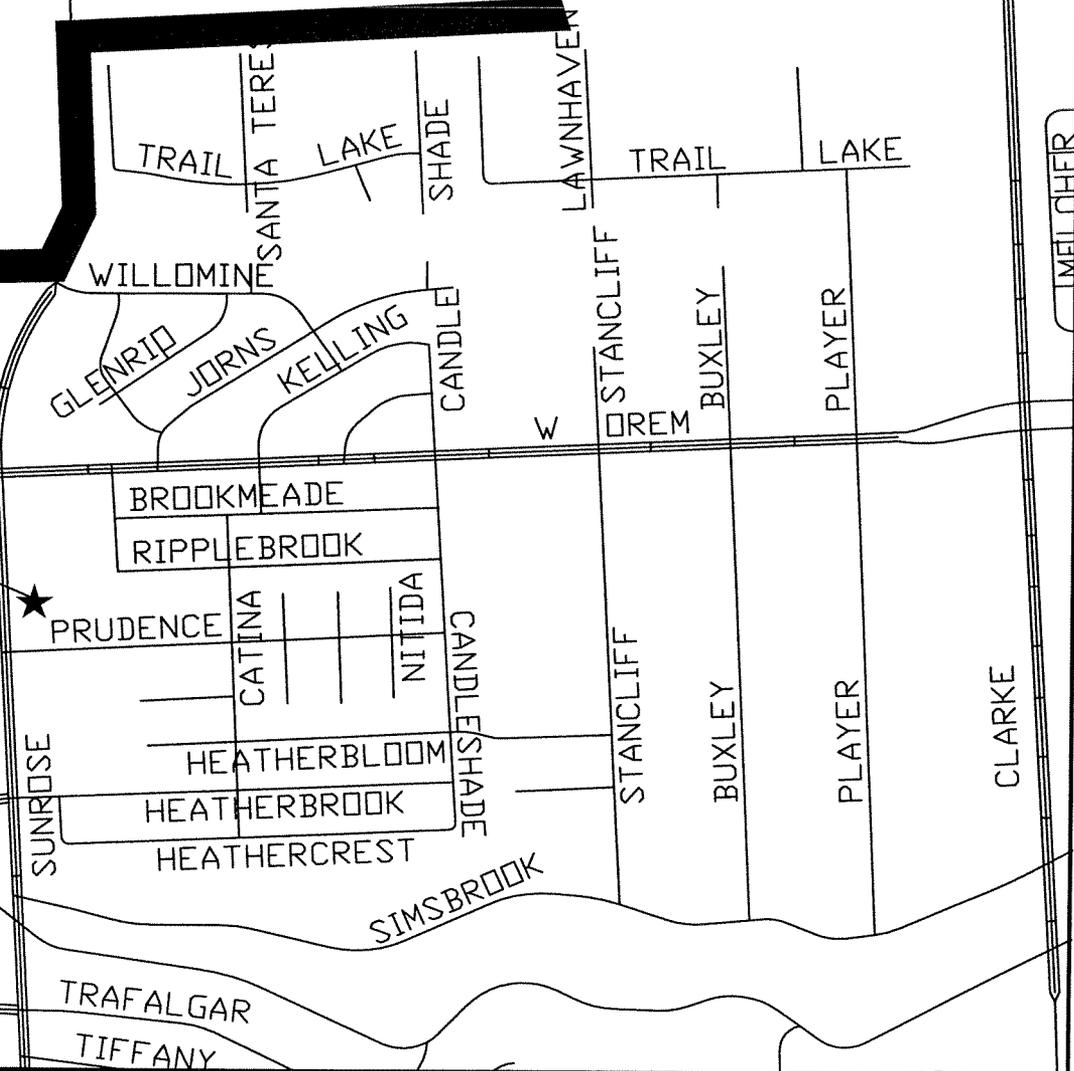


**FIRE STATION NO. 49**  
**1212 GESSNER**  
**HOUSTON , TX 77055**



COUNCIL DISTRICT "D"

**SITE**



HOUSTON FIRE DEPARTMENT  
 FIRE STATION NO. 59  
 13925 S. POST OAK ROAD

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8340**

**Subject:** Formal Bids Received for Fabrication & Installation of Exhibits & Graphics in the African American Library at the Gregory School for the General Services Department  
S50-C23193

Category #  
4

Page 1 of 2

Agenda Item

*14-149A*

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

**Origination Date**  
June 16, 2009

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
1

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

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$457,700.00 out of the General Improvement Consolidated Construction Fund (Fund 4509) and approve an award to WN Holdings LLC dba Malone Design/Fabrication, on its low bid in the amount of \$398,000.00 and contingencies (15% for unforeseen changes within the scope of work) in the amount of \$59,700.00 for a total amount not to exceed \$457,700.00 for the fabrication and installation of exhibits and graphics in the African American Library at the Gregory School for the General Services Department.

Award Amount: \$457,700.00

**Finance Budget**

\$457,700.00 - General Improvement Consolidated Construction Fund (4509) WBS E-000144-0004-5-01

**SPECIFIC EXPLANATION:**

The Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$457,700.00 out of the General Improvement Consolidated Construction Fund (Fund 4509). It is further recommended that City Council approve an award to WN Holdings LLC dba Malone Design/Fabrication on its low bid in the amount of \$398,000.00 and contingencies (15% for unforeseen changes within the scope of work) in the amount of \$59,700.00 for a total amount not to exceed \$457,700.00 for the fabrication and installation of exhibits and graphics in the African American Library at the Gregory School for the General Services Department and that authorization be given to issue purchase orders as necessary. This exhibit hall in the African American Library will be the focal point of viewing for the general public in this new media center.

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

<u>Company</u>	<u>Total Amount</u>
1. WN Holdings LLC dba Malone Design/Fabrication	\$398,000.00
2. Murphey Catton, Inc.	\$405,760.00
3. Southwest Museum Services	\$473,489.18
4. Hadley Exhibits, Inc.	\$508,524.00
5. Explus, Inc.	\$549,035.00
6. Design Craftsmen	\$578,791.00
7. Chicago Scenic Design	\$578,830.00
8. Design and Production Inc.	\$642,772.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MO*

*WJL*

*WJL*

Date: 6/16/2009	Subject: Formal Bids Received for Fabrication & Installation of Exhibits & Graphics in the African American Library at the Gregory School for the General Services Department S50-C23193	Originator's Initials AL	Page 2 of 2
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The scope of work requires the exhibits contractor to provide all labor, materials, equipment, supervision and transportation necessary to complete the fabrication and installation of exhibits cases and graphics for the exhibits spaces at the African American Library at the Gregory School. The finished exhibit cases will contain the artifacts that consist of photos, documents, articles of clothing and books. Materials and workmanship for this project are warranted for one year. The exhibits contractor shall have 120 calendar days to complete the work on 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# 8393**

**Subject:** Approve the Purchase of a Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources S17-H23312

Category #  
4

Page 1 of 1

Agenda Item  
  
**15**

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

**Origination Date**  
  
June 16, 2009

**Agenda Date**  
  
JUN 24 2009

**DIRECTOR'S SIGNATURE**  


**Council District(s) affected**

**For additional information contact:**  
David Cutler Phone: (713) 884-3602  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**  
Approve the purchase of a maintenance and support agreement for Hewlett Packard hardware and software in the total amount of \$327,278.10 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Award Amount: \$327,278.10

**Finance Budget**

\$327,278.10 - Houston Emergency Center Fund (Fund 2205)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of a 12-month maintenance and support agreement for Hewlett Packard hardware and software in an amount not to exceed \$327,278.10 through the City's Master Agreement with DIR for the Houston Emergency Center (HEC) and that authorization be given to issue a purchase order to DIR's Go Direct vendor, Hewlett-Packard.

The agreement will allow HEC's Information Technology (IT) personnel to maintain the hardware, obtain software support and receive software updates and upgrades. It will also include 24-hour 365-day monitoring of hardware and operating system software. These services are required to continue operation of the Department's Computer Aided Dispatch system and the Records Management system and will greatly reduce maintenance costs.

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

- Access to HP's High Availability Response Center
- Hardware coverage 24 x 365 with a 6 hour call-to-repair commitment
- Parts availability objective call to fix stocking rate of 95%
- Software coverage 24 x 7 x 365 with immediate connect to Business Recovery Specialists for critical problems or 2-hour response for non-critical problems
- Access to Enhanced Escalation Management
- Provide system Healthcheck 4 times per year
- Provide Hardware preventative maintenance

Buyer: Murdock Smith III

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MS*

<b>SUBJECT:</b> Appropriate Funds for Issuance of a Purchase Order to K. Hanes Incorporated d/b/a BJ's Park & Recreation Products to purchase a Pavilion through the Texas Local Government Purchasing Cooperative Tanglewood Park WBS No. F-504B21-0001-4	<b>Page</b> 1 of 1	<b>Agenda Item</b>  16 <sup>s</sup> 16A
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 6-16-09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 5/27/09	<b>Council District(s) affected:</b> G
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Appropriate funds to purchase a pavilion for Tanglewood Park through the Texas Local Government Purchasing Cooperative for the Parks and Recreation Department.

<b>Amount and Source Of Funding:</b> \$ 23,524.75 Parks Consolidated Construction Fund (4502)	<b>Finance Budget:</b> <i>[Signature]</i>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council appropriate \$23,524.75 out of the Parks Consolidated Construction Fund to fund the issuance of a purchase order to K. Hanes Incorporated d/b/a BJ's Park & Recreation Products to purchase a pavilion structure through the Texas Local Government Purchasing Cooperative for the Parks and Recreation Department.

**PROJECT LOCATION:** 5801 Woodway (491K)

**PROJECT DESCRIPTION:** The project consists of the purchase and delivery of a pavilion structure for Tanglewood Park. The Tanglewood Association will provide the funds for installation through the Houston Parks Board.

IZD:HB:JLN:LJ:DE:de

cc: Marty Stein, Jacquelyn L. Nisby, Mark Ross, Dan Pederson, James Tillman, File 813

**REQUIRED AUTHORIZATION**

CUIC# 25PARK72

**General Services Department:**

*[Signature]*

Humberto Bautista, P.E.  
Chief of Design & Construction Division

**Parks and Recreation Department:** NOT

*[Signature]*

Joe Turner  
Director

16A



**IBJECT:** Appropriate Funds and Authorize Issuance of Purchase Order to Buck Terrell Athletics, Inc. through the Texas Local Government Purchasing Cooperative for Turner Park for the Parks and Recreation Department.  
BS No. F-000702-0001-4

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Agenda  
Item

17-17A

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

**Origination Date**  
6-17-09

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**  
Lisa Z. Dadoush, P.E. *[Signature]* 6/18/09

**Council District(s) affected:**  
A

**For additional information contact:**  
Jacquelyn L. Nisby *[Signature]* Phone: 832.393.8023

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

**RECOMMENDATION:** (1) Appropriate funds and (2) adopt a Motion authorizing the issuance of a purchase order to Buck Terrell Athletics, Inc. through the Texas Local Government Purchasing Cooperative (Buy Board) in the amount of \$62,139.00 for the purchase and installation of a baseball barrier netting system at Turner Park for the Parks and Recreation Department.

**Amount and Source Of Funding:**  
\$62,139.00 Parks Consolidated Construction Fund (4502)

**Finance Budget:**  
*[Signature]*

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council appropriate \$62,139.00 and authorize issuance of a purchase order to Buck Terrell Athletics, Inc., through the Buy Board for the purchase and installation of a baseball barrier netting system at Turner Park for the Parks and Recreation Department.

**PROJECT LOCATION:** 2800 West Little York (411Z)

**PROJECT DESCRIPTION:** The project consists of the purchase, delivery, and installation of 70 foot poles and barrier netting behind the backstop and along the fence line to first base on the existing NCAA field at Turner Park.

**FUNDING SUMMARY:**

\$ 59,180.00 Construction Contract  
\$ 2,959.00 5% Contingency  
\$ 62,139.00 Total Funding

IZD:HB:JLN:LJ:MS:ms

cc: Marty Stein, Jacquelyn L. Nisby, Mark Ross, James Tillman IV, Calvin Curtis, Yvette Burton, File 813

**REQUIRED AUTHORIZATION**

CUIC# 25PARK74

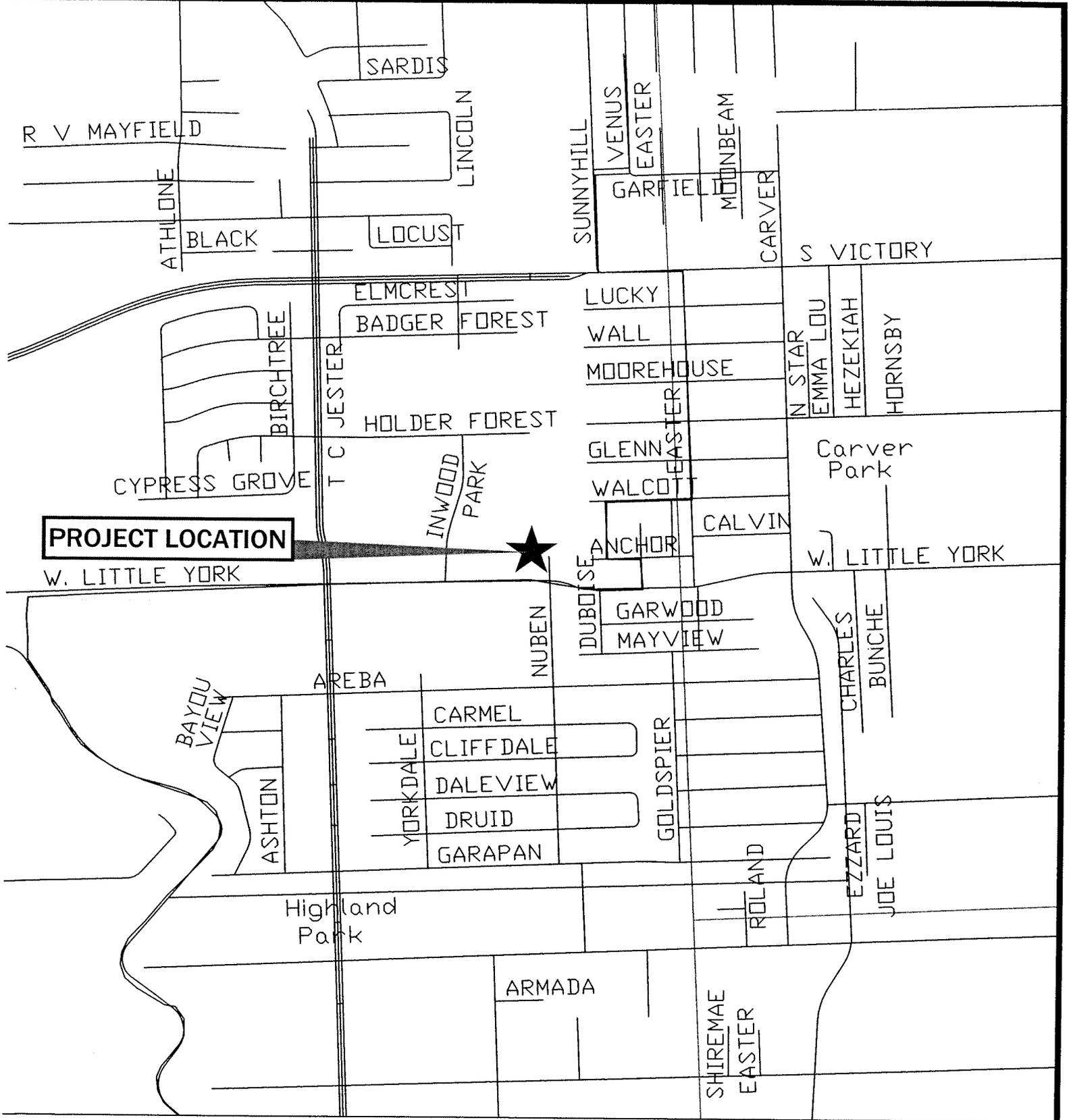
**General Services Department:**

**Parks and Recreation Department:**

*[Signature]*

*[Signature]*  
Joe Turner  
Director

Humberto Bautista, P.E.  
Chief of Design & Construction Division



# SYLVESTER TURNER PARK

2800 West Little York

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Appropriate Funds and Authorize Issuance of Purchase Order to Buck Terrell Athletics, Inc. through the Texas Local Government Purchasing Cooperative for Turner Park for the Parks and Recreation Department.

WBS No. F-000702-0001-4

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Agenda  
Item

17-17A

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

**Origination Date**

6-17-09

**Agenda Date**

JUN 24 2009

**DIRECTOR'S SIGNATURE**

Issa Z. Dadoush, P.E.

*Issa Z. Dadoush* 6/2/09

**Council District(s) affected:**

A

**For additional information contact:**

Jacquelyn L. Nisby

Phone: 832.393.8023

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

**RECOMMENDATION:** (1) Appropriate funds and (2) adopt a Motion authorizing the issuance of a purchase order to Buck Terrell Athletics, Inc. through the Texas Local Government Purchasing Cooperative (Buy Board) in the amount of \$62,139.00 for the purchase and installation of a baseball barrier netting system at Turner Park for the Parks and Recreation Department.

**Amount and Source Of Funding:**

\$ 62,139.00 Parks Consolidated Construction Fund (4502)

**Finance Budget:**

*Michelle Mitchell*

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council appropriate \$62,139.00 and authorize issuance of a purchase order to Buck Terrell Athletics, Inc., through the Buy Board for the purchase and installation of a baseball barrier netting system at Turner Park for the Parks and Recreation Department.

**PROJECT LOCATION:** 2800 West Little York (411Z)

**PROJECT DESCRIPTION:** The project consists of the purchase, delivery, and installation of 70 foot poles and barrier netting behind the backstop and along the fence line to first base on the existing NCAA field at Turner Park.

**FUNDING SUMMARY:**

\$ 59,180.00 Construction Contract

\$ 2,959.00 5% Contingency

\$ 62,139.00 Total Funding

IZD:HB:JLN/LJ:MS:ms

cc: Marty Stein, Jacquelyn L. Nisby, Mark Ross, James Tillman IV, Calvin Curtis, Yvette Burton, File 813

REQUIRED AUTHORIZATION

CUIC# 25PARK74

**General Services Department:**

*Humberto Bautista*

Humberto Bautista, P.E.  
Chief of Design & Construction Division

**Parks and Recreation Department:**

*Joe Turner*  
Joe Turner  
Director

NO



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8337**

**Subject:** Purchase of Automated Recycling Containers Through the Interlocal Agreement with the City of Tucson for the Solid Waste Management Department  
S38-N23272-ILA

Category #  
4

Page 1 of 1

Agenda Item

18

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

**Origination Date**  
June 11, 2009

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**  
Vic Ayres Phone: (713) 837-9131  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve the purchase of automated recycling containers through the Interlocal Agreement for Cooperative Purchasing with the City of Tucson in the amount of \$524,102.85 for the Solid Waste Management Department.

Award Amount: \$524,102.85

**Finance Budget**

\$ 24,554.85 - Federal State Local Pass Through / West Park Recycling Center Enhancement (Fund 5030)  
\$499,548.00 - General Fund (1000)

\$524,102.85 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of 11,163 green, 96-gallon capacity, automated recycling containers (two-wheel carts) through the Interlocal Agreement for Cooperative Purchasing between the City of Houston and the City of Tucson, Arizona in the amount of \$524,102.85 for the Solid Waste Management Department, and that authorization be given to issue a purchase order to the City of Tucson's contractor, Toter, Incorporated. These carts will be used citywide by the Department in its single stream automated recycling program.

These new automated recycling containers will be issued to an additional 10,000 homes that will be added to the Department's Automated Recycling Program. These new containers will come with a full ten-year warranty and the life expectancy is ten years.

Solid Waste Management Department applied to H-GAC and was successfully awarded Grant #21000003-2009 titled West Park Recycling Center Enhancement Grant.

Of the 11,163 recycling containers to be purchased 523 will be grant funded.

Buyer: Lena Farris  
PR10079008

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NO

*Handwritten initials*

*Handwritten initials*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8379**

**Subject:** Purchase of Construction Services to Build a Loading Dock from the State of Texas Procurement and Support Services Contract for the Solid Waste Management Department S45-Q23299-S

Category #  
4

Page 1 of 1

Agenda Item

*19*

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

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

**Origination Date**

June 17, 2009

**Agenda Date**

JUN 24 2009

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

C

**For additional information contact:**

Vic Ayres Phone: (713) 837-9131  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve the purchase of construction services to build a loading dock at the Westpark Recycling Center in the amount of \$90,285.41 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$4,514.27 for a total amount not to exceed \$94,799.68 from the State of Texas Procurement and Support Services Contract for the Solid Waste Management Department.

Award Amount: \$94,799.68

**Finance Budget**

\$94,799.68 - Federal State Local - Pass Through Fund (5030)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of construction services to build a loading dock at the Westpark Recycling Center in the amount of \$90,285.41 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$4,514.27 for a total amount not to exceed \$94,799.68 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Solid Waste Management Department and that authorization be given to issue a purchase order to the State contractor, Tremco, Incorporated. The new loading dock will allow much more efficient loading of departmental service vehicles and will allow for uninterrupted customer traffic flow through the facility.

The scope of work requires the contractor to furnish all labor, equipment, materials, tools, supervision and transportation necessary to build a loading dock at the Westpark Recycling Center, located at 5900 Westpark. This is Phase I of a two-phase project. Phase I consists of demolition, dirt removal, installation of the overhead door, construction of the retention pond and associated ancillary services which will be funded by a grant from the Houston Galveston Area Council. Phase II will consist of 2,800 square feet of reinforced concrete, 118 lineal feet of retaining wall and associated ancillary services which will be completed in FY10 with Capital Improvement Program funding.

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

Buyer: Sandy Yen  
PR# 10081003

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MA*

*HS*

*20*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8238**

**Subject:** Formal Bids Received for Medical Equipment, 1st Aid, Emergency and (340B Program) Family Planning Aids and Supplies for Various Departments  
S21-S22901

Category #  
4

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Agenda Item

**20**

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

**Origination Date**  
June 15, 2009

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**  
Kathy Barton Phone: (713) 794-9998  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**

Approve various awards, as shown below, in an amount not to exceed \$8,497,124.00 for medical equipment, 1st aid, emergency and 340B Program for family planning aids and supplies for various departments.

Estimated Spending Authority: \$8,497,124.00

**Finance Budget**

\$7,693,684.00 - General Fund (1000)  
\$ 803,440.00 - Equipment Acquisition Consolidated Fund (1800)  
\$8,497,124.00 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$8,497,124.00 for medical equipment, 1st aid, emergency and 340B Program for family planning aids and supplies for various departments. It is further requested that authorization be given to make purchases, as needed for a 60-month term. These awards consist of (1) powered ambulance stretchers, back/head rest flats, equipment hooks, storage backrest pouches, pediatric, adult and bariatric intraosseous needles that will be used by the Fire Department to support the Emergency Medical Services on ambulances and other vehicles that administer emergency medical treatment; and (2) miscellaneous pharmaceuticals and drugs covered by the 340B Program for family planning for the patients visiting the seven Houston Department of Health and Human Services' clinics citywide.

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

**Cardinal Health 200, Inc.:** Award on its low bid for Group III, Item Nos. 17, 19 - 26, 28, 29 and 31 (pre-natal and multi-vitamins, pregnancy tests, 28-day pills and foam contraceptives) and on its sole bid for Group III, Item No. 18 (pre-filled contraceptive syringes) in an amount not to exceed \$6,678,064.00.

<u>Company</u>	<u>Total Amount</u>
1. Cardinal Health 200, Inc.	\$ 6,678,064.00
2. SWA International Company	\$28,555,137.80

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

**(3) met**

*Handwritten initials*

*Handwritten initials*

Date: 6/15/2009	Subject: Formal Bids Received for Medical Equipment, 1st Aid, Emergency and (340B Program) Family Planning Aids and Supplies for Various Departments S21-S22901	Originator's Initials LM	Page 2 of 2
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- Due to the disparity between the bids, Strategic Purchasing Division spoke with a representative of SWA International Company to discuss and review the scope of work for this project. SWA International Company did not bid the correct unit of measure and SWA's representative stated that its bid is based on packaging pricing which projected a higher offer.

**Stryker Sales Corporation:** Award on its low bid for Group II, Item Nos. 1, 7, and 8 (powered ambulance stretchers MX-Pro R3 and 3-stage right side IV poles) and on its sole bid for Group II, Item Nos. 2, 9, 11, and 12 (powered ambulance stretchers, back/head rest flats, equipment hooks and storage backrest pouches) in amount not to exceed \$1,113,060.00.

<u>Company</u>	<u>Total Amount</u>
1. SWA International Company	\$ 409,232.40 (Partial Bid/Higher Unit Price)
<b>2. Stryker Sales Corporation</b>	<b>\$1,113,060.00</b>

**Cardiovascular Concepts, Inc. dba CVC, Inc.:** Award on its sole bid for Group II, Item Nos. 3, 4, and 19 (pediatric, adult and bariatric intraosseous needles) in an amount not to exceed \$706,000.00.

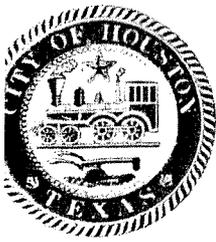
Group I, Group II, Item Nos. 5, 6, and 13-18; and Group III, Item Nos. 27, 30 and 32 are not being awarded. These items will be rebid.

Buyer: L. Marquez

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

**Estimated Spending Authority**

<b>DEPARTMENTS</b>	<b>FY2010</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Health & Human Services	\$ 57,102.20	\$6,620,961.80	\$6,678,064.00
Fire	\$ 59,000.00	\$1,760,060.00	\$1,819,060.00
<b>TOTAL</b>	<b>\$116,102.20</b>	<b>\$8,381,021.80</b>	<b>\$8,497,124.00</b>



# CITY OF HOUSTON

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

**FILE**

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

**From:** L. Marquez

**Date:** April 22, 2009

**Subject:** MWBE Participation Form

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

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

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: 11% New Goal: 0%

If requesting a revision, how many solicitations were received: 6

Solicitation Number: S21-S22901 Estimated Dollar Amount: \$6,678,063.00

Anticipated Advertisement Date: \_\_\_\_\_ Solicitation Due Date: 10/30/2008

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:  
Medical Equipment, 1<sup>st</sup> Aid, Emergency and (340B Program) Family Planning Aids & Supplies

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

Cardinal Health 200, Inc. is one of the prospective bidders that will provide Family Planning Aids (i.e., contraceptives, miscellaneous pharmaceuticals covered by the 340B Program) for the Health Department. Furthermore, Cardinal Health 200, Inc. is a prime vendor on the (340B Program) as a pharmacy distributor and currently there are no MWBE's listed at AAD's website authorized by the (340B Program Prime Vendor) to distribute these pharmaceuticals. These controlled items will be directly shipped from the manufacturer to the City and there is no opportunity for M/WBE participation.

Concurrence:

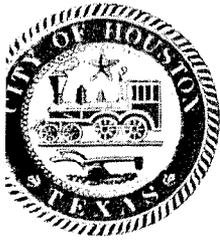
\_\_\_\_\_  
SPD Initiator

\_\_\_\_\_  
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.



# CITY OF HOUSTON

# Interoffice

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

Correspondence

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

From: L. Marquez

Date: March 5, 2009

Subject: MWBE Participation Form

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

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

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: 11% New Goal: 0%

If requesting a revision, how many solicitations were received: 6

Solicitation Number: S21-S22901 Estimated Dollar Amount: \$1,116,060.00

Anticipated Advertisement Date: \_\_\_\_\_ Solicitation Due Date: 10/30/2008

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

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

Name and Intent of this Solicitation:  
Medical Equipment, 1<sup>st</sup> Aid, Emergency and (340B Program) Family Planning Aids & Supplies

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

Stryker Sales Corporation is one of the prospective bids that will provide EMS medical equipment (i.e., powered ambulance cots and accessories) for the Fire Department. These items will be directly shipped from the manufacturer to the City and there is no opportunity for M/WBE participation.

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.



# CITY OF HOUSTON

# Interoffice

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

Correspondence

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

From: L. Marquez

Date: March 5, 2009

Subject: MWBE Participation Form

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

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

I am requesting a **revision** of the MWBE Goal: Yes  No  Original Goal: 11% New Goal: 0%

If requesting a revision, how many solicitations were received: 6

Solicitation Number: S21-S22901 Estimated Dollar Amount: \$706,000.00

Anticipated Advertisement Date: Solicitation Due Date: 10/30/2008

Goal On Last Contract: n/a Was Goal met: Yes  No

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

Name and Intent of this Solicitation:

Medical Equipment, 1<sup>st</sup> Aid, Emergency and (340B Program) Family Planning Aids & Supplies

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

Cardiovascular Concepts, Inc. dba CVC, Inc. is one of the prospective bids that will provide EMS medical equipment (i.e., EZ-IO® adult needles and EZ-IO® pediatric needles) for the Fire Department. These items will be directly shipped from the manufacturer to the City and there is no opportunity for M/WBE participation.

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.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8273**

**Subject:** Formal Bids Received for Medical Equipment and Supplies, First Aid, Emergency Response Products and Pharmaceuticals for Various Departments  
S21-S23121

Category #  
4

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**

June 11, 2009

**Agenda Date**

JUN 24 2009

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Kathy Barton Phone: (713) 794-9998  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**

Approve an award to Cardinal Health 200, Inc. on its low responsible bid in an amount not to exceed \$5,774,045.94 for medical equipment and supplies, first aid emergency response products and pharmaceuticals for various departments.

Estimated Spending Authority: \$5,774,045.94

**Finance Budget**

\$5,570,812.00 General Fund (1000)  
\$ 203,233.94 HAS Revenue Fund (8001)

\$5,774,045.94 Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Cardinal Health 200, Inc. on its low responsible bid in an amount not to exceed \$5,774,045.94, for medical equipment and supplies, first aid emergency response products and pharmaceuticals for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. The award consists of an electronic price list catalog for medical equipment and supplies, first aid emergency response products and pharmaceuticals which includes, but is not limited to, sterile bandages and dressing, first aid kits, alcohol, peroxide, surgical tapes, stretcher sheets, gloves, miscellaneous pharmaceuticals and drugs that will be used by the Houston Airport System, Fire, Police and Houston Department of Health and Human Services to support the day-to-day operations conducted citywide.

This is a price list award. The best discount which determines the low bid for a price list is the best bid received for high-use items selected as sample pricing based on the current needs of the Departments. The bid total for sample pricing items does not represent the total amount to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the 60-month period based on the low bid submitted for the representative samples.

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

<u>COMPANY</u>	<u>SAMPLE PRICING TOTAL</u>
1. Jackson & Associates Inc. dba Deal Medical & Safety Supply	\$ 470.78 (Non Responsible)
2. Cardinal Health 200, Inc.	\$ 673.08

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MST*

*MS*

*oed*

Date: 6/11/2009	Subject: Formal Bids Received for Medical Equipment and Supplies, First Aid, Emergency Response Products and Pharmaceuticals for Various Departments S21-S23121	Originator's Initials LM	Page 2 of 2
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- Following a site visit and a second review of the bid, Jackson & Associates, Inc. dba Deal Medical & Safety Supply realized the project was too large for their company and could not meet the Departments' requirements.

**MWBE Subcontractor:**

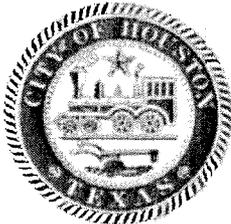
This bid was issue with a 5% goal for M/WBE participation. **Cardinal Health 200, Inc.** has designated the below-named company as its certified M/WBE subcontractor:

<u>NAME</u>	<u>TYPE OF SERVICE</u>	<u>AMOUNT</u>
Atlas Medical Supply, Inc.	Medical Supply Sales	\$288,702.30

Buyer: Laura A. Marquez

**ESTIMATED SPENDING AUTHORITY**

<b>DEPARTMENT</b>	<b>FY 2010</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Health & Human Services	\$100,000.00	\$3,363,500.00	\$ 3,463,500.00
Houston Airport System	\$ 67,744.65	\$ 135,489.29	\$ 203,233.94
Fire	\$635,724.00	\$1,271,448.00	\$ 1,907,172.00
Police	\$ 66,713.34	\$ 133,426.66	\$ 200,140.00
<b>Total</b>	<b>\$870,181.99</b>	<b>\$4,903,863.95</b>	<b>\$ 5,774,045.94</b>



# CITY OF HOUSTON

# Interoffice

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

Correspondence

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

From: L. Marquez

Date: April 13, 2009

Subject: MWBE Participation Form

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

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

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: 11% New Goal: 5%

If requesting a revision, how many solicitations were received: 2

Solicitation Number: S21-S23121 Estimated Dollar Amount: \$5,774,045.94

Anticipated Advertisement Date: Solicitation Due Date: 2/12/2009

Goal On Last Contract: 3% Was Goal met: Yes  No

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

Name and Intent of this Solicitation:

Medical Equipment & Supplies, 1<sup>st</sup> Aid Emergency Response Products and Pharmaceuticals

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

Cardinal Health 200, Inc. has designated Atlas Medical Supply as their subcontractor for their capabilities to distribute, deliver and package medical equipment supplies, 1<sup>st</sup> aid emergency response products and limited pharmaceuticals. Partial orders on this project will be shipped directly by the manufacturer to the City by common carrier; therefore this goal was revised to an achievable 5%. Currently, Cardinal Health 200, Inc. is exceeding their goal of 3%. (see attached documentation)

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.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of a resolution designating a Landmark and Protected Landmark in accordance with Chapter 33, Code of Ordinances	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 22
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> 5/29/09	<b>Agenda Date</b> JUN 3 4 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Madeleine H. Haffner</i>	<b>Council District affected:</b> 1
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<b>For additional information contact:</b> Diana DuCroz Phone: (713) 837-7924	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of a resolution designating First Evangelical Church and Education Building, 1311 Holman Road, as a Landmark and Protected Landmark

<b>Amount and Source of Funding:</b> N/A	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:**

A property owner may initiate an application for the designation of a Landmark and Protected Landmark, for which a 90-day waiver certificate may not be issued. This application for Landmark and Protected Landmark designation of First Evangelical Church and Education Building at 1311 Holman Road was initiated by the owner.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on Sept 9, 2007 and Sept 26, 2007 respectively, and there were no objections to the designation. Both commissions determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark and Protected Landmark designation.

After the application was considered by the HAHC and Planning Commission, the governing members of the church advised Planning staff that the church's charter had expired and that the church needed to reincorporate. The application was placed on hold until staff received a copy of the new charter and a resolution of the board authorizing the pastor to proceed with the application, which is now being forwarded for consideration by City Council.

Photos of the proposed landmark can be found by going to the Planning Department's website at: [http://www.houstontx.gov/planning/historic\\_pres/pending.htm](http://www.houstontx.gov/planning/historic_pres/pending.htm).

MG: rp

Attachments: Application and Staff Report

xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs  
 Arturo G. Michel, City Attorney  
 Deborah McAbee, Land Use Division, Legal Department  
 Harold L. Hurtt, Chief, Police Department  
 Phil Boriskie, Chief, Fire Department

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**LANDMARK, PROTECTED LANDMARK OR ARCHAEOLOGICAL SITE  
DESIGNATION APPLICATION  
CITY OF HOUSTON, TEXAS**

- Complete all information. Incomplete applications may cause delays in processing.
- If you have questions or need help, call the Planning & Development Department at 713/837-7796.

**APPLICANT INFORMATION**

Legal Owner's Name of Site (Please print) FIRST EVANGELICAL CHURCH OF HOUSTON	
Address 3410 AUSTIN ST.	
City Houston	State TX
Zip Code 77004	Day Phone 713-431-8908
	Fax Phone 713-667-0735
Signature <i>[Signature]</i>	Date 26 Dec 2008

Agent's Name (if applicable)(Please print) REV FREDRICK GLAZIER	
Address 16202 CANARIO	
City HOUSTON	State TEXAS
Zip Code 77088	Daytime Phone 832-423-3934
Signature <i>[Signature]</i>	Date 26 Dec 2008

PASTOR & MEMBER BOARD OF DIRECTORS

**PROPOSED DESIGNATION**

- Landmark (subject to 90-day waiver\*)
- Protected Landmark (and Landmark) (NOT subject to 90-day waiver\* and also subject to Demolition by Neglect Provision)
- Archaeological Site

\*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - ([www.houstontx.gov/codes/chapters31to35.html](http://www.houstontx.gov/codes/chapters31to35.html))

**SITE INFORMATION**

**NOTE:** Site information is required and must accompany the application.

Site Address 3410 AUSTIN SE
General description LOTS 1 THRU 10 BLOCK 1 HOLLAND OUTLOT 40

Tax account number 019-185-000-0001	
Subdivision CUSHING PARK	
Lot 5 1 THRU 10	Block 1

**DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)**

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

- Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet designation criteria found in the Historic Preservation Ordinance, please provide this information too.
- Statement/description regarding current physical condition and information/dates of previous alterations and renovations since the original nomination(s) was (were) written

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** First Evangelical Church and Education Building

**OWNER:** First Evangelical Church

**APPLICANT:** Same as Owner

**LOCATION:** 1311 Holman Road (aka 3410 Austin Street)

**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** II

**HPO FILE NO:** 07PL47

**DATE ACCEPTED:** Sept-9-2007

**HAHC HEARING:** Sept-26-2007

**PC HEARING:** Oct-11-2007

### SITE INFORMATION

All of Lots 5-10, and the West 50 feet of Lots 3 and 4, Block 1, Holman Outlot #40, City of Houston, Harris County, Texas. The block, bounded by Holman, Austin, Francis and Caroline Streets, includes four historic buildings: the church, a religious education building, a two-story parsonage, and a detached garage with custodian quarters. Only the church and religious education building are included in this protected landmark designation. The two-story parsonage and the parsonage's detached garage with custodian quarters, located on the East 50 feet of Lots 1, 2, 3 and 4, are excluded.

**TYPE OF APPROVAL REQUESTED:** Landmark and Protected Landmark Designation for church sanctuary and attached religious education building.

### HISTORY AND SIGNIFICANCE SUMMARY

The First Evangelical Church, founded in 1851 as the First German Evangelical Lutheran Church, is one of the oldest congregations in Houston. Previously housed in two other sanctuaries, the congregation purchased the land for the current buildings in 1926. They retained architect Joseph W. Northrop, Jr., who had moved to Houston to oversee construction of the Rice Institute (now Rice University), to design the structures extant today. General contractor James West, along with subcontractors J. C. Nolan and the Star Electric and Engineering Company, constructed the campus. Northrop's North Italian Romanesque styling features terra cotta roof tiles on the sanctuary, education building, and parsonage, as well as a campanile (bell tower). The buildings were constructed of interlocking concrete tiles covered with buff-face brick and white sandstone trim. The campanile's bell was forged in 1880 and has rung at each of the congregation's places of worship. The tower connects the sanctuary to the seven-bay arched portals of the education building, which houses a stage, sports facilities, auditoriums, and classrooms. The sanctuary's details include pulpit and altar made by master woodcarvers from Oberammergau, Germany. Pews and chancel furnishings, designed by Northrop, are by the American Seating Company. The choir loft houses a 1903 Kilgen & Son pipe organ, and the stained glass windows are from the Browne Window Company.

The First Evangelical Church was designated a Recorded Texas Historic Landmark in 2002, and the campus was listed in the National Register of Historic Places in 2006 under the criteria of Local Significance in Architecture. The First Evangelical Church and Education Building also meet Criteria 1, 3, 4, 5, 6, and 8 for Landmark and Protected Landmark designation.

**HISTORY AND SIGNIFICANCE**

Harsh economic conditions in Germany, and the promise of free land in the newly-opened Texas frontier, fueled a wave of German immigration that began in the 1820s, became heavy by the 1840s, and continued throughout the second half of the 19<sup>th</sup> century. As a result, numerous German settlements were established in Texas. In response to reports of “the orphaned condition of German Protestants,” C. F. Spittler, the director of the Pilger Mission von St. Chrischona in Basel, Switzerland, sent a total of eight ordained Lutheran ministers from his missionary school to Texas in 1850 and 1851. These men, led by the Reverend Caspar Messon Braun, organized the First Evangelical Lutheran Synod of Texas in Houston in November 1851.<sup>1</sup>

Braun was born in Wuerttemberg, Germany, on March 16, 1822. He received his missionary training at St. Chrischona in 1847 and immigrated to Pittsburgh, Pennsylvania, the same year to serve that city’s German immigrant population. Braun became the first pastor of the Beaver mission, in Beaver County, Pennsylvania, and was ordained in 1850. He organized St. Paul’s Lutheran Church in New Castle, Pennsylvania, and did missionary work in that area before moving to Texas, where St. Chrischona had decided to concentrate its missionary efforts. Braun arrived by boat in Galveston in 1850 or 1851 and then came to Houston.<sup>2</sup>

On July 1, 1851, Braun founded the “Erste Deutsche Evangelische Lutherische Kirche” (First German Evangelical Lutheran Church) in Houston.<sup>3</sup> The first communion service was held on July 13, 1851, with 34 people in attendance.<sup>4</sup> The church was officially issued a charter by the State of Texas on September 1, 1851.<sup>5</sup> The following day, the first trustees were elected: Rev. Braun (chairman), Carl Huebner (secretary), F. Burkhardt and J. Kruegel.<sup>6</sup>

The first services were conducted in a schoolhouse located near the Protestant Episcopal Church on Texas Avenue.<sup>7</sup> In 1854, the congregation purchased a lot and raised their first church, a white wooden Gothic/Classical Revival structure “located on the south side of Texas Avenue facing west on Milam Street later the site of the Inter-urban Train Terminal and now the location of the Chase Bank Building”.<sup>8</sup> A schoolhouse behind the church (toward Travis Street) was used for a Christian Day School.<sup>9</sup>

According to a November 1979 *Houston Chronicle* article, which quoted First Evangelical pastor Rev. Richard Campbell, the church had been formed by German immigrants, “some ... of the Evangelical tradition and some ... from Lutheran backgrounds. That marriage was one of convenience, born of mutual ancestry ... Once the German population grew in size in Houston, there were enough people to form separate Evangelical and Lutheran churches.” Internal dissension led to 24 members of the First German Evangelical Lutheran Church leaving the original congregation to form their own church, now known as Trinity Lutheran Church, which is located at 800 Houston Avenue in the Sixth Ward.

<sup>1</sup> *Handbook of Texas Online*, s.v. “LUTHERAN CHURCH,” <http://www.tsha.utexas.edu/handbook/online/articles/LL/ill1.html> (accessed August 16, 2007).

<sup>2</sup> Herbert W. H. Meyer, “Some Western Pennsylvania Lutheran Baptisms, 1847-1851,” *Western Pennsylvania Genealogical Society Quarterly*, Vol. 12, No. 3, Winter 1986, 35.

<sup>3</sup> Norman Speck, Recorded Texas Historic Landmark

<sup>4</sup> *Souvenir History of First Evangelical Lutheran Church*, also referred to as “Sesqicentennial History of the Church,” 1976 (reprint of 1927 Dedication Booklet), 22.

<sup>5</sup> Speck.

<sup>6</sup> *Souvenir*, 22.

<sup>7</sup> *Souvenir*, 21.

<sup>8</sup> Speck.

<sup>9</sup> *Souvenir*, 22.

# CITY OF HOUSTON

## Archaeological & Historical Commission

## Planning and Development Department

Rev. Braun passed away suddenly in October 1881, and was succeeded by Reverend Joseph A. Becker and then Reverend Richard Wasser, each of whom served only a short time. Reverend F. Werning, from Missouri, was installed as pastor on May 18, 1883, and served until 1887. He was succeeded by Rev. W. Hackmann, from 1887-1895, who established a parochial school. In April 1890, the church building and tower were struck by lightning and severely damaged, leading to talk of building a new church or remodeling the existing building. During the short tenure of Rev. W. Suessmuth in 1896, a building committee was appointed and funds began to be raised for a new building.<sup>10</sup>

In August 1896, Rev. William L. Blasberg became pastor. Property was purchased in the Merkel Addition (Second Ward) in May 1897 “for mission purposes,” and a building committee was appointed in January 1899: W. Reichardt, C. W. Doering, H. Herrmann, and J. Rimmel. Under their guidance, property for a new building on the corner of Texas Avenue and Caroline Street was purchased for \$8,000. The building, “a fine impressive red brick structure with white sandstone trimming” in the Gothic style, was constructed for approximately \$20,000.<sup>11</sup>

On October 15, 1901, the cornerstone was laid for the new church. The old building and site were sold for \$8,000, and while the new church was under construction, the congregation met in the old Shearn Methodist Church, across the street from the old church building. The new church building was dedicated on July 6, 1902. A Kilgen & Son pipe organ was installed in 1903, at a cost of \$2000.<sup>12</sup>

A parish house was built in 1907 at a cost of \$6000; the building committee in charge of construction was comprised of J. Rimmel, T. Werner, H. Puls Sr., and W. Warnecke. L. Wiedekind was the builder. The parish house contained apartments upstairs for the pastor and meeting rooms downstairs for the Sunday School and other activities. The debt for these buildings was settled in 1921, in part thanks to a gift from Mr. and Mrs. W. Warnecke. In 1922, the interior of the church was remodeled and the pipe organ was modernized at a cost of about \$10,000. Although the congregation had no intention of moving to a new site, particularly after having expended such a large amount of money on their existing building, “repeated efforts on the part of business interests to purchase the church site” resulted in the congregation finally accepting an offer.<sup>13</sup>

In January 1926, the property was sold to former Governor Ross Sterling for \$300,000 and the building was subsequently demolished. (The site is currently a surface parking lot.) The proceeds from this sale enabled the congregation to build their third and present house of worship.<sup>14</sup>

In April 1926, under the direction of the congregation’s seventh pastor, Rev. Detlev Baltzer, a full city block – bounded by Holman, Austin, Francis, and Caroline Streets – was purchased for \$80,000 from U. S. Congressman Joe Henry Eagle, who had owned the property since 1920. The land purchased by the church included a three-story wood frame house built in 1903 for Edward R. Richardson, a cotton and grain broker. The Richardson House was sold to Archer MacDonald and moved across the street to 3307 Austin. It is now part of Brennen Park and is used by Magnificat Houses, Inc., a Catholic non-profit organization, as a rehabilitation center; the charity refers to the building as “St. Joseph House.”<sup>15</sup>

In September 1926, a building committee (T. Werner, A. L. Scharck, A. J. Weiss, W. F. Puls, L. F. Schweikart, and G. H. Winkler) had approved building plans and issued contracts totaling approximately

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<sup>10</sup> Souvenir, 22-24.

<sup>11</sup> Souvenir, 24-25.

<sup>12</sup> Souvenir, 25-26.

<sup>13</sup> Souvenir, 27.

<sup>14</sup> Speck.

<sup>15</sup> Speck.

\$170,000. However, before the old church was sold and demolished, the original stained glass windows were salvaged, and they were utilized in the plan for the new church building when constructed.

Ground-breaking ceremonies were held on October 13, 1926, and construction began, under the direction of general contractor James M. L. West. The heating and plumbing contract was awarded to J. C. Nolan, and Star Electric and Engineering Company (owned by Ed Dupree and Ed Greber) handled the electrical work. The cornerstone for the complex was set on January 30, 1927.<sup>16</sup> “Immediately after Easter, the pastor’s family moved into the new residence and on the 17<sup>th</sup> of July services were conducted for the first time in the new Religious Education Building which was then ready for occupancy. A large congregation had gathered in the old building to observe proper farewell services on Texas Avenue on the Sunday of July 10<sup>th</sup>. From that time until the dedication of the new church building proper on October 16 [1927], regular services were held in the Religious Education Building.”<sup>17</sup> On January 9, 1928, the congregation changed its name to ‘First Evangelical Church.’

The church faces south toward the entrance of Houston Community College’s central campus (originally South End Junior High School and then San Jacinto High School). The college’s Erwin R. Heinen Theater (originally Temple Beth Israel and then the High School for the Performing Arts) is located diagonally across the street from the church campus.

#### ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The campus of the First Evangelical church comprises the entire block on which it sits, bounded by Holman Avenue on its southwest side, Austin Street on the southeast, Francis Street on the northeast, and Caroline Street on the northwest. The campus is comprised of four structures arranged generally in an L-shape on the site. Only the church and attached religious education building are to be included in this designation. The parsonage and the detached garage with second-floor apartment, both located on the Austin Street side of the campus, are excluded from the protected landmark designation in accordance with the wishes of the church, but are an original part of the historic church campus and their architectural description is therefore included in this report.

The buildings were designed by architect Joseph W. Northrop, Jr. Born in Bridgeport, Connecticut, in 1886, Northrop earned his B. S. in architecture from the Massachusetts Institute of Technology in 1910. He went to work for the Boston architectural firm of Cram, Goodhue and Ferguson, which in 1911 sent him to Houston to oversee the construction of the original buildings at Rice Institute (now Rice University). Northrop opened his own architecture office in 1914. He is best known for his residential work, particularly in the South End neighborhoods of Houston, and he was one of four architects commissioned by the Hogg family to design model homes for the exclusive River Oaks subdivision. From the 1920s through the 1950s, Northrop designed a number of public buildings in Houston, including a series of buildings for Jesse Jones, the First Congregational Church (1927, now St. Matthew Lutheran), Trinity Episcopal Church (1926-27), the San Jacinto Trust Company Building (1927-28), and the Houston Title Guaranty Building (1952). His designs for First Evangelical Church won an honorable mention in a 1930 nationwide competition sponsored by the *Christian Herald*.<sup>18</sup> On completion of the building in October 1927, architect Northrop engaged Houston photographers J. D. and J. E. Litterst to

<sup>16</sup> Speck.

<sup>17</sup> Souvenir, 27.

<sup>18</sup> *Handbook of Texas Online*, s.v. “NORTHROP, JOSEPH WALTER, JR.,” <http://www.tsha.utexas.edu/handbook/online/articles/NN/fno17.html> (accessed August 16, 2007).

take detailed photographs of the church. These photographs and a description of the project were eventually published in *The Architect*, September 1928.

The Church building measures 59' x 100'; its main entrance is located on the southwestern corner of the block, near the corner of Holman and Caroline. The front façade faces Holman and is set well back from that street. The building extends along Caroline with a shallow setback from the street. Behind the building, the corner of the lot at Caroline and Francis, is filled by a small asphalt parking lot.

According to the Dedication Booklet published by the church in 1927 and reprinted in 1976, the church building is constructed of interlocking hollow concrete tile back-up, faced with rough buff-face brick laid in Flemish bond and trimmed with white sandstone. The structure is built upon massive concrete footings and topped with a red Italian tile roof. (The tiles were manufactured by the Ludowici Company of Chicago, Illinois.) Exterior side walls are three feet thick and are reinforced on each side with four rectangular pier buttresses capped with white sandstone.

The church's front façade contains the main entryway, which is recessed and approached on foot via a wide curving sidewalk leading to a set of five wide brick steps. Black wrought iron railings on either side and in the center of the steps are complemented by ornate octagonal light fixtures made of black cast iron, which are set on white stone blocks flanking the steps. Two large, rectangular, raised-panel oak doors are set into a semi-circular (Roman) archivolt. The doors are immediately framed by the *intrados* (inner curve) of the arch, which is constructed with stacked white stone blocks on either side and a white stone lintel above; the lintel bears an inscription from Psalm 100, verse 4. The space within the intrados directly above the lintel is filled with white stone, with a border carved around the perimeter of the arch so that a half-round shape projects slightly in bas relief. The archivolt is made up of three successive arches: two single courses of stretcher brick, with the inner course slightly more recessed than the outer, and finally, an outermost curve constructed of 11 fluted white sandstone blocks, decorated with a grape-leaf motif. This arch is supported by two un-fluted white marble Corinthian columns on either side of the entryway.

The front brick masonry façade is pierced on either side of the columns by a single narrow arched opening bordered by stretcher bricks set flush with the wall. This wall terminates just above the archivolt in a decorative frieze: a faux colonnade of white sandstone contains 26 short pilasters with Ionic capitals, which are joined at the top by a series of Roman arches and below the bases of the pilasters by a narrow strip of white sandstone. Immediately above the faux colonnade, a pitched, shallow, red-tile roof completes the frieze. The wall above this roof is set back several feet from the wall below. In this wall, directly above the frieze are three Roman-arched windows with brick surrounds and stained glass; the center window is several feet taller than the other two. Directly above and centered in the gable wall is a white sandstone Celtic cross carved in deep relief. The gable, which extends slightly above the tile roof, terminates in a short section of flat roof on either side, which corresponds to the wide buttresses flanking the front façade. These buttresses are rectangular and, rather than tapering gradually, are terraced at three points: at the base of the three stained-glass windows, and at approximately the center points and tops of the smaller two windows. Each horizontal section of masonry in the buttresses is capped with white sandstone. The decorative frieze mentioned above spans between the buttresses on the front façade. A Recorded Texas Historic Landmark marker is affixed to the buttress on the left of the main entrance. Below this is the cornerstone of the church, into which is carved "FIRST EVANGELICAL CHURCH ERECTED A.D. 1927" in a decorative script.

All windows in the church building are constructed of an opaque, nearly-monochrome stained glass, with no picture or pattern; the color of the glass varies slightly from pale amber to pale rose. All

windows are arched, except where noted. Small rectangular panes make the greater part of the windows, with a half-round area at the top of each window made up of three curved rows of increasingly larger *voussoir* panes. The very center of these half-round sections is either a single half-round shape (in the smallest windows), two quarter-rounds (in mid-sized windows), or a tiny segmental curve of glass at the point of seven small truncated wedges (in the largest windows). A wide horizontal framing member separates the half-round section from the rectangular in each window; additional horizontal and/or vertical framing pieces are found, depending on the size, shape, and location of a particular window. Nearly all windows contain one or more casements; these may be side-hung casements that make up the entire rectangular section, or top-hung casements found within a rectangular section of window in which sections of fixed panes are also present. The casements are secured by sash locks. The windows were purchased from the Browne Window Company and were manufactured by Richy Browne & Donald, Inc., of Maspeth, New York, which had patented the middle hinged opening on October 13, 1916.

On either side of the front façade is a small, one-room wing: the room to the right of the main entrance contains a chapel; to the left, the space contains a stairway to the choir loft. Each wing has a tall, narrow, rectangular window opening facing Holman Avenue and is roofed with red tile. The gable for each wing is perpendicular to the front façade of the building and terminates in a wall that mimics the front façade, in that the wall follows the shape of the roof about halfway down and then extends horizontally to either side. These wing facades, like the main façade, extend slightly above their tile roofs; the extensions are both capped and backed up with white sandstone.

The northwest and southeast elevations of the church building are nearly identical. A second story window above each of the one-story wings provides illumination into the rear choir loft. The top of this window on each side of the building aligns with the tops of longer second story windows – four on the southeast side, five on the northwest side – each of which contains two top-hung casements. Centered below each of these windows on the first floor is a shorter, wider window with double side-hung casements. A single row of slightly protruding bricks forms a hood above each arched window. The exterior window sills are made of white sandstone, slanted toward the ground. Also aligned with the tops of the second-story windows are the tops of two-story brick buttresses, with white sandstone caps, spaced equidistantly between each pair of upper and lower windows. Buttresses in the same size and design are located above each of the one-story wings near the front of the building, providing symmetry across each long elevation.

Across the very top of the northwest and southeast facades, just below the eaves, a corbel consists of a single row of bricks above a single row of dentils (evenly spaced solids and voids). Below the dentils, the vertical plane of brick masonry terminates in a series of Roman arches with corbelled “columns”, all in brick, which reach nearly to the tops of the second-story windows and buttresses.

Inside the church building, the main entrance leads into the narthex, which features a multicolored cobblestone floor and is paneled with Zenitherm, a simulated masonry product molded and colored to resemble stone. Zenitherm was manufactured between 1922 and 1935, first by the Zenitherm Company of Trenton, New Jersey, and then by the Structural Gypsum Company of New York.<sup>19</sup> Advertised as having the look of stone but as easy to work as wood, Zenitherm was manufactured in the form of floor

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<sup>19</sup> Jester, T. C. “Documenting, Evaluating, and Preserving Twentieth-Century Building Materials,” in *Standards for Preservation and Rehabilitation*: STP 1258, Stephen J. Kelley, ed., (West Conshohocken, PA: ASTM International), 1996, 359.

tiles, wall panels, and architectural ornaments. It seems to have been used in a wide variety of applications and building types, including many churches.<sup>20</sup>

The narthex is separated from the nave by a richly carved, paneled oak wall with a ribbon of inset frosted leaded-glass panels at eye level. The aforementioned chapel (a simple, unadorned room) is located to the right of the narthex. A balcony, seating 75, is located above the narthex and is accessed from the left by the aforementioned staircase. The narthex also contains a framed copy of the Church's 1851 state charter and two bronze plaques. One plaque lists church members who gave their lives during World War II; it features a rope border and two crossed stalks of wheat, and reads "IN REVERENT MEMORY OF THOSE FROM FIRST EVANGELICAL CHURCH WHO GAVE THEIR LIVES DURING WORLD WAR II". Seven congregants are listed: Lee Joseph Shudde, Lawrence Werner Bruderer, Malcolm Dewees, Ralph Owen Huebner, Elwood Henry Herrmann, Richard Maurice Ringer, and Roy William Matlage. The text concludes with "PRESENTED BY THE ELLWOOD FAMILY 1946".

The other plaque commemorates the life accomplishments of Reverend Detlev Baltzer. It reads:

IN REVERENT MEMORY OF REV. DETLEY BALTZER, D.D.  
JULY 29, 1889 – AUGUST 2, 1962

PASTOR OF FIRST EVANGELICAL CHURCH  
HOUSTON, TEXAS  
MAY 9, 1919 – JUNE 15, 1959

PASTOR EMERITUS  
JUNE 16, 1959 – AUGUST 2, 1962

PRESIDENT, TEXAS SYNOD 1925-1931  
MEMBER, BOARD OF NATIONAL MISSIONS  
GENERAL SYNOD, 1933 – 1953  
MEMBER, BOARD OF DIRECTORS – EDEN  
HOME FOR THE AGED 1958-1961

FOR FORTY YEARS HE SERVED  
FAITHFULLY THE MANY NEEDS OF  
THE CONGREGATION AS A PASTOR,  
TEACHER, AND COUNSELOR. "I AM  
THE WAY, THE TRUTH, AND THE LIFE:  
NO MAN COMETH UNTO THE FATHER  
BUT BY ME." JOHN 14:6

PRESENTED BY  
FIRST EVANGELICAL CHURCH MAY 10, 1964

Beyond the narthex, the nave rises 48 feet to an open timber-truss roof. The roof trusses support ten large strap iron and cast brass light fixtures finished in rust-colored iron and gold leaf, fabricated by Jacobe Brothers of Houston. The nave contains 22 rows of oak pews, separated by a central aisle, which comfortably seat 700 people. The pine floor beneath the pews is bare, with the exception of the aisles, where it is covered by red carpet. A 10-foot-high Zenitherm dado surrounds the nave walls, which are finished above with plaster.

<sup>20</sup> Advertisements and literature published by The Zenitherm Company, Inc., 1926-1930.

The walls of the sanctuary are clad on three sides by Zenitherm with plaster above. Above and behind the chancel, the choir loft houses the two-manual George Kilgen & Son pipe organ (Opus No. 3751), originally purchased in 1903 for the congregation's second sanctuary. (A "two-manual" organ is one with two manual keyboards played with the hands, in addition to a pedal keyboard played with the feet.) The George Kilgen & Son Organ Company of St. Louis, Missouri, manufactured pipe organs between 1851 and 1939. The firm also provided the organ for the Majestic Theater in Houston and the Gallery and Chancel Organs (1930) in St. Patrick's Cathedral in New York City. The organ was relocated to the current building, during its construction, by the Hinners Organ Company. A decorative metal grille opposite the organ, on the southeast side of the choir loft, screens the organ pipes.

The floor of the choir loft is terraced to provide visibility for the choir, for whom seating is provided via wooden bowback Windsor side chairs, finished to match the rest of the chancel furniture and the wood flooring. The rear choir loft is identically constructed, with matching Windsor chairs and a terraced floor.

The oak pews and chancel furniture in this building were designed by Northrop and crafted by The American Seating Company of Grand Rapids, Michigan, which maintained a production facility in Houston. Their master woodcarvers, Alois and Anton Lang, are credited with crafting, respectively, the pulpit and the carving of Da Vinci's "The Last Supper" decorating the front of the altar.

The space below the choir loft contains restrooms, storage, mechanicals, and a space for preparation of the communion. Single-entry doors on the northeast side of each transept open to staircases that lead down to the abovementioned spaces and then up to the choir loft. About halfway up the more easterly set of stairs, a small door in the wall conceals a ladder of sorts, which can be climbed to reach an otherwise inaccessible full-sized door, ostensibly providing access to the workings of the pipe organ for cleaning and maintenance.

Massive masonry Roman arches, covered in plaster, separate the nave from the sanctuary and the transepts. The central (and largest) arch measures 22 feet wide and 35 feet high. Set on either side of this arch is a 35-inch-diameter circular polychrome boss tile seal. The right boss depicts the Evangelical Synod Seal and the left boss contains the Evangelical Union Seal. Transept arches on either side of the nave measure 18 feet wide and 30 feet high. Beyond the arches, the ceilings of the sanctuary and transepts are of the same design as the ceiling above the nave.

The roof above the nave terminates at a wall located at the junction of transept and sanctuary. This wall, like the front façade, extends above the red tile roof and is capped and backed up by white sandstone. The roof of the sanctuary is slightly lower than that of the nave but is otherwise identical to it. The rear wall of the sanctuary, above the choir loft, contains three stained glass windows similar in size and shape to those opposite them in the front façade, but of a different design. Each window above the sanctuary contains a blue field bordered in red and gold; circular designs are set in the upper halves of each window and in the lower halves of the two outer windows. The lower half of the center window contains a portrait of Christ, clad in a white robe and red cloak, holding a staff and surrounded by greenery. These windows were commissioned from Texas Art Glass, gifted by Mr. and Mrs. Robert Stansbury, and dedicated on Jan 1, 1981.

Toward the rear of the church building, the transepts extend perpendicular to the nave to create a cruciform plan. The northwest transept contains ten arched windows: the gable wall includes three upper windows similar in design, size, and shape to those in the front façade, and three windows below similar to those on the first floor of the nave, but with a narrower shape. The other transept walls each contain a single set of upper and lower windows. The exterior facade of this transept is similar in form to the front

façade in shape and extends above the red tile roof. On the short sides of the transept, at the eaves are three continuous rows of corbelling. Behind the northwest transept, a small one-story room off the sanctuary, accessed both through the nave and the door leading below the choir loft, contains a single-entry exterior door and three descending brick steps, all covered by a metal awning with scalloped edges. This space is covered by a pitched red tile roof, and its rear façade includes a narrow arched window. This wall is shaped like the other facades, with the exception that it connects to the main building at the peak of the gable and therefore is only “half” of the other facades. Above this space’s tile roof is corbelling like that previously described on the transept, but farther below the eaves.

In the southeast transept, most of the windows are absent because the transept is at that wall connected to the bell tower. Directly behind the southeast transept is a two-story space topped by a flat roof. Inside are the rooms previously mentioned and an entrance from the rear parking lot. A small space is formed between the church building, bell tower, and Religious Education Building; this space is covered with a pent roof, above which a small arched window with brick hood pierces the northeast wall of the bell tower. This space also provides access to the front of the Religious Education Building.

The rear façade of the church building includes the three decorative stained glass windows previously described, as well as three narrow rectangular windows directly below them; to the left of these windows, in the stairwell, an identical rectangular window is placed at the mid-story level; continuing to the left of that are two one-over-one wood sash windows with security bars. Utility meters are also located on this façade.

The 100-foot-tall, 19-foot-square brick masonry bell tower contains the original church bell purchased in commemoration of the church’s 30<sup>th</sup> anniversary. The bell was forged in 1880 at the Buckeye Bell Foundry (a subsidiary of the Vanduzen and Tift Company, later Vanduzen Bell Co.) of Cincinnati, Ohio. This bell has rung over all three of the church buildings that the congregation has occupied throughout its history. Inside the bell tower, at the base of its southern wall, is laid the gray granite cornerstone from the second church building, which is inscribed in German.

The bell tower is not free-standing; it joins the rear of the church building to the Religious Education Building. The bell tower repeats several architectural details found on the church building, including the arched corbelling and decorative faux-colonnade, and is made with the same buff brick masonry walls, white sandstone accents, and red tile roof. At the base of the tower, as on the church building, a cementitious water table extends upward for several feet. On the southwest side of the tower, at the first-floor level, a single arched window opening is deeply recessed, with an angled stone sill and brick hood matching the windows on the church building. Above the first floor on all sides, the wall is slightly recessed, creating a panel effect. The lower edge of this frame is trimmed with an angled white sandstone sill; the sides are framed with two levels of bricks; and the upper edge is bounded by the aforementioned arched corbelling. Within this panel are two openings: at the bottom of the panel, a double-arched window with double hood; the center column supporting the junction of the two arches is comprised of a white stone column with Corinthian capital. Near the top of the panel, a long, narrow rectangular slot pierces the brick masonry. Above the panel, a white stone sill supports a base constructed of large blocks of white stone. Atop this base are corner blocks of brick, mimicking the shape of the front façade, with a long, narrow, blind arch centered below each stone-trimmed gable. These are connected by a faux colonnade with 10 unfluted columns with plain capitals, otherwise identical in design to the frieze on the front façade of the church building. The corner blocks and colonnades on all four sides give the illusion of a balustrade; set within this is a final story of brick. Each elevation of this upper block contains a triple-arched opening with unfluted columns and plain capitals of white stone. These openings are screened behind the columns by horizontal strips of material, painted

dark red. The brick in this upper block is laid in a basket weave design, punctuated by six light blue header bricks spaced evenly above the arches and seven light blue header bricks in a descending zig-zag pattern on either side of the opening. Instead of hoods above the arches, protruding bricks form a border completely around the opening, recalling the archivolt of the main façade. The pyramidal red tile roof is topped with a copper finial.

Connected to the bell tower on the northeast and southeast sides is the Religious Education Building. The education building's floor plan was innovative for its time as it provided for a departmental church school, with four large assembly auditoriums – two on each floor at opposite ends of the building, each surrounded by adjacent smaller classrooms. The facility is equipped with an indoor basketball court, dressing rooms, a stage, and two kitchens (one on each floor). It also has an attic and a basement.

The two-story, 115' x 70 building is organized in a U shape; two gabled wings parallel to the church building are connected by a hipped main section of the building. One of the wings is directly behind the bell tower and therefore is not visible from the front. The front façade of the Religious Education Building's main section consists of a buff brick Roman arcade and red tile roof covering a red brick walkway. The seven columns of the arcade are massive and square, with a single course of protruding brick forming a belt just below each semi-circular arch. The arches spring from this belt and are constructed of a wide band of bricks (alternating single-soldier and stacked rowlock/headers) and a narrow single course of headers. In the space between each pair of arches, a circle of rowlock bricks is filled with white stone. The exterior wall behind the arcade contains a pair of one-over-one windows (12 lights per sash) behind each column. A wooden double-entry door is located at one end of the arcade. Red brick steps with black wrought-iron railings lead down to the ground on either end of the arcade. Above the arcade, similar pairs of windows are located above those on the first floor. A single belt course of brick adorns this wall just below the eave.

The façade of the southeastern gabled wing projects slightly beyond the arcade, toward Holman Avenue. It is of the same shape as the gable-end facades of the church building and contains three large arched windows on the second floor (the center window being taller than those on either side of it), with three pairs of smaller windows below. A rosette of white stone at the peak of the gable is set into a brick border; the stone is decorated with six holes, set equally around a center hole of the same size, all within a plain circular border. The southeast elevation of the building resembles the long elevations of the church building, with alternating buttresses and windows, although both are smaller than those in the church building to reflect the smaller scale of the Religious Education Building. Upper windows are set into an arched opening, with a single course of projecting brick forming a hood over each window. The window openings are filled with a rectangular wood-sash window with sixteen lights in each sash, topped by a fixed half-round light. A pair of rectangular first-floor windows is located beneath each second story window. At the northeasterly end of this elevation, exterior entry doors are located one above the other, the upper being set into an arched opening with a fixed half-round light at the top; a single flight of metal stairs leads to the ground. The first-floor doorway is accessed via a set of four concrete steps and a stoop. Between the doors and the end of the building are a final buttress and a set of matching, single, rectangular upper and lower windows over which rowlock bricks form a lintel.

The rear façade of this wing also has a rosette centered in the gable. Below this on the second floor are five one-over-one decorative stained glass windows; the center three are set slightly higher in the wall than the two flanking them. On the first floor, six wood-sash windows are set in a row, with single windows toward the sides and two pairs of windows in the center. The space between the pairs of windows is considerably smaller than the space between each pair and the single window to its side.

These windows have sixteen lights in each sash, and each is framed by a rowlock-brick lintel and an angled white stone sill.

The northern gable wing connects on the Holman side to the bell tower. Its northeastern façade is similar to that of the southern wing, containing stained glass windows on the second floor. In this case, four rectangular leaded glass picture windows are arranged with a pair at the center of the wall and a single window to either side; these were moved from the congregation's second location. A donation from the Warnecke family, they date from 1901 and depict Jacob's Well as described in John 4:6-19. Below these are four similarly arranged rectangular windows. Extending over the rosette at the gable peak of this façade is a rounded metal hood; below the rosette is a contemporary spotlight to illuminate the ground below. The northwestern façade of this wing contains four second-story and three first-story windows with a first-story door; this door is sheltered by a pent roof, clad in red tile and supported by solid, shaped wooden brackets.

The space between these wings is completely filled. As viewed from Francis Street, to the left a large flat-roofed attic dormer projects from just below the roof ridge of the center section of the building. This dormer has a window on either side of a tall exterior chimneystack. Forward of the dormer (that is, toward Francis Street) and equal in width to it, flat-roofed volume extends to approximately 2/3 of the height of the southeastern wing to which it is attached. The northeastern façade of this volume contains two pairs of eight-over-eight wood sash windows above two pairs of 12-over-12 wood sash windows. The façade continues at the one-story level to meet the northwestern gable; a rooftop terrace above this section is accessed through two doors: one at the center of the two-story volume, and one directly behind that on the second-story rear façade of the center building section. Both doorways are shaded by copper awnings. Additional views to the terrace are provided by rectangular windows in all walls facing the terrace: one to the right of the first door; two directly opposite this on the northwestern wing; and seven on the rear wall of the center building section. The first-story façade below the terrace contains three pairs of rectangular wood-sash windows, and on the far left side of this part of the façade, a single-entry door accessed via two brick steps. The doorway and sidewalk to the street are covered by a low-pitched, hipped, red tile roof supported by eight square posts.

Throughout the campus, water is diverted by copper gutters on gabled roofs, interior gutters on flat roofs, and copper downspouts with plain rectangular heads. The lower sections of many of these gutters have been stolen for scrap and replaced with aluminum.

The remaining two buildings, the parsonage and detached garage, are sited on the east end of the block, beside the southeastern wing of the Religious Education Building, near the corner of Austin and Francis. The two-story, 60' x 26' Italianate Parsonage is constructed of buff brick and red tile to match the rest of the campus buildings, although it has very little white stone trim. The Parsonage is comprised of a main center section to which are attached a large two-story wing to the left, a small one-story space on the opposite side, and a one-story section at the rear of the building,

Both the main section and the two-story wing are covered with hipped roofs of red tile. Tall brick chimney stacks with elaborate corbelling and caps pierce the roof at either end of the main section; the stack between that part of the building and the two-story wing is completely enclosed by those spaces, whereas its opposite is placed on the exterior of the main building and is visible above the one-story space. The first floor contains a cobblestone entry hall, pastor's study, living room with fireplace, dining room, kitchen, and half bath. A spiral staircase provides access to an upstairs hall; off this hall are four bedrooms and two full bathrooms.

The front façade of the Parsonage can be divided into three bays of approximately equal size. The center bay contains the entryway, a single-entry French door with twenty rectangular lights, flanked by five-pane sidelights on either side, and topped by a semi-circular window similar in design to those found above stained glass windows in the church building. This half-round window is directly above the door, and a wide brick arch springs from the sidelights on either side. To the left and right of the sidelights, white stone pilasters are set upon square bases; their plain capitals are designed and function as brackets to support an elaborate hood mold that essentially functions as a pent roof above the door. The hood is designed as a segmental arch which springs from horizontal members on either side, somewhat resembling an abstract version of the Greek letter *omega* ( $\Omega$ ) as well as recalling the gable-wall design found on the church and Religious Education Building. Small wall sconces are placed well to either side of the pilasters.

Above the doorway, three windows are set into arched openings in the brick wall. The center arch is slightly taller and wider than the other two. All three arched openings are filled with a rectangular four-over-four or six-over-six window with a plain, solid semi-circle of wood above. The arched window openings feature brick rowlock sills and are separated by "columns" of brickwork (undistinguished from the rest of the wall). Although these columns have no recognizable bases, white stone capitals are located at the tops of the window sashes. Two-course brick arches, with the upper course projecting slightly, spring from the capitals, and since the two capitals flanking the larger window each "support" two arches, these are twice as large as the capitals on the left and right, respectively, of the smaller windows.

A gable intersects with the hipped roof at the top of this bay, and the hipped eaves on either side project both below and in front of it. Centered in the peak of the gable is a round opening, circled by a single header course of bricks and filled with horizontal louvers.

The left and right bays on this elevation are identical to one another, with a joined pair of six-over-six rectangular wood sash windows on the second floor on each side, and a pair of arched windows (both identical in size and shape to the center window in the center bay) on either side of the first floor. The brickwork surrounding these windows is identical to those found in the center bay, with a large capital in the middle and smaller capitals on the sides. Finally, a downspout is located on each side of this façade, halfway between the outermost window and the corner of the wall; these are tied in to exterior gutters along the eaves.

A one-story section with a hipped roof and joined pairs of six-over-six wood sash windows is attached to the opposite side of the building.

As previously described, the main section of the Parsonage has a hipped roof with a gable over the entryway. On the left side of the building, as one faces the front façade, the roof ridge running from the center ridge to the left rear eave is truncated by the center ridge of the two-story wing. This wing shares a continuous eave with the main section on the rear of the building, but the wing is set back about 5-6 feet from the front of the main façade, and so the wing and the main section have separate eaves at the front of the building. Facing the southeast façade of the building, therefore, walls of both the wing and the main section are visible; the wing covers about  $\frac{3}{4}$  of the main section's elevation. The other  $\frac{1}{4}$  contains two six-over-six wood sash windows, one on each floor, with brick soldier lintels and rowlock sills angled toward the ground. The front (southeast) side of the wing contains a joined pair of the same windows on each floor, and the southwest side contains sets of four joined windows on each floor, again with brick lintels and sills. These four-window sets make up nearly the entire façade.

On the opposite side of the building, a single one-story room is attached to the rear half of the northeastern façade of the main section of the Parsonage. The front half of the façade (to the left of the attached room) includes a single six-over-six window on the second floor, aligned at the left side of its frame with the left side of a joined pair of fixed, single sash, three-over-three windows on the first floor. At the very center of the façade, the left edge of the chimney stack aligns with the left edge of the one-story room. The room appears to have originally had a flat cement roof, which was converted to a shed roof with composition shingles at some later date. Two air conditioning units are located on the ground next to the one-room section, with an electrical box mounted on the wall nearby.

The one-room section is accessed through a single-entry door via a set of four concrete steps with a contemporary black metal railing on either side. The solid exterior door is now covered with a black metal storm door. The door is covered with a small, hipped, pent roof clad in red tile and supported by two open triangular wooden brackets. To the right of the door, a six-over-six window is set so that its sill and the door sill are in line. A rectangular copper downspout head diverts water from an interior gutter; the original downspout has been replaced with painted metal. The sides of this section have a small four-over-four wood sash window set high in each wall.

A 22' x 18' detached two-car garage with upstairs custodian apartment is the final structure on the property. It is situated to the northeast of the Parsonage. The roof of this building is hipped, with small gables centered on the front and rear eaves. The front façade of this building is, like the Parsonage, divided into three bays. A single, wide, six-over-six wood sash window is located on the second floor in each bay. A fourth identical window is set in the left bay on the first floor. Slightly left of center in the center and right bays are two single-car garage door openings. The center door is a functioning garage door, while the opening to the right has been covered with a solid sheet of metal with vertical corrugation. Both garage-door openings are covered with a single rounded metal hood. At the top of the center bay, a rectangular louvered vent is located at the very peak of the gable. Additional windows are located on the second story above the garage. The eaves of the garage and the Parsonage are wide and bracketed, with half-round exterior metal gutters and downspouts on all four sides of the roof.

In 2002, when the nomination for Recorded Texas Historical Landmark was completed, the applicants noted that “during the 75 year history of this building it has virtually undergone no significant architectural change” and supplied photographs to support their statement.

#### BIBLIOGRAPHY

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Speck, Norman. Recorded Texas Historic Landmark application, 2002.

*Souvenir History of First Evangelical Lutheran Church*, also referred to as “Sesqicentennial History of the Church,” 1976 (reprint of 1927 Dedication Booklet), 22.

*The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Steph McDougal, summer intern, under the supervision of Randy Pace, Historic Preservation Officer, Planning and Development Department, City of Houston.*

# CITY OF HOUSTON

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Planning and Development Department

## APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION

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

**S NA**

**S - satisfies NA - not applicable**

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

- (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation (Sec. 33-224(a)(1);
- (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event (Sec. 33-224(a)(2);
- (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation (Sec. 33-224(a)(3);
- (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city (Sec. 33-224(a)(4);
- (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood (Sec. 33-224(a)(5);
- (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation (Sec. 33-224(a)(6);
- (7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7);
- (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride (Sec. 33-224(a)(8).

**AND**

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

**OR**

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

**OR**

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

**OR**

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

### STAFF RECOMMENDATION

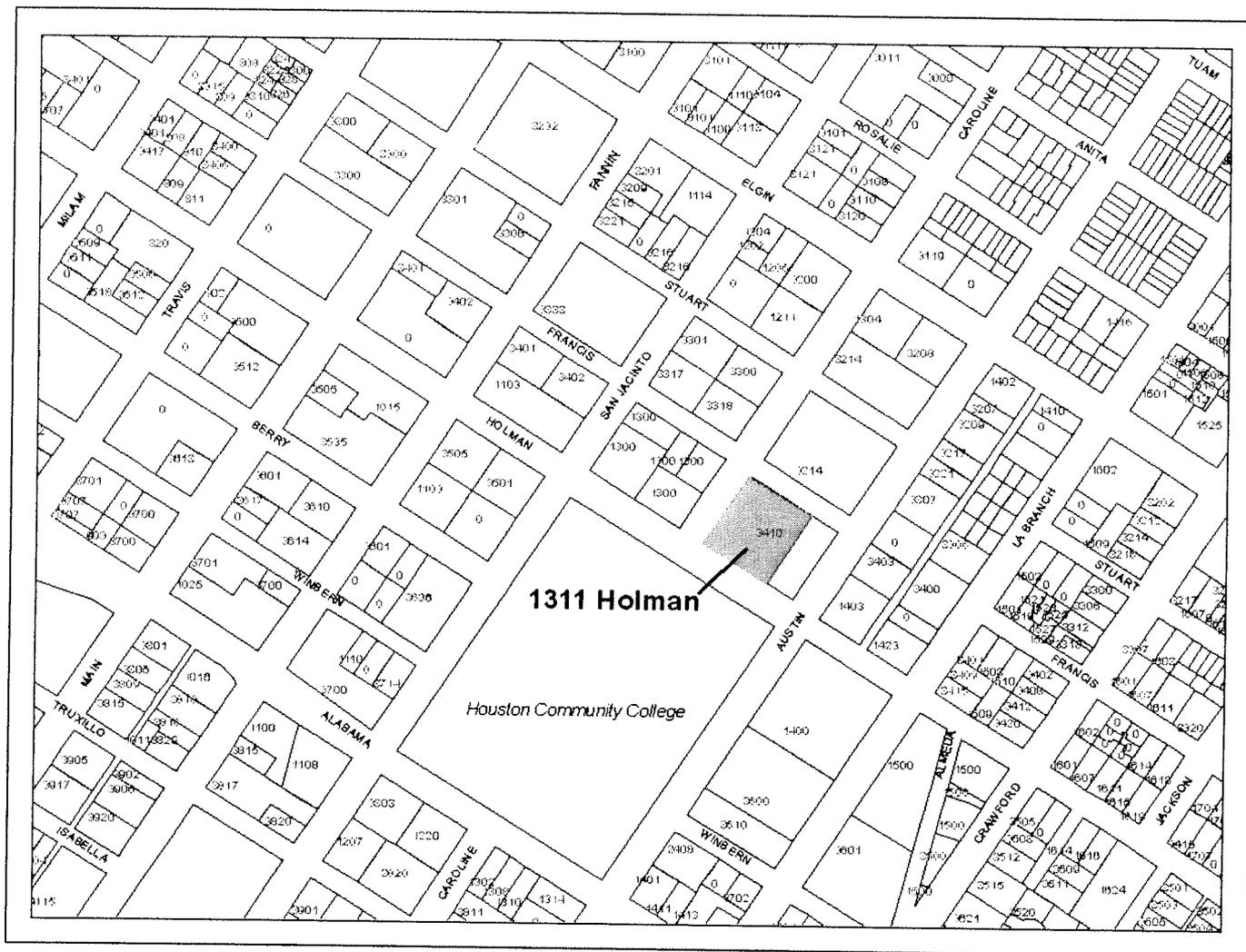
Staff recommends that the Houston Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to City Council the Landmark and Protected Landmark Designation of the First Evangelical Church and Education Building at 1311 Holman Road.

# CITY OF HOUSTON

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SITE LOCATION MAP  
FIRST EVANGELICAL CHURCH AND EDUCATION BUILDING  
1311 HOLMAN ROAD  
NOT TO SCALE



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

**SUBJECT:**  
Approval of a resolution designating 2 Landmarks in accordance with Chapter 33, Code of Ordinances

<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>23</b>
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**FROM (Department or other point of origin):**  
Planning and Development

<b>Origination Date</b> 5/8/2009	<b>Agenda Date</b> JUN 24 2009
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**DIRECTOR'S SIGNATURE:**  
*Martine B. Spillane* RP

**For additional information contact:** Courtney Spillane  
Phone: (713) 837-7894

<b>Council District affected:</b> I, G	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of a resolution designating 2 Landmarks

**Amount and Source of Funding:** N/A

<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:**  
A property owner may initiate an application for the designation of a Landmark. These applications for Landmark designation were initiated by the owners.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission and there were no objections to the designations. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark designations.

Photos of the proposed landmarks can be found by going to the following on the Planning Department's website:  
[http://www.houstontx.gov/planning/historic\\_pres/pending.htm](http://www.houstontx.gov/planning/historic_pres/pending.htm).

LANDMARK AND PROTECTED LANDMARK NAME/ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1 Hugh Roy Cullen House 1402 Alabama Street	Owner	I	1/15/2009	1/22/2009
2 William T. Campbell Jr. House 3237 Inwood Drive	Owner	G	2/12/2009	2/19/2009

cc: Minnette Boesel, Mayor's Assistant for Cultural Affairs  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department  
Harold L. Hurtt, Chief, Police Department  
Phil Boriskie, Chief, Fire Department

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**LANDMARK, PROTECTED LANDMARK OR ARCHAEOLOGICAL SITE  
DESIGNATION APPLICATION  
CITY OF HOUSTON, TEXAS**

- Complete all information. Incomplete applications may cause delays in processing.
- If you have questions or need help, call the Planning & Development Department at 713/837-7796.

**To Be Completed by Planning Staff**

Date accepted as complete: 11 / 10 / 08

HPO File Number: 09 - L 21 2

Accepted By: [Signature]

**APPLICANT INFORMATION**

Legal Owner's Name of Site (Please print)	
BATES + COLEMAN P.C.	
Address	
1402 ALABAMA ST	
HOUSTON, TEXAS	
City	State
77004	713-759-1500
Zip Code	Day Phone
	Fax Phone 713-638-1055
Signature	Date
[Signature]	11/10/08

Agent's Name (if applicable)(Please print)	
Address	
City	State
Zip Code	Daytime Phone
Signature	Date

**PROPOSED DESIGNATION**

- Landmark (subject to 90-day waiver\*)       Protected Landmark (and Landmark) (NOT subject to 90-day waiver\* and subject to Demolition by Neglect Provision)       Archaeological Site

\*Sec. 33-250 Ninety-day waiver certificate and Sec. 33-254 Demolition by Neglect - see Code of Ord. Chapter 33 - Historic Preservation Ordinance - ([www.houstontx.gov/codes/chapters31to35.html](http://www.houstontx.gov/codes/chapters31to35.html))

**SITE INFORMATION**

**NOTE:** Site information is required and must accompany the application.

Site Address	1402 Alabama St. Houston, TX
General description	3-story
Victorian style residence	

Tax account number	0130750000008
Subdivision	Empire Addition
Lot w. 62.5' Lots 9-10 Block 11	
w. 62.5' of of the n. 25' of Lot 8	

**DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)**

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:
  - Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet designation criteria found in the Historic Preservation Ordinance, please provide this information too.
  - Statement/description regarding current physical condition and information/dates of previous alterations and renovations since the original nomination(s) was (were) written

# CITY OF HOUSTON

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Planning and Development Department

## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Hugh Roy Cullen House  
**OWNERS:** Bates and Coleman, P.C.  
**APPLICANTS:** Same as Owners  
**LOCATION:** 1402 Alabama Street  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** IV  
**HPO FILE NO:** 09L212  
**DATE ACCEPTED:** Nov-10-08  
**HAHC HEARING:** Jan-15-09  
**PC HEARING:** Jan-22-09

### SITE INFORMATION

West sixty-two and one half feet (62.5') of Lots 9 and 10 and the West sixty-two and one half feet (62.5') of the North twenty-five feet (25') of Lot 8, all of which is located in Block 11 of the Empire Addition, a subdivision in Houston, Harris County, Texas. The building on the site includes a two-story house. See pages 7-8 for photos and map.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The land on which the home at 1402 Alabama now stands was originally owned by Joseph Chappell Hutcheson. Hutcheson served under General Thomas J. "Stonewall" Jackson in the Shenandoah Valley campaign of 1862 and was eventually in command of Company E of the Fourteenth Virginia Infantry. He was elected to the Seventeenth Texas Legislature in 1880 where he drafted the bill that established the University of Texas. In 1890 he served as chairman of the State Democratic Convention and was elected to the House of Representatives of the Fifty-third and Fifty-fourth congresses.

Hugh Roy Cullen and family owned the home at 1402 Alabama for 34 years. He and his wife, Lillie, gave more than \$11 million each to their favorite projects including, the University of Houston and Houston hospitals. In 1947, he established the \$160 million Cullen Foundation to provide for continual aid to education and medicine. Their \$160 million gift was, at the time, one of the largest individual endowments ever funded in the United States. By 1955 he had given away an estimated 90 percent of his fortune. He entered into the oil business in 1918 and his largest oil field, the Tom O'Conner Field in South Texas, still produces oil today.

The Hugh Roy Cullen House meets Criteria 1, 3, 4, and 6 for Landmark designation.

### HISTORY AND SIGNIFICANCE

In 1901, the land on which the home at 1402 Alabama now stands was owned by Joseph Chappell Hutcheson Sr. and Lizzie J. Baker, executor of the deceased I.B. Baker. On June 15, 1901 Home Building and Investment Company purchased the following land from Hutcheson and Baker for \$10,500: all of Empire Addition except Block 5, Lots 1-4, 10; Block 7; Block 8, Lots 4-5; Block 17, Lot 4; Block 18, Lots 1-4.1 The deed was notarized by Hutcheson's son, Joseph C. Hutcheson Jr. At the

<sup>1</sup> Harris County Deed Record Vol. 126, Page 626, Record #34878

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time of the transaction both father and son resided at 1417 McKinney and were attorneys at the Law Offices of Hutcheson, Campbell and Hutcheson. In addition, Joseph Chappell Hutcheson Sr. was the Vice President of the Galveston and Houston Investment Company.

Joseph Chappell Hutcheson (1842-1924), legislator and Confederate soldier, was born near Boydton, Virginia, on May 18, 1842, the son of Charles Sterling and Mary Hutcheson. In 1861 he graduated from Randolph-Macon College in Ashland, Virginia, and immediately enlisted in Company C of the Twenty-first Virginia Infantry; he served under General Thomas J. "Stonewall" Jackson in the Shenandoah Valley campaign of 1862. By the time of Robert E. Lee's surrender at Appomattox, Hutcheson was in command of Company E of the Fourteenth Virginia Infantry. Subsequently he entered the law school of the University of Virginia, and he graduated in 1866. He then moved to Texas and established a practice in Anderson. In 1874 he moved to Houston, where he was elected to the Seventeenth Texas Legislature in 1880. There he drafted the bill that established the University of Texas. He also served, in 1890, as chairman of the State Democratic Convention. Hutcheson was elected to the House of Representatives of the Fifty-third and Fifty-fourth congresses but declined to run for a third term. He married Mildred Carrington in 1867, and they had eight children. Mildred died in 1882. In 1886 Hutcheson married Betty Palmer Milby, and they had two sons, both of whom became Houston attorneys. Hutcheson died at his summer home near Chattanooga, Tennessee, on May 25, 1924, and was buried in Glenwood Cemetery, Houston.

On June 3, 1902, Home Building and Investment Company sold to W.I. Williamson Lot 8, Lot 9, Lot 10, and the west half of Lot 11 for \$1,300.<sup>2</sup> At the time of the transaction, Joseph Chappell Hutcheson Sr. was the president of Houston Building and Investment Company, and J.C. Cooper was the secretary. Williamson later sold the land to J.P. Ehrlich for \$2,600 on May 26, 1906. The residence which now stands on the site was constructed when the land was owned by B.F. Greenwood, who purchased the property for \$2,250 on August 9, 1909. Greenwood contracted C.W. Leavens on June 11, 1911 to construct "... a new 2-story frame, shingled roofed residence, 46 feet x 50 feet to be built on brick piers to have 2 brick flues built from ground up, 8 rooms, front, back, and side porches, bathroom and pantry and all necessary plumbing, wiring, and screening, painting and papering and fencing..." The total cost of the home was \$3,500, of which \$500 was payable as worked progressed and \$3,000 was payable in promissory notes.

On June 9, 1914, Hugh Roy Cullen purchased the house at 1402 Alabama for \$10,300.<sup>3</sup> However, the Houston City Directory does not list Cullen as living in the home, or even show that a house existed at 1402 Alabama until 1918. Cullen lived at 1402 Alabama Street for 16 years until moving to 1620 River Oaks Boulevard in 1935. The home remained under his ownership for a total of 34 years until February 16, 1948, when it was sold to Mary J. Sponsel.

Born on July 3, 1881, in Denton County to Cicero and Louise Beck Cullen, Hugh Roy Cullen was the grandson of Ezekial Wimberly Cullen. Ezekial had come from Georgia to Texas in 1835 seeking fame and fortune and had fought in the early days of the revolution against Mexico, eventually settling in San Augustine, the seat of the new revolutionary government. At the age of sixteen Cullen moved to Schulenberg and worked for a cotton broker; he later went into that business for himself and also dealt

<sup>2</sup> Harris County Deed Record Vol. 143, Page 149, Record #42403

<sup>3</sup> Harris County Contract Record. Volume 42, Page 340, Record #

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in real estate. On December 29, 1903 he married Lillie Cranz and they had four daughters, Lillie, Agnes, Margaret, and Wilhelmina, and one son, Roy Gustav Cullen (in 1936 he died in a tragic oil field accident). In 1911 Cullen moved the family to Houston. He entered the oil business in 1918 and discovered his first producing oil field in 1921. In 1928, he collaborated with Jim West and the two of them quickly built a successful partnership. By 1932, Mr. Cullen had formed his own oil company, Quintana Petroleum, and almost immediately discovered several major oil fields, the largest of which, The Tom O'Conner Field in South Texas, still produces oil today. In 1938, the Cullens made their first major gift, a contribution of \$260,000 to build the Roy Gustav Cullen Building on the new campus of the University of Houston in memory of their son. He gave more than \$11 million each to his favorite projects, the University of Houston and Houston hospitals. In 1947 he established the \$160 million Cullen Foundation to provide for continual aid to educational needs, health care and arts in Texas, primarily in the Greater Houston Metropolitan Area. The Cullen Foundation has distributed over \$388 million in grants since its inception in 1947; the University of Houston and various hospitals in the Texas Medical Center as well as numerous cultural arts institutions are representative of the beneficiaries. Their \$160 million gift to establish the foundation was, at the time, one of the largest individual endowments ever funded in the United States. By 1955 he had given away an estimated 90 percent of his fortune. Cullen died in Houston on July 4, 1957 at the age of 76.

In his own inimitable way Mr. Cullen stated that, "Giving away money is no particular credit to me. Most of it came out of the ground - and while I found the oil in the ground, I didn't put it there. I've got a lot more than Lillie and I and our children and grandchildren can use. I don't think I deserve any great credit for using it to help people. It's easier for me to give a million dollars now than it was to give five dollars to the Salvation Army twenty-five years ago."<sup>4</sup> As a student at the University of Houston, Jack Valenti wrote: "The riches that the Cullens have extracted from the earth, they have given back to their fellow-humans. All this they have done with simple directness and genuine tenderness; and with no thought of thanks, or the praise of other citizens, or public eulogies. Lillie and Roy Cullen want this world to be better when they leave it. This is Christian goodness at its height..."<sup>5</sup>

### *Third Ward*

The Hugh Roy Cullen House at 1402 Alabama is located within Houston's Third Ward neighborhood. In 1840 Houston's charter was altered and the town was divided into four wards, with each ward electing two representatives to the municipal government. After slavery ended in Texas on June 19, 1865, ex-slaves were forced to live in separate enclaves within each of Houston's wards. As the White population moved out of the inner city, the African American population in the Third Ward increased, and they built their own churches, schools, businesses, and other institutions. Many of those institutions still thrive today, including Texas Southern University. In August 1870, two more wards were added as the town grew in population. These wards ceased to exist as political subdivisions in which elected representation was determined in 1912, but the terms are still used today to denote portions of the original wards.

In the years following the Civil War, blacks lived in each of the city's wards, usually at the edge of town. The largest numbers lived in the Third Ward, in Freedman town and similar neighborhoods on the

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<sup>4</sup> From, <http://www.cullenfdn.org>

<sup>5</sup> From, <http://www.cullenfdn.org>

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outskirts of the Fourth Ward, and in the Frost town area of the Second Ward. By the early 1880s approximately 25 percent of the black households in the Third Ward were owner-occupied.

The Fourth Ward lost its preeminence in the 1920s as the Third Ward passed it in population and began to attract more black institutions, including Houston Negro Hospital (now Riverside General Hospital), Yates High School (the second black high school in Houston), and Houston Colored Junior College (the antecedent of Texas Southern University). The Third Ward and the Fifth Ward became the home of Bayou City Blues and there were established many places in the Third Ward for this type of entertainment including both the high-class El Dorado Ballroom.

In the 1950s, almost 30,000 African Americans lived in the Third Ward, representing a majority of the population. Like most African American communities during segregation, the Third Ward was like a separate city within Houston, with Dowling Street as its main thoroughfare. The street was lined with black-owned businesses, churches, fraternal offices, apartment buildings, single-family housing, theaters, restaurants, and nightclubs.

While most of Houston's Wards declined during the mid-20<sup>th</sup> Century, the Third Ward prospered during this period. By the mid-1960s, although the three inner-city wards no longer contained the bulk of Houston's black population, the Third Ward had supplanted the Fifth Ward as the center of black business in the city. Even though only about 7 percent of the city's blacks lived in the Third Ward in 1970, almost 10 percent of the black-owned businesses were concentrated in the four census tracts that made up that neighborhood. More significantly, the Third Ward was the home of Riverside National Bank, Houston's largest and oldest black bank, as well as Standard Savings Association, the state's only black-owned savings and loan association, and the Houston Citizens Chamber of Commerce, the principal black business organization in the city.

During the last thirty years, the Third Ward has also become the cultural center of black Houston. To a large degree the Third Ward's preeminence as a cultural center was based on the emergence of Texas Southern University as a major educational institution. The original mission of the university was to provide black Texans with "educational opportunities equal to and comparable with those offered by other [state supported] institutions." As higher education in Texas became desegregated, TSU's focus shifted to the problems and issues that confronted the urban environment and inner-city residents. Today with an enrollment of nearly 9,000 students, Texas Southern is the third largest "historically black" university in the United States. Although it no longer serves an exclusively black clientele, Texas Southern has remained a predominantly black institution and a center of black education. In addition, with its FM radio station, library, art gallery, and active programs of music, art, and theater, it is a center for black culture in Houston. Furthermore, the presence of Texas Southern in the heart of the Third Ward has stimulated cultural development in the surrounding area: today the Third Ward is the home of the city's two leading black newspapers, its black-owned radio stations, and black theater, art galleries, and bookstores.

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Planning and Development Department

## ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The two-story house, located at 1402 Alabama Street, is of wood frame construction with clapboard siding, and is asymmetrical in plan. The house is a unique blend of the Queen Anne, Colonial Revival, and Prairie styles. Its most prominent features include a hipped roof with cross gables, hipped dormers with wide eave overhang, original double-hung windows with tracery panes, boxed-in wide eave overhang with brackets, glass paneled door with transom light and flanked by sidelights, and full width porch. The first floor porch is supported by four square wood columns which are a later alteration as is the upper balcony railing. The foundation is brick pier and the roof is of wood shingle. Most of the exterior features are intact and in good condition. The interior includes built-in cabinets, original transom window found above one of the interior doors, a claw foot tub, and original wood staircase. The current owners purchased the home five years ago, and it has since been used as a law office. The current owners have made minimal changes to the structure.

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

## BIBLIOGRAPHY

“Cullen, Hugh Roy” <http://www.tshaonline.org>, Texas State Historical Association- Handbook of Texas Online.

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“Historical Reflections on the Third Ward” <http://eyeonthirdward.mfah.org/home.asp>, Museum of Fine Arts Houston, Eye on Third Ward exhibit.

“Hugh Roy Cullen (July 3, 1881 – July 4, 1957)” <http://www.cullenfdn.org>, The Cullen Foundation.

“Third Ward Project Hope History” report, City of Houston, Planning and Development Department.

# CITY OF HOUSTON

**Archaeological & Historical Commission**

**Planning and Development Department**

## APPROVAL CRITERIA FOR LANDMARK DESIGNATION

### Sec. 33-224. Criteria for designation of a Landmark.

(a) The HAHC and the commission, in making recommendations with respect to designation, and the city council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

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

### STAFF RECOMMENDATION

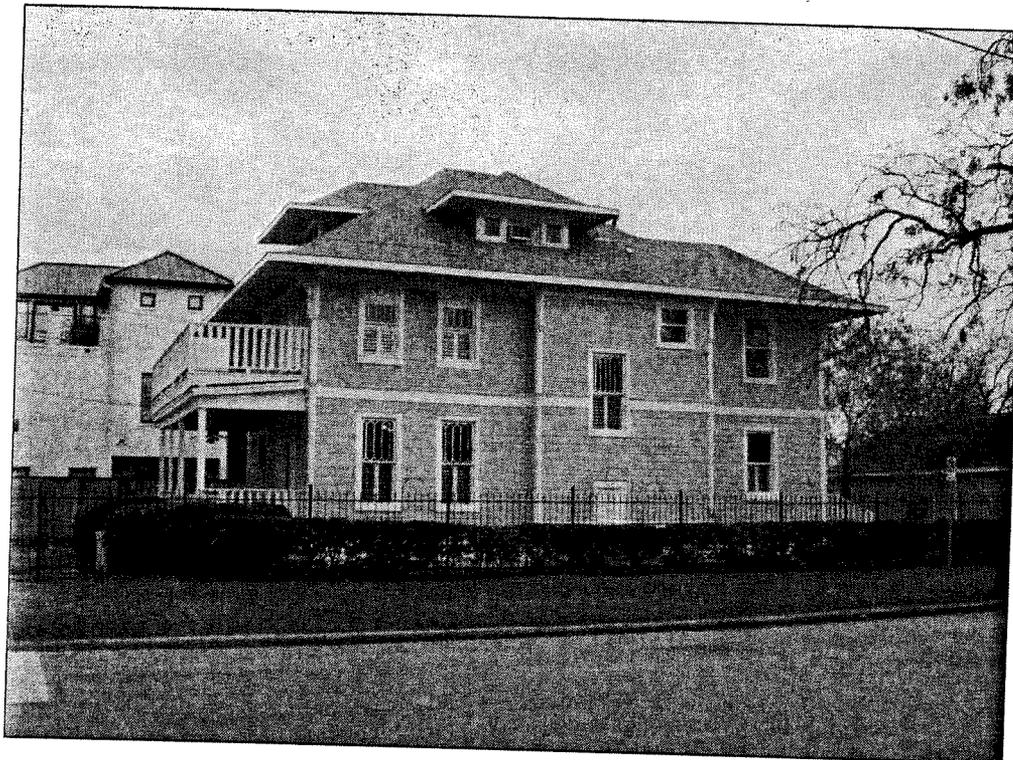
Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Hugh Roy Cullen House at 1402 Alabama Street.

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

HUGH ROY CULLEN HOUSE  
1402 ALABAMA STREET

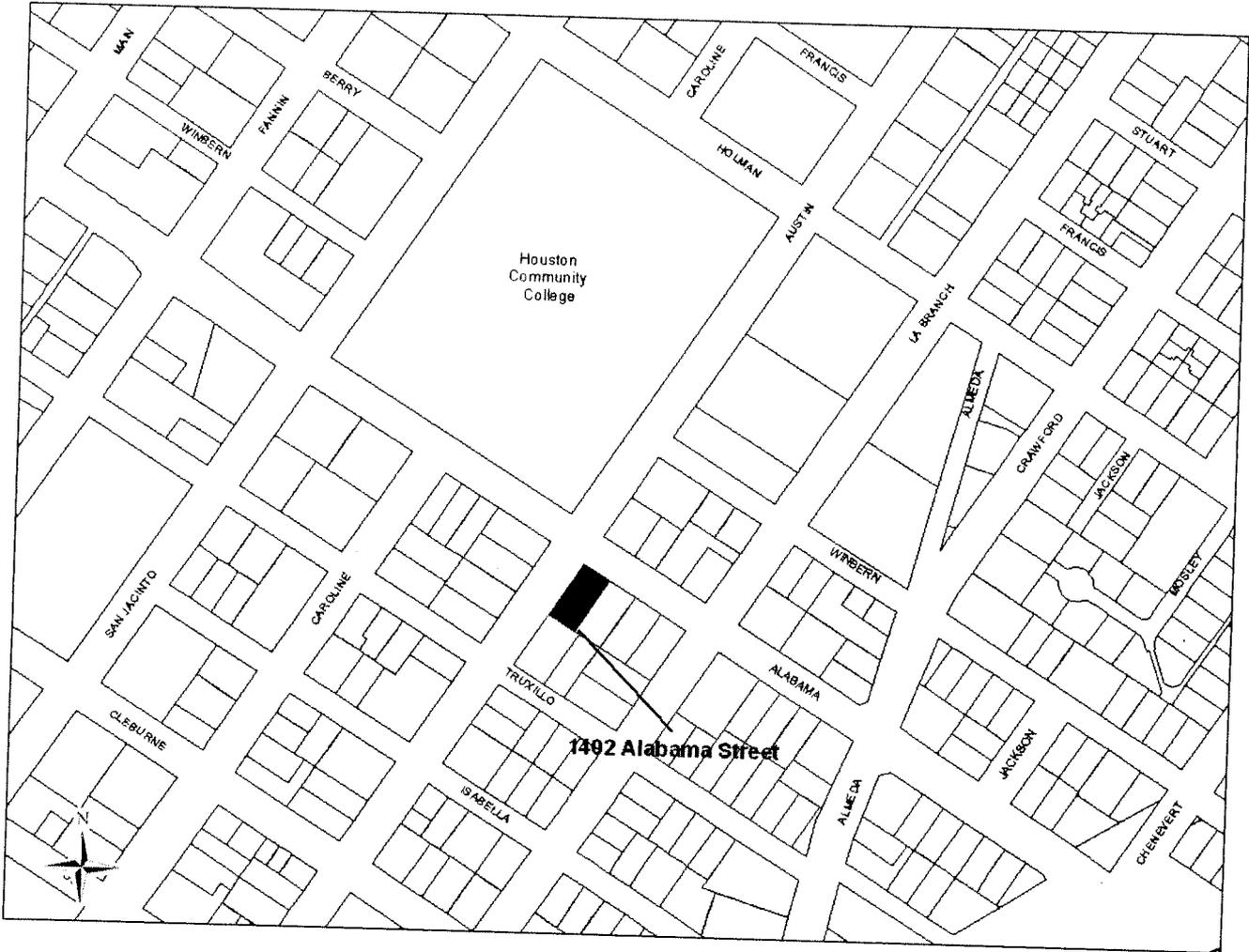


# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

**SITE LOCATION MAP**  
**HUGH ROY CULLEN HOUSE**  
**1402 ALABAMA STREET**  
**NOT TO SCALE**



# FORM FOR SIGNATURE

## LANDMARK, PROTECTED LANDMARK OR ARCHAEOLOGICAL SITE DESIGNATION APPLICATION CITY OF HOUSTON, TEXAS

- Complete all information. Incomplete applications may cause delays in processing.
- If you have questions or need help, call the Planning & Development Department at 713/837-7796.

### To Be Completed by Planning Staff

Date accepted as complete: 1/12/10

HPO File Number: 09-LO213

Accepted By: Gourlay Spillane

### APPLICANT INFORMATION

Legal Owner's Name of Site (Please print)	
Michael and Kimberly Weill	
Address	3237 Inwood Drive
City	Houston State TX
Zip Code	Day Phone
77019	713-522-8546
	Fax Phone
	713-522-8549
Signature	Date
<u>Michael Weill</u>	<u>11/21/2009</u>

Agent's Name (if applicable)(Please print)	
Address	
City	State
Zip Code	Daytime Phone
	Phone
Signature	Date

### PROPOSED DESIGNATION

- Landmark (subject to 90-day waiver\*)
- Protected Landmark (and Landmark)  Archaeological Site (NOT subject to 90-day waiver\* and also subject to Demolition by Neglect Provision)

\*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - ([www.houstontx.gov/codes/chapters31to35.html](http://www.houstontx.gov/codes/chapters31to35.html))

### SITE INFORMATION

NOTE: Site information is required and must accompany the application.

Site Address	3237 Inwood Drive
General description	<u>first &amp; only remaining</u>
1925 Briscoe & Dixon Home	<u>one of the five</u>
original speculative homes built in the original project	<u>nine</u>
for River Oaks and known as the Redbird Home.	

Tax account number	060131000004
Subdivision	River Oaks Country Club Estates
Lot 4	Block 3

### DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

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## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** William T. Campbell, Jr., House  
**OWNERS:** Michael and Kimberly Weill  
**APPLICANTS:** Same as above  
**LOCATION:** 3237 Inwood Drive – River Oaks  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** III  
**HPO FILE NO:** 09L213  
**DATE ACCEPTED:** Jan-27-09  
**HAHC HEARING:** Feb-12-09  
**PC HEARING:** Feb-19-09

### SITE INFORMATION

Lot 4, Block 3, River Oaks Country Club Estates, City of Houston, Harris County, Texas. The building on the site includes a two-story, stucco clad house.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The William T. Campbell, Jr., House at 3237 Inwood Drive was designed by Birdsall P. Briscoe and was built in 1925 by James M. L. West. It was one of the nine speculative houses in the original River Oaks project developed by Country Club Estates. Birdsall P. Briscoe was a noted Houston architect and established his reputation as an exceptional designer with an aptitude for disciplined formal composition and correct, scholarly rendition of historic details. He worked extensively in the Houston neighborhoods of Courtlandt Place, Shadyside, Broadacres, and River Oaks, where he designed 31 houses.

The original owner of the house, William T. Campbell, Jr., was best known as a co-founder of Mission Manufacturing, a Houston company that produced equipment for the petroleum industry. The Campbell family remained in the house until the early 1990s. Campbell's sister, Sarah Campbell Blaffer, was well known for her gifts of artwork to the Museum of Fine Arts, Houston, the University of Houston art museum that bears her name, and the Sarah Campbell Blaffer Foundation whose goal is to bring the visual arts to people throughout the state of Texas.

The William T. Campbell, Jr., House has been featured in numerous publications, including *River Oaks, A Pictorial Presentation of Houston's Residential Park* (1929), *Houston Architectural Survey* (1980), *Houston Home and Garden* (1981), *Houston Architectural Guide* (1980), and was featured as a stop on the American Institute of Architects guided home tour of River Oaks.

The William T. Campbell, Jr., House at 3237 Inwood Drive meets Criteria 1, 3, 4, and 6, for Landmark designation.

### HISTORY AND SIGNIFICANCE

The William T. Campbell, Jr., House at 3237 Inwood Drive was designed by Birdsall P. Briscoe for Country Club Estates, Inc. in 1925. According to the Houston Architectural Survey, the contract for the house was awarded to James M. L. West for \$17,500. On June 7, 1925, the Houston Post Dispatch ran the following notice accompanied by an architectural sketch of the house: "Inwood Drive Home. This beautiful home is under construction on Inwood Drive in Country Club Estates by James M. L. West, contractor. The firm Briscoe & Dixon are architects. Construction is hollow tile and stucco."

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The William T. Campbell, Jr., House was built by River Oaks Corporation as a speculative house. At the time the nine homes were under construction, an advertisement ran in the Houston Chronicle stating, "In River Oaks – Nine new homes \$15,000 - \$35,000. Apply at Field Office." On October 11, 1925 the Houston Chronicle featured the following article followed by a photograph of the house:

"Campbell buys French Colonial – Mr. and Mrs. W. T. Campbell have purchased one of the houses planned and constructed under the direction of the Country Club Estates organization in River Oaks. The new Campbell home is a hollow tile and stucco house, which faces north on Inwood... and is one of the finest residences in the series of homes that have been under construction this summer by Country Club Estates. It was the first home in this series of homes to be purchased before it was actually completed, and consequently it has never been shown to the property owners in the River Oaks community... The Campbell home is of French Colonial design adapted to the climate requirements of Houston by the architects, Briscoe and Dixon, whose treatment of the interior design and the Southern and eastern fenestration have given the benefits of the prevailing wind to practically every part of the house..."

The William T. Campbell, Jr., House was later used in advertisements for River Oaks Corporation. On March 6, 1927 a large photograph of the house appeared with the caption "Tomorrow, and Tomorrow and Tomorrow", which communicated a sense of permanence for the new neighborhood.

### *William T. Campbell, Jr.*

William T. Campbell, Jr., was born on September 29, 1895 in Lampasas, Texas to William T. and Sarah Jane Turnbull Campbell. According to the 1980 Houston Architectural Survey, Campbell Sr. was an English-born journalist involved in early oil exploration efforts in Texas. He also was an investor in the Hogg-Swayne syndicate (a partnership between James W. Swayne and James Stephen Hogg) at the Spindletop oilfield, which eventually resulted in the Texas Company (now Texaco).

William T. Campbell, Jr., attended the University of Pennsylvania and the University of Virginia. During World War I, he enlisted in First Officers Training Camp at Leon Springs, Texas. He was honorably discharged from the U.S. Army as a First Lieutenant. He was best known as a co-founder of Mission Manufacturing, a Houston-based company making equipment for the petroleum industry, in 1925. He remained with the company until 1955 when he retired to pursue oil and ranching interests. He was active in society, belonging to Christ Church Cathedral, Saratoga Lodge No. 546, AF&AM, River Oaks Country Club, Bayou Club and the Tejas Club.

He was married to Lula Key and the two did not have children. His sister, Sarah Campbell Blaffer, was well known for her gifts of artwork to the Museum of Fine Arts, Houston, the University of Houston art museum that bears her name, and the Sarah Campbell Blaffer Foundation whose goal is to bring the visual arts to people throughout the State of Texas. William T. Campbell died in 1987 at the age of 91 while still owning the house at 3237 Inwood Drive.

### *Birdsall P. Briscoe*

Birdsall P. Briscoe was born in Harrisburg, Texas on June 10, 1876. He was the son of Andrew Birdsall and Annie Frances (Paine) Briscoe, the grandson of Andrew Briscoe and the great-grandson of John R. Harris, founder of Harrisburg, Texas. During the Spanish-American War, Briscoe served in the United States Army Infantry as a sergeant and subsequently as a major in the army during World War I. He was educated at Texas Agricultural and Mechanical College (now Texas A&M University), and the University of Texas, where he was a classmate of Will Hogg. He began his architectural career in 1904 in Houston as an apprentice with architects Lewis Wilson and Lewis Sterling Green. During this time,

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the firm designed the original Blessed Sacrament Church (circa 1910), an East End landmark demolished in 2005. After a brief partnership with Green (1909-11), Briscoe started his own firm in 1912. He designed the W. L. Clayton house on Caroline Street in 1916 in the Georgian Revival style and construction was completed in 1917. The house is now open to the public as the Clayton Genealogical Library and is a Recorded Texas Historic Landmark. From 1922 until 1926, he was in partnership with Sam H. Dixon, Jr. From 1919 until his retirement in 1955, Briscoe shared an office with Maurice J. Sullivan. Although from time to time he collaborated with both Dixon and Sullivan on nonresidential commissions, Briscoe was best known for his elegantly composed and detailed houses.

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

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

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

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

1. 1829 Sharp Place, Briscoe House #1 (1936)
2. 2227 Chilton Road, Kempner House (1937)
3. 2950 Lazy Lane, Dogwoods (1928-demolished)
4. 3196 Del Monte Drive, Harry L. Mott speculative house (1931)
5. 3023 Del Monte Drive, Bullington House (1937)
6. 2923 Del Monte Drive, Underwood House (1934)
7. 2920 San Felipe Road, Speculative house for River Oaks Corporation (1931)
8. 2938 San Felipe Road, Speculative house for River Oaks Corporation (1931)
9. 2308 River Oaks Boulevard, Fountain House (1938)
10. 3127 Avalon Place, Speculative house for River Oaks Corporation (1931)
11. 2113 Bellmeade Road, Speculative house for River Oaks Corporation (1931)
12. 3015 Chevy Chase Drive, Speculative house for River Oaks Corporation (1930)
13. 2929 Chevy Chase Drive, Speculative house for River Oaks Corporation (1931)
14. 3229 Chevy Chase Drive (now 3229 Groveland), Paddock House (1936) – Registered Landmark
15. 3249 Chevy Chase Drive, Frost House (1937)
16. 3376 Inwood Drive, Clayton Summer House (1924) – Registered Landmark

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17. 3439 Del Monte Drive, Pinckney House (1937)
18. 3434 Del Monte Drive, Schneider House (1941)
19. 3414 Del Monte Drive, Anderson House (1938) – Registered Landmark
20. 3334 Chevy Chase Drive, Wilson House (1938)
21. 3425 Sleepyhollow Court, McKallip House (1938)
22. 3401 Sleepyhollow Court, Johnson House (1936)
23. 3606 Chevy Chase Drive, Austin House (1951)
24. 3707 Inwood Drive, Vaughan House (1949)
25. 3601 Inverness Drive, Hutcheson House (1948)
26. 3606 Knollwood Drive, Britton House (1942, demolished)
27. 3707 Knollwood Drive, White House (1940, in association with George W. Rustay)
28. 3820 Willowick Road, Davis House (1940)
29. 3880 Willowick Road, Schuhmacher House (1941)
30. 4019 Inverness Drive, Dupree House "Legend" (1959)
31. 2317 Claremont Lane., Briscoe House #2 (1939)

### *River Oaks*

In 1923, Will C. Hogg, Mike Hogg, and Hugh Potter purchased 200 acres surrounding the River Oaks Country Club. In 1924, Hogg organized Country Club Estates to promote the development. When the three men began the development of their new community, River Oaks, it was with the intention of making it into a demonstration of the highest standards of modern community planning; a role model for the rest of Houston to follow. Will Hogg's ambitiousness and Hugh Potter's skillful management of River Oaks during its first thirty years made the community known nation-wide as a symbol of Houston. Encouraging homeowners to retain the most talented architects in Houston (as well as several architects of national reputation) to design new houses, Hogg and Potter succeeded in creating a large, professionally-administered residential community that demonstrated the potential for beauty in a raw and often raucous city. During the 1920s and 1930s, River Oaks was often published in national news, real estate, and design media, highlighting its planning standards, its residential architecture, and its landscape design. Since the 1970s, River Oaks has also been the focus of scholarly analysis, in recognition of its significant contributions to the history of Houston and twentieth-century American elite suburban community development.

The creation of this type of subdivision was unique for Houston in many respects. The subdivision was laid out at, what was then, the far western edge of Houston. Prior to 1923, the majority of Houston's residential developments had occurred in a tight girdle around the downtown business district. As the sheer size of Houston increased, the demand for more neighborhoods grew along with it. Beginning in the early 20<sup>th</sup> century, the development followed a generally westerly and southwesterly expansion. The newer, more fashionable neighborhoods, such as Westmoreland (1902), Avondale (1907), Montrose (1911), Audubon Place (1906), Cherryhurst (1908), Binz, Southmore (1914), and Courtland Place (1906), developed along the Main Street corridor and to the southwest of downtown. River Oaks, however, was situated at the western city limits far away from other developments.

In addition, the developers broke with convention by laying out an organic pattern of roadways which lent a sense of spaciousness to the neighborhood, which was very different from the traditional Houston neighborhoods that followed a more rigid approach to development. These traditional neighborhoods

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used street grids which carved the land up into predictable square or rectangular blocks. The Texas State History Association's Handbook of Texas described the features of the new community:

Deed restrictions and centralized community control assured exclusivity; approval of house designs by a panel of architects and citizens and a purchase price of at least \$7,000 were required. A "gentleman's agreement" excluded blacks, Jews, and other minorities. The first home in the area, built by Will and Sue Clayton, is now listed in the National Register of Historic Places. Among the other notable houses is Ima Hogg's family home Bayou Bend [City of Houston Landmark], designed by John F. Staub and Birdsall P. Briscoe. In the late 1920s the development lost money, but by the late 1930s developers had invested \$3 million in the project, and the community had begun to influence development patterns downtown. In the 1990s River Oaks was at the geographic center of Houston. The community operated independently for three years, after which it was annexed by the city of Houston.

The creation and implementation of the River Oaks plan went far beyond the layout of the neighborhood itself. The developers also needed to devise a clever way of drawing prospective buyers away from the more traditional neighborhoods located closer to the downtown business district. This was achieved in two ways. The first was to insure that proper roads connected River Oaks with downtown Houston. The second was to bring the amenities to the residents. The design called for underground utility lines, eliminated alleys, allowed only three intersecting streets, provided rigid building codes, and eventually banned all commercial traffic.

Beginning in 1925, work began in earnest on Buffalo Bayou Drive, which would later become Allen Parkway. The two developers retained Kansas City landscape architects Hare and Hare to provide a master plan that would protect the environmental integrity and natural beauty of the area. Hare and Hare designed Buffalo Bayou Drive. The thoroughfare, atypical for its time, was built to provide a reliable route by which River Oaks residents could get to their jobs in downtown Houston while simultaneously providing a pleasant driving experience. The street was designed to follow the meanders of nearby Buffalo Bayou and originated at the north entry to the River Oaks neighborhood. The entry was marked by grand entry gates designed by Houston architect John F. Staub in 1926. They also hired J. C. Nichols, who built one of the first major shopping centers in the United States, to serve as a design consultant. The master plan included homesites, a fifteen-acre campus for River Oaks Elementary School, two shopping centers, and esplanades planted with flowers.

The plan for the scenic drive of Buffalo Bayou Drive began more than a decade before its implementation with the Arthur Comey Plan for Houston in 1912. The Comey Plan was a progressive and ambitious plan to guide the future of Houston's development, with quality of life issues as a major component. Parts of the Comey plan called for the creation of scenic drives, considerable park space, and linear parks along the city's bayous. Ultimately, only a small proportion of the components of Comey's plan came to fruition. Among these realized elements were the layout of South Main at Hermann Park with its prominent traffic circles, and Allen Parkway Drive with its adjacent linear park space situated between the drive and Buffalo Bayou Drive.

### **ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY**

The William T. Campbell, Jr., House at 3237 Inwood Drive is two stories and is clad with stucco with a rectangular plan with wings to the south and west. The entry features a wrought iron portico and a raised seam copper roof. The first floor has French door windows prefaced with ornamental ironwork panels. Shutters frame three paned casement windows on the second floor. Stephen Fox described the house located at 3237 Inwood Drive as Briscoe "transcribing details from the architecture of 18th century Charleston onto a suburban neo-Regency house." He also states that the "combination of Southern detail

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and English domestic type” appealed to Ima Hogg who influenced the design of the original nine speculative houses. The house at 3237 Inwood Drive has also been referred to as the Redbird House because a bird is the centerpiece in the window grilles (See Exhibit B).

The house has had three owners since its construction 84 year ago. The Campbell family remained in the house until the early 1990s and the house then stood vacant for several years. In 1993, John and Patricia Laurent purchased and restored the house. Patricia Laurent stated: “The only part of Briscoe’s house we reconfigured was the kitchen – and it was no longer original having been ‘redone’ sometime in the 1950s. We remade it and joined it to a new family room [located at the rear of the house] for wonderful casual living space.” Their restoration garnered the attention of the Greater Houston Preservation Alliance and they were awarded a Good Brick Award in 1998. Shortly thereafter, the Weill’s purchased the house and have made minimal changes since, none of which have impacted the house’s façade. They restored the existing 1925 carriage house, added a pool and a pool house. The pool house was built in the style of the original house and the grill work from the house’s front door was reproduced for the pool house entrance.

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

### **BIBLIOGRAPHY**

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<http://www.tshaonline.org/handbook/online/articles/BB/fb151.html>, accessed January 15, 2009.
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# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## APPROVAL CRITERIA FOR LANDMARK DESIGNATION

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- | <b>S</b>                            | <b>NA</b>                           | <b>S - satisfies</b>   | <b>D - does not satisfy</b> | <b>NA - not applicable</b> |
|-------------------------------------|-------------------------------------|--|-----------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;                    |                             |                            |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;   |                             |                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;                    |                             |                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;  |                             |                            |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;   |                             |                            |
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| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (7) Whether specific evidence exists that unique archaeological resources are present;   |                             |                            |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.   |                             |                            |

### AND

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

### STAFF RECOMMENDATION

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the William T. Campbell, Jr. House at 3237 Inwood Drive.

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## EXHIBIT A

THE WILLIAM T. CAMPBELL, JR., HOUSE  
3237 INWOOD DRIVE



# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## EXHIBIT B

THE WILLIAM T. CAMPBELL, JR., HOUSE  
3237 INWOOD DRIVE

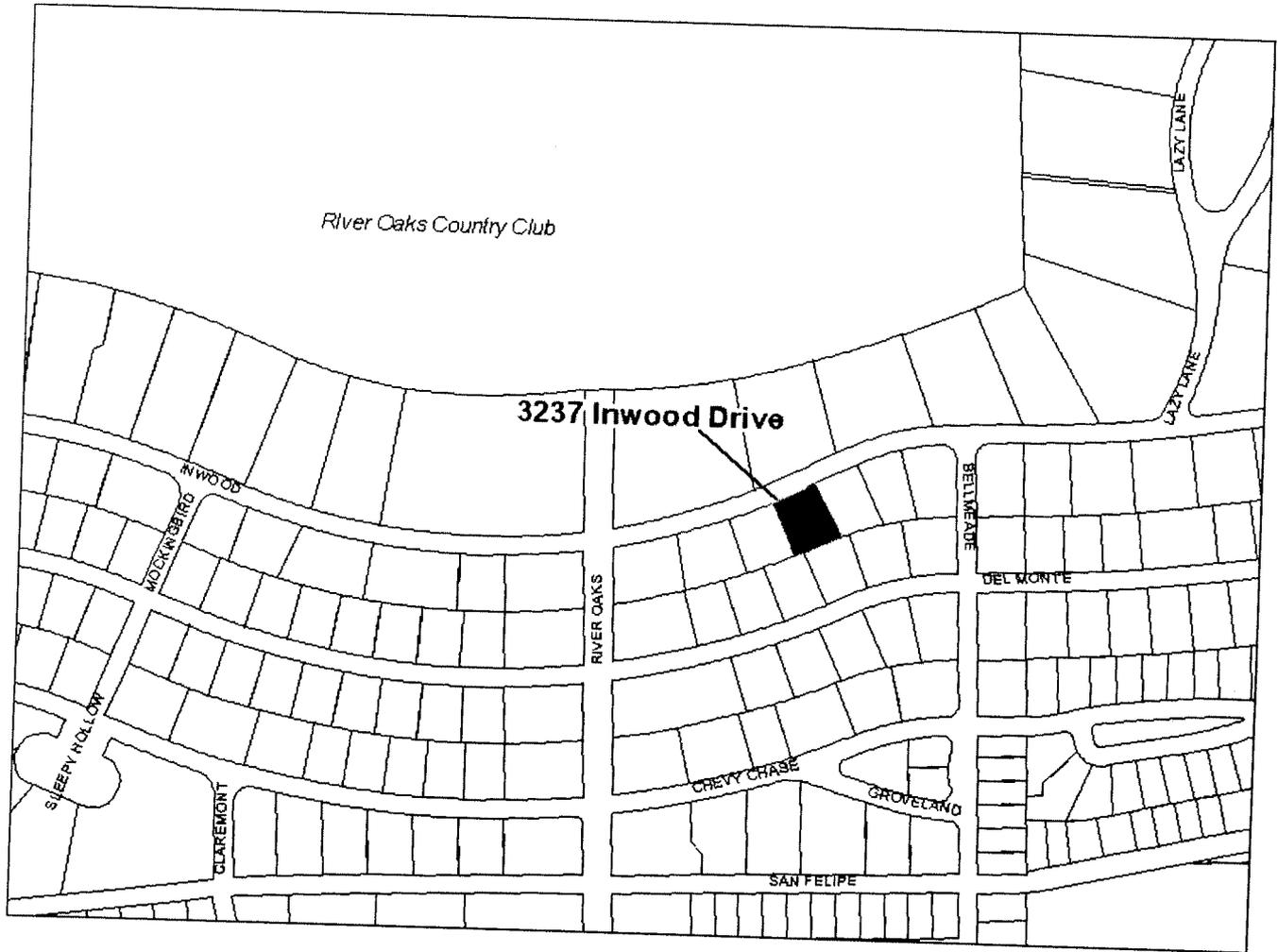


# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

EXHIBIT C  
SITE LOCATION MAP  
THE WILLIAM T. CAMPBELL, JR. HOUSE  
3237 INWOOD DRIVE  
NOT TO SCALE



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

**SUBJECT:**  
Approval of a resolution designating 2 Landmarks and Protected Landmarks in accordance with Chapter 33, Code of Ordinances

<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 24
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> 5/8/2009	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marene K. Spillane</i>	<b>Council District affected:</b> G, I
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<b>For additional information contact:</b> Courtney Spillane <b>Phone:</b> (713) 837-7894	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of a resolution designating 2 Landmarks and Protected Landmarks

<b>Amount and Source of Funding:</b> N/A	<b>Finance Budget:</b>
--	------------------------

**SPECIFIC EXPLANATION:**  
A property owner may initiate an application for the designation of a Landmark and Protected Landmark, for which a 90-day waiver certificate may not be issued by the planning official. These applications for Landmark and Protected Landmark designation were initiated by the owners.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission and there were no objections to the designations. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark and Protected Landmark designations.

Photos of the proposed landmarks can be found by going to the following on the Planning Department's website:  
[http://www.houstontx.gov/planning/historic\\_pres/pending.htm](http://www.houstontx.gov/planning/historic_pres/pending.htm).

	LANDMARK AND PROTECTED LANDMARK NAME/ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1	Cleveland Sewall House 3456 Inwood Drive	Owner	G	1-15-2009	1-22-2009
2	Henry Brashear Building 910 Prairie Avenue	Owner	I	2-12-2009	2-19-2009

xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs  
 Arturo G. Michel, City Attorney  
 Deborah McAbee, Land Use Division, Legal Department  
 Harold L. Hurtt, Chief, Police Department  
 Phil Boriskie, Chief, Fire Department

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**LANDMARK, PROTECTED LANDMARK OR ARCHAEOLOGICAL SITE  
DESIGNATION APPLICATION  
CITY OF HOUSTON, TEXAS**

- Complete all information. Incomplete applications may cause delays in processing.
- If you have questions or need help, call the Planning & Development Department at 713/837-7796.

**To Be Completed by Planning Staff**

Date accepted as complete: 12/22/08

HPO File Number: 09-PL075

Accepted By: Courtney Spillane

**APPLICANT INFORMATION**

Legal Owner's Name of Site (Please print)	
Bailey Q. Daniel Trust (Meg Goodman)	
Address	3456 Inwood Drive
City	Houston State TX
Zip Code	Day Phone
77019	Fax Phone
Signature	Date
<u>Meg Goodman</u>	<u>Nov 28, 2008</u>

Agent's Name (if applicable)(Please print)	
Address	
City	State
Zip Code	Daytime Phone
	Phone
Signature	Date

**PROPOSED DESIGNATION**

- Landmark (subject to 90-day waiver\*)       Protected Landmark (and Landmark) (NOT subject to 90-day waiver\* and also subject to Demolition by Neglect Provision)       Archaeological Site

\*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - ([www.houstontx.gov/codes/chapters31to35.html](http://www.houstontx.gov/codes/chapters31to35.html))

**SITE INFORMATION**

**NOTE:** Site information is required and must accompany the application.

Site Address	3456 Inwood Drive
General description	
Home designed by Cram & Ferguson with Stayton Nunn in 1926. One of the first homes in River Oaks.	

Tax account number	<b>060129000013</b>
Subdivision	River Oaks Country Club Estates (2 <sup>nd</sup> Amend)
Lot 4	Block 1

**DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)**

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Cleveland Sewall House  
**OWNER:** Bailey Q. Daniel Trust  
**APPLICANT:** Meg Goodman  
**LOCATION:** 3456 Inwood Drive – River Oaks  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** V  
**HPO FILE NO:** 09PL75  
**DATE ACCEPTED:** Dec-21-08  
**HAHC HEARING:** Jan-15-09  
**PC HEARING:** Jan-22-09

### SITE INFORMATION

Lot 4, Block 1, River Oaks Country Club Estates (second amendment), City of Houston, Harris County, Texas. The building on the site includes a two-story house.

**TYPE OF APPROVAL REQUESTED:** Protected Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The residence at 3456 Inwood Drive was built in 1926 for Mr. and Mrs. Cleveland Sewall. The house was designed by Ralph Adams Cram of Cram & Ferguson, a nationally recognized Boston architectural firm. The home is a representation of an unusual example of the Spanish Revival style. Stephen Fox describes Ralph Adams Cram as “best known as a champion of the revival of Gothic architecture.” The Ralph Adams Cram buildings in Houston include the Julia Ideson Building, Museum of Fine Arts Houston, and several buildings at Rice University. Nationally, Cram designed part of the Cathedral of St. John the Divine in New York City, the graduate school and chapel at Princeton University and buildings at Williams College, Phillips Exeter Academy and the U.S. Military Academy at West Point. For seven years, he served as the head of the Department of Architecture at Massachusetts Institute of Technology (MIT) and served as the Chairman of the Boston City Planning Board. The Cleveland Sewall Home has been featured in numerous books and articles and was listed in the National Register of Historic Places in 1975.

William Cleveland Sewall was president of the family grocery business, Gordon Sewall & Company. When he died in 1942, his wife, Blanche Harding Sewall, donated funds to construct the Cleveland Sewall Hall at Rice University. Mrs. Sewall was also a founding member of the Museum of Fine Arts, Houston. Upon her death in 1973, she left a large gift to Rice University that included the Inwood home and provided for the Andrew Hays Buchanan Professorship and the Noah Harding Professorship. Mrs. Sewall was awarded Rice’s Gold Medal posthumously in 1973.

The Cleveland Sewall House meets Criteria 1, 3, 4, 5, and 6 for City Landmark Designation as well as being listed individually in the National Register of Historic Places and therefore meets Criteria for Protected Landmark designation.

### HISTORY AND SIGNIFICANCE

#### *River Oaks*

When Will C. Hogg, Mike Hogg, and Hugh Potter began the development of River Oaks in 1923, it was with the intention of making it into a demonstration of the highest standards of modern community planning, a role model for the rest of Houston to follow. Will Hogg's ambitiousness and Hugh Potter's skillful management of River Oaks during its first thirty years made the community known nation-wide as a symbol of Houston. Encouraging home-owners to retain the most talented architects in Houston (as well as several architects of national reputation) to design new houses, they succeeded in creating a large, professionally-administered residential community that demonstrated the potential for beauty in a raw and often raucous city. During the 1920s and 1930s, River Oaks was constantly published in national news, real estate, and design media, highlighting its planning standards, its residential architecture, and its landscape design. Since the 1970s, River Oaks has also been the focus of scholarly analysis, in recognition of its significant contributions to the history of Houston and twentieth-century American elite suburban community development.

The creation of this type of subdivision was unique for Houston in many respects. The subdivision was laid out at what was then the far western edge of Houston. Prior to 1923, the majority of Houston's residential developments had occurred in a tight girdle around the downtown business district. As the sheer size of Houston increased, the demand for more neighborhoods grew along with it. Beginning in the early 20<sup>th</sup> century, the development followed a generally westerly and southwesterly expansion. The newer, more fashionable neighborhoods, such as Westmoreland (1902), Avondale (1907), Montrose (1911), Audubon Place (1906), Cherryhurst (1908), Binz, Southmore (1914), and Courtland Place (1906), developed along the Main Street corridor and to the southwest of downtown. River Oaks, however, was situated at the western city limits far away from other developments.

In addition, the developers broke with convention by laying out an organic pattern of roadways which lent a sense of spaciousness to the neighborhood, which was very different from the traditional Houston neighborhoods that followed a more rigid approach to development. These traditional neighborhoods used street grids which carved the land up into predictable square or rectangular blocks. According to the Texas State History Association's Handbook of Texas:

"River Oaks is by Buffalo Bayou and Memorial Park in west central Houston. The residential garden suburb, which comprises 1,100 acres, was developed in the 1920s by Michael Hogg and attorney Hugh Potter, who in 1923 obtained an option to purchase 200 acres surrounding the River Oaks Country Club. In 1924 Hogg organized Country Club Estates to promote the development. The two developers retained Kansas City landscape architects Hare and Hare to provide a master plan that would protect the environmental integrity and natural beauty of the area. They also hired J. C. Nichols, who built one of the first major shopping centers in the United States, to serve as a design consultant. The master plan included homesites, a fifteen-acre campus for River Oaks Elementary School, two shopping centers, and esplanades planted with flowers. It called for underground utility lines, eliminated alleys, allowed only three intersecting streets, provided rigid building codes, and eventually banned all commercial traffic. Deed restrictions and centralized community control assured exclusivity; approval of house designs by a panel of architects and citizens and a purchase price of at least \$7,000 were required. A "gentleman's agreement" excluded blacks, Jews, and other minorities. The first home in the area,

# CITY OF HOUSTON

Archaeological & Historical Commission

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built by Will and Sue Clayton, is now listed in the National Register of Historic Places. Among the other notable houses is Ima Hogg's family home Bayou Bend [City of Houston Landmark], designed by John F. Staub and Birdsall P. Briscoe. In the late 1920s the development lost money, but by the late 1930s developers had invested \$3 million in the project, and the community had begun to influence development patterns downtown. In the 1990s River Oaks was at the geographic center of Houston. The community operated independently for three years, after which it was annexed by the city of Houston.”

The creation and implementation of the River Oaks plan went far beyond the layout of the neighborhood itself. The developers also needed to devise a clever way of drawing prospective buyers away from the more traditional neighborhoods located closer to the downtown business district. This was achieved in two ways. The first was to insure that proper roads connected River Oaks with downtown Houston. The second was to bring the amenities to the residents.

Beginning in 1925, work began in earnest on Buffalo Bayou Drive, which would later become Allen Parkway. Buffalo Bayou Drive was designed by the Kansas City architectural landscape firm of Hare and Hare. The thoroughfare, atypical for its time, was built to provide a reliable route by which River Oaks residents could get to their jobs in downtown Houston while simultaneously providing a pleasant driving experience. The street was designed to follow the meanders of nearby Buffalo Bayou and originated at the north entry to the River Oaks neighborhood. The entry was marked by grand entry gates designed by Houston architect John F. Staub in 1926.

The plan for the scenic drive began more than a decade before its implementation with the Arthur Comey Plan for Houston in 1912. The Comey Plan was a progressive and ambitious plan to guide the future of Houston's development, with quality of life issues as a major component. Parts of the Comey plan called for the creation of scenic drives, considerable park space, and linear parks along the city's bayous. Ultimately, only a small proportion of the components of Comey's plan came to fruition. Among these realized elements were the layout of South Main at Hermann Park with its prominent traffic circles, and Allen Parkway Drive with its adjacent linear park space situated between the drive and Buffalo Bayou.

## *3456 Inwood Drive*

During the construction of the home at 3456 Inwood Drive, it received attention and appeared as news in local newspapers several times. On December 21, 1924, the Houston Chronicle announced:

*“...Construction is going ahead on several new homes in the estates, among the latest is one being erected at a cost of approximately \$140,000. Plans were drawn for this residence by Cram & Ferguson, nationally known architects...”*

Later, on January 11, 1925, the Chronicle reported:

*“More than half of the home sites in River Oaks have been sold and construction has begun on many of them. Among those who are already building are William Clayton, Blakely Smith, William Buhman and Cleveland Sewall...”*

On April 11, 1926, the Chronicle ran a large glossy section entitled “River Oaks Pictorial” that featured a large photograph of the Cleveland Sewall Home in the middle of construction:

# CITY OF HOUSTON

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*“Out of the welter of implements and materials and adroitly placed among carefully protected trees, a beautiful new home is rising to completion for Mr. and Mrs. Cleveland Sewall on Inwood Drive.*

*The Cleveland Sewall home, pictured above, was designed by Ralph Adams Cram, famous Boston architect, of the firm Cram, Goodhue and Ferguson, international authority on matters of Gothic architecture, and architect of Rice Institute and the Cathedral of St. John the Divine, New York.”*

William Cleveland Sewall was born on July 29, 1881 in Houston to Edward Wales Sewall and Gabriella Harriet (“Ella”) Campbell. Mr. Sewall attended University of the South and graduated from University of Texas law school. Around 1911, he married Blanche Harding Sewall, a driving force behind the construction of the home on Inwood Drive. At the outset of his career, William Sewall practiced law. However, when his father died, he became involved with the family grocery business, Gordon Sewall & Company. In 1925, at the time of the building of the home on Inwood, Mr. Sewall was listed in the Houston City Directories as President of Gordon Sewall & Company, Wholesale Grocers and Cotton Factors, Coffee Roasters, Packers and Cannery with offices at 102-112 San Jacinto.

Blanche Harding Sewall was born in 1889 to Hallock Harding and Kate Buchanan. She was a native of Fort Worth and attended Rice Institute with the class of 1917. A family website described her as “an artist, philanthropist and, as a patron of the arts, a founding member of the Museum of Fine Arts, Houston.” She was a co-author of the first edition of “A Garden Book for Houston” which continues to be reedited and published today. Blanche assumed control of part of her husband’s business, then Carson Sewall & Co. Marine Division, upon his death. As a memorial to her husband, she donated funds to construct Cleveland Sewall Hall at Rice University. Upon her death in 1973, she left a large gift to Rice University that included the Inwood home and provided for the Andrew Hays Buchanan Professorship and the Noah Harding Professorship. Mrs. Sewall was awarded Rice’s Gold Medal posthumously in 1973.

Ralph Adams Cram (1863-1942), along with Stayton Nunn, designed the Spanish style home for Mr. and Mrs. Sewall at 3456 Inwood Drive. Ralph Adams Cram was born in Hampton Falls, New Hampshire in 1863. His career in architecture was long and illustrious, first as a member of Cram, Goodhue & Ferguson (until 1914) and later as a member of Cram & Ferguson. Stephen Fox describes him as “best known as a champion of the revival of Gothic architecture.” His career included many works in this neo-Gothic style including: part of the Cathedral of St. John the Divine in New York City; the graduate school and chapel at Princeton; buildings at Williams College; Phillips Exeter Academy; and the U.S. Military Academy at West Point. For seven years, he served as the head of the Department of Architecture at Michigan Institute of Technology (MIT) and served as the Chairman of the Boston City Planning Board. His career has been well-chronicled through several books including a two-volume series by Douglass Shand-Tucci, entitled *Boston Bohemia, 1881-1900* and *An Architect’s Four Quests – Medieval, Modernist, American, Ecumenical*.

Cram’s national stature led to the commission in 1909 to plan the campus of William Marsh Rice Institute. According to Stephen Fox, the Ralph Adams Cram designed buildings in Houston include:

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- Julia Ideson Building, Houston Public Library, 500 McKinney Avenue (1926), C&F, William Ward Watkin and Louis A. Glover (City of Houston Protected Landmark)
- Trinity Church, 3415 Main Street (1919), C&F and William Ward Watkin
- Museum of Fine Arts Houston (1924, 1926), Ralph Adams Cram as consulting architect to William Ward Watkin
- Autry House, 6265 Main Boulevard (1921), C&F and William Ward Watkin
- Rice University, Mechanical Laboratory and Power House (1912), C,G & F
- Rice University, Administration Building (now Lovett Hall) (1912), C,G&F
- Rice University, Institute Commons & South Hall (now Baker College & Will Rice College) (1912),C,G&F
- Rice University, Physics Building (1914), C,G&F
- Rice University, Chemistry Building (1925), C&F and William Ward Watkin
- Granite base for Statue of William Marsh Rice, Rice University, (1930), C&F

## ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The house located at 3456 Inwood Drive was designed by Cram & Ferguson 1926 with Stayton Nunn, a well-known Houston architect, serving as supervising architect for the construction of the home. The home was designed in the Spanish Revival style. As mentioned above, Mrs. Sewall was so impressed by Ralph Adams Cram's buildings at Rice University that she commissioned him to design the home for her and her husband. According to Stephen Fox, from architectural drawings found in Mrs. Sewall's house after her death, and now deposited in the Woodson Research Center of the Fondren Library at Rice University, it is clear that the design of the house was based on sketches she made. She took two alternative designs to Cram, one for a Venetian house, the other for a Spanish Revival house. Cram developed the Spanish alternative, remaining faithful to the basic formal and spatial characteristics of her design. As such, her personality is permanently imprinted on the home as she was the originator of its rambling style.

Mrs. Sewall based the interior design of the home on the House of El Greco Museum Building in Toledo and traveled to Spain to acquire artifacts and furniture. The National Register report written in the 1970s described the home's Spanish influence:

*"Superb detailing in the form of decorative tiles from Spain, Churrigueresque plaster ornamentation over the stair alcove, massive oak doors with iron plates, and a heavily beamed ceiling further adorn this room. The drawing room is several feet lower in elevation than the entrance hall and measures twenty by thirty feet. A massively beamed ceiling dominates the lightness of the plaster walls and wide planked oak floor. ... The dining room measures twenty by twenty feet and is dominated by an exquisitely detailed fountain. Decorative tiles from Spain are used for the wainscoting and the interior of the fountain alcove. A window alcove is the focal point of the east wall while the west wall has doorways leading into the drawing room and open terrace with a fireplace between.*



# CITY OF HOUSTON

## Archaeological & Historical Commission

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

### AND

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

### OR

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

### OR

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

### OR

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

### STAFF RECOMMENDATION

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the Cleveland Sewall House at 3456 Inwood Drive.

# CITY OF HOUSTON

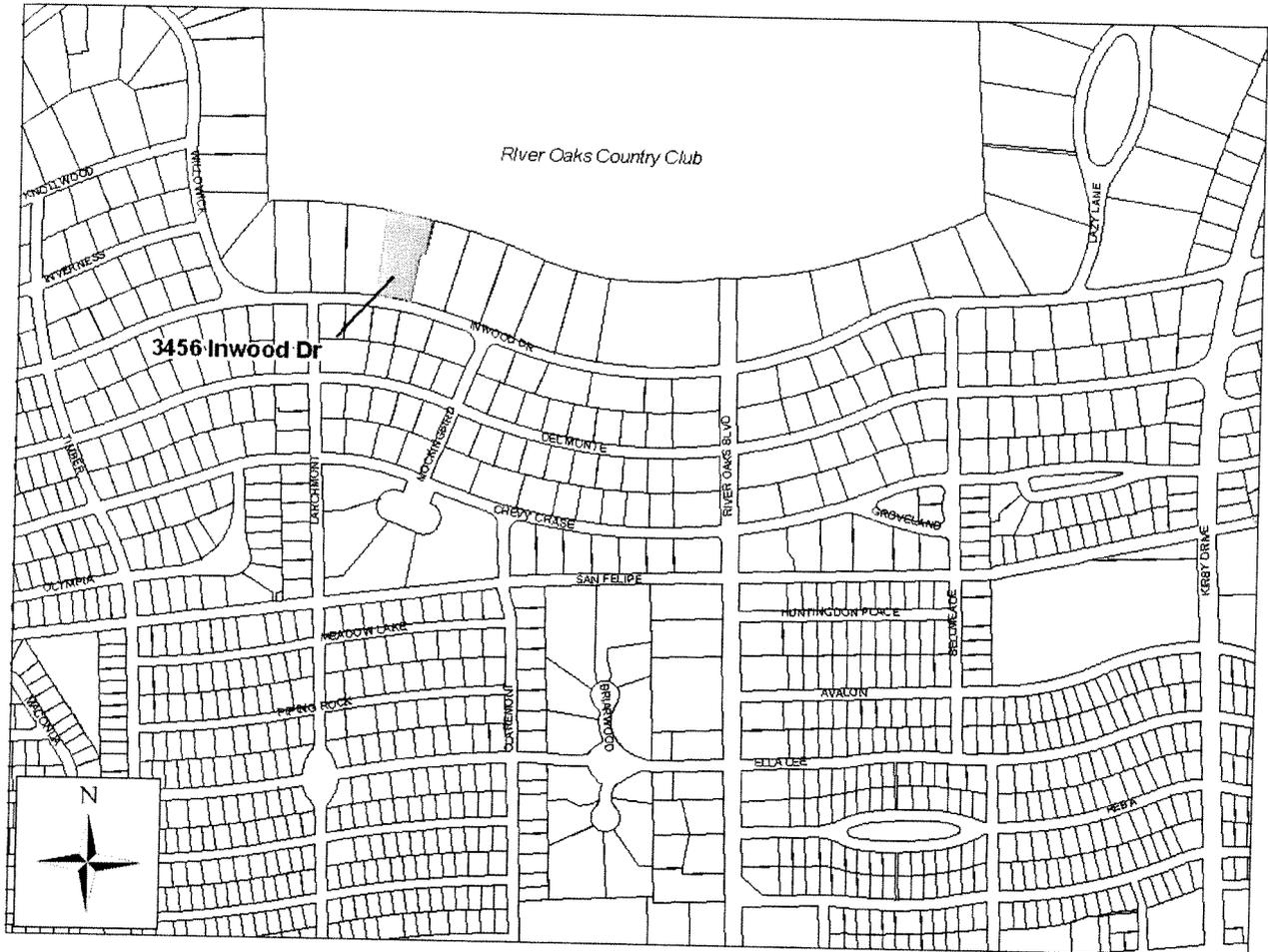
Archaeological & Historical Commission

Planning and Development Department

CLEVELAND SEWALL HOUSE  
3456 INWOOD DRIVE



SITE LOCATION MAP  
CLEVELAND SEWALL HOUSE  
3456 INWOOD DRIVE  
NOT TO SCALE



**LANDMARK, PROTECTED LANDMARK OR ARCHAEOLOGICAL SITE  
DESIGNATION APPLICATION  
CITY OF HOUSTON, TEXAS**

- Complete all information. Incomplete applications may cause delays in processing.
- If you have questions or need help, call the Planning & Development Department at 713/837-7796.

**To Be Completed by Planning Staff**

Date accepted as complete: 1/12/09 HPO File Number: 09-PL070  
 Accepted By: Kentley Spillane

**APPLICANT INFORMATION**

Legal Owner's Name of Site (Please print)	
FKM PARTNERSHIP LTD	
Address	
PO BOX 1074	
Bellaire TX 77402	
City	State TX
Zip Code	Day Phone 713 668-2367
	Fax Phone 713 668-8402
Signature	Date
<u>Kenneth B Meyer</u>	1-21-09

Agent's Name (if applicable)(Please print)	
Address	
City	State
Zip Code	Daytime Phone
Signature	Date

**PROPOSED DESIGNATION**

- Landmark (subject to 90-day waiver\*)       Protected Landmark (and Landmark) (NOT subject to 90-day waiver\* and also subject to Demolition by Neglect Provision)       Archaeological Site

\*Sec. 33-250 -90 day waiver certificate and Sec. 33-254 - Demolition by Neglect - see Code of Ord. - Chapter 33 VII - Historic Preservation - ([www.houstontx.gov/codes/chapters31to35.html](http://www.houstontx.gov/codes/chapters31to35.html))

**SITE INFORMATION**

**NOTE:** Site information is required and must accompany the application.

Site Address
910 PRAIRIE HOUSTON TX
General description
3 STORY BRICK, APPROX 3500
SQ FT/FLOOR BUILT 1882

Tax account number	
001-057-000-004	
Subdivision	
5533	
Lot	Block
TR 113	57

**DOCUMENTATION MUST BE PROVIDED WITH APPLICATION (WHERE APPLICABLE)**

- IF Site is already designated as a City of Houston Landmark, OR listed individually in the National Register of Historic Place OR designated as a Recorded Texas Historic Landmark OR State Archeological Landmark:

- Complete copy of the original nomination. If site has received multiple designations, or if there have been any amendments/revisions which provide information necessary to meet designation criteria found in the Historic Preservation Ordinance, please provide this information too.
- Statement/description regarding current physical condition and information/dates of previous alterations and renovations since the original nomination(s) was (were) written

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Henry Brashear Building

**OWNERS:** FKM Partnership, Ltd., Kenneth B. Meyer

**APPLICANTS:** Same as above

**LOCATION:** 910 Prairie Avenue – Main Street Market Square  
Historic District

**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** IV.a

**HPO FILE NO:** 09PL76

**DATE ACCEPTED:** Jan-22-09

**HAHC HEARING:** Feb-12-09

**PC HEARING:** Feb-19-09

### SITE INFORMATION

The west 25 feet of Lot 11, Block 57, SSBB, City of Houston, Harris County, Texas. The building on the site is a three-story commercial building.

**TYPE OF APPROVAL REQUESTED:** Landmark and Protected Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The Henry Brashear Building, located at 910 Prairie Avenue, is contained within the boundary of the Main Street Market Square National Register and City of Houston Historic District. The historic district of commercial buildings and sites constitutes Houston's largest, most nearly intact accumulation of physical resources representing the city's civic and commercial past. The surviving architecture documents the episodes of development which occurred between 1859 and the building and real estate boom of the 1920s, the half century when Houston emerged from relative obscurity to become the largest city in the southern United States.

The Henry Brashear Building was built in 1882 and was designed by Eugene T. Heiner, one of Houston's leading architects of the late nineteenth century. He took his early training in Chicago from William LeBaron Jenney, the father of the American skyscraper. Although Heiner designed numerous buildings in Texas, including almost 40 courthouses and jails, few of his buildings survive in Houston. A few important Houston buildings designed by Heiner include: the Houston Cotton Exchange Building, the W. L. Foley Dry Goods Building, and the Sweeney and Coombs Building, all of which, including the Henry Brashear Building, are located within the Main Street Market Square Historic District and are "contributing" to the historic district. The Henry Brashear Building was built for Henry Brashear, judge of the District Criminal Court and vice-president of the Texas National Bank. Henry was the son of Isaac Wright Brashear and Sarah Brashear, who as a widow, sold the 1,765 acres to the Omaha and South Texas Land Company in 1891 which developed Houston Heights, the first planned industrial suburb of Houston.

The Henry Brashear building is one of Houston's best examples of a Victorian commercial building and one of few surviving examples of Eugene Heiner. The building has been featured in *The Last of the Past: Houston Architecture 1847-1915* (1981); *Houston Architectural Survey* (1980); and *Houston Architectural Guide* (1990). The Henry Brashear Building meets Criteria 1, 3, 4, 5 and 6, is a contributing structure to the Main Street Market Square National Register Historic District, and was built before 1905 - all considerations for Protected Landmark designation.

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## HISTORY AND SIGNIFICANCE

### *Houston*

The town of Houston was platted in the fall of 1836 by the surveyors: Gail Borden (1801-1874), Thomas H. Borden (1804-1877), and Moses Lapham (1808-1838). This work was done for two investors who came to Texas from upstate New York in 1832—the brothers, Augustus C. (1806-1864) and John K. Allen (1819-1838). The town consisted of sixty-two numbered blocks, most of them two-hundred fifty square feet, located near the southeast corner of the John Austin league which the Allen brothers had acquired in August 1836. The town site was wedged into a shallow bend on the south bank of Buffalo Bayou opposite its confluence with White Oak Bayou, which the Allen brothers had determined was the head of tidewater and navigation on Buffalo Bayou. Consequently, they promoted their new town, named after General Sam Houston who had recently won the Battle of San Jacinto nearby, as the logical point of transshipment between the coast and the vast interior of the new Republic of Texas.

The Allen brothers were successful in persuading the Texas Congress to name Houston as the provisional seat of government in November 1836. One year after the Allen brothers had acquired their league, the town of Houston was chartered. Between 1836 and 1838, the Allen brothers considerably expanded the limits of the town site to the south, the east, and across Buffalo Bayou to the north. During the ensuing two decades, Houston would continue to expand as a market town and as the state's first railroad center. A wave of prosperity in the late 1850s was attended by the construction of the Houston and Texas Central Railway, as well as the Galveston, Houston and Henderson Railway. Houston's situation was enhanced as a point of transshipment between the coast and the interior lands of the Brazos and Colorado River valleys. This prosperity encouraged the replacement of wooden commercial buildings in Houston with more substantial masonry ones.

After the Civil War ended in 1865, Houston renewed its role as a growing regional center of trade and finance. Continuing railroad construction permitted its wholesale merchants to expand into new territories. Shallow-draft boat traffic on Buffalo Bayou allowed Houston to represent itself as a port, although this claim often provoked the amusement of visitors. In the postwar boom, which markedly influenced most Southern cities, long overdue public improvements were commenced in Houston. A brick courthouse for Harris County, begun in 1860, was completed after the war. T. H. Scanlan, the controversial Reconstruction Mayor of Houston between 1870 and 1873, built a permanent City Hall and Market House in Market Square in 1873, which far surpassed any municipal building in the state. During the late 1860s and early 1870s, the wooden buildings on the block fronts surrounding Market Square were replaced by two-story masonry buildings housing the establishments of grocers, bakers, butchers, confectioners, liquor dealers, and other businesses who would derive advantage from their proximity to the public market.

After the turn of the 20<sup>th</sup> century, Houston experienced another episode of intensive growth and development. Continuing expansion of railroad connections, the discovery of oil, and the construction of a deep-draught ship channel were factors in this development. Architecturally, this growth was reflected in a new surge of construction in the lower downtown area. Following World War I, the building boom of the 1920s eclipsed all previous episodes of growth and expansion in Houston. During that decade Houston moved from the position of third largest city in Texas to that of the largest city in the South as its population more than doubled in size. Houston had developed an economic maturity that had no rival in the South. It had developed a superior transportation system that became a pipeline to the world and

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thus to its vast resources. Houston's leaders had learned early on that its success would depend on transportation, and they focused on the development of a vast network of railroads and the Port of Houston. Although the city had always prospered and grown, it was on the verge of experiencing phenomenal growth in population and a real estate boom the likes of which it had never seen before. The real estate boom applied not only to Houston's business houses but to its neighborhoods and residential housing.

### *Main Street/Market Square*

The Henry Brashear Building is located within the boundaries of the Main Street Market Square Historic District, listed on the National Register of Historic Places in July 1983, as well as the City of Houston Main Street Market Square Historic District designated by City Council on March 5, 1997. The building is classified as "contributing" to both historic districts. These historic districts of commercial buildings and sites constitute Houston's largest, most nearly intact accumulation of physical resources representing the City's civic and commercial past. The surviving architecture documents the episodes of development which occurred between 1859, and the building and real estate boom of the 1920's, the half century when Houston emerged from relative obscurity to become the largest city in the southern United States.

The Main Street Market Square Historic District is located on the south bank of Buffalo Bayou between Milam and San Jacinto streets. The buildings within this district range from modest, mid-nineteenth-century brick commercial buildings to a number of small but ornately detailed High Victorian commercial buildings, and include a fine selection of multistory public, bank, and office buildings inspired by the Ecole des Beaux Arts, dating from the first three decades of the twentieth century. Completing this architectural array are several modernistically detailed commercial buildings of the early 1930s. Most of these buildings continue in use as either office or retail establishments. The district represents one of the state's best concentrations of late nineteenth and early twentieth century commercial and public structures.

Fifty-two buildings and one structure (Main Street Viaduct) contribute to the architectural and historical significance of this district. Allen's Landing and Market Square (both public parks) are two of the most historic sites in Houston. Twenty-four of the fifty-two buildings were constructed between 1858 and 1900. The remaining buildings date from 1901 to 1935. Thirty-two buildings were constructed to serve primarily as stores, eleven to serve primarily as office buildings, four to serve as warehouses or large wholesale stores, and two each to serve as banks and motion picture theaters.

### *910 Prairie Avenue*

The Henry Brashear Building at 910 Prairie Avenue was built in 1882 and was designed by architect, Eugene T. Heiner. It is considered one of Houston's best examples of a Victorian commercial building. The building once housed a druggist, a pharmacy, jewelers, and residential tenants. Erwin Erlenmeyer, druggist, was an early, and perhaps first tenant. When Brashear sold the building in 1890 to Charles Bente, club rooms occupied the upper floors. Following its sale to Joseph Meyer in 1905, the building was leased to Gorman and McAughan, jewelers. The ground floor was occupied by the jewelers for 45 years between 1905 and 1950. After Gorman's moved out, a children's clothing store occupied the same space for about five years, to be followed by Swift One Hour Dry Cleaning. In 1946, it was sub-leased to the Columbia Dry Goods Company, whose main store occupied the Travis-Prairie corner where the two-story 1879 building of Reichardt had stood for many years. The two upper floors were used for an

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extended period of time for storage. The two floors above the commercial space on the street level were leased for many years as furnished rooms. In the past decade, the building has been occupied by restaurants.

The Henry Brashear Building is one of Houston's best examples of a Victorian-era commercial building, and one of the few surviving examples designed by Eugene T. Heiner. The building has been identified as significant in several authoritative surveys, including: *The Last of the Past: Houston Architecture 1847-1915* (1981); *Houston Architectural Survey* (1980); and *AIA Houston Architectural Guide* (1990/1999).

### *Eugene Thomas Heiner*

The architect of the Henry Brashear Building, Eugene T. Heiner, was born in New York City on August 20, 1852. According to research conducted by Randy Pace in Chicago, Illinois, including the Chicago Census Report, 1871, Eugene T. Heiner apprenticed as a draughtsman in the Chicago architectural firm of William LeBaron Jenney. Heiner was living with his father, Nicholas Heiner, at 179 N. Wells in the Twentieth Ward. The firm of Jenney, Schermerhorn and Bogart was located at 73 Clark Street, Chicago. They were listed as architects and civil engineers. Heiner gained valuable training as did many other architects – all of whom would become noteworthy architects later in life, as they had all been trained under Louis Y. Schermerhorn and John Bogart, both very prominent civil engineers, as well as Jenney, who as an architect is recognized as the father of the American skyscraper. At that time, Chicago was booming with construction as it had just recovered from the great fire of 1871. The city included 54 architects and superintendents as well as 10 Civil Engineers. Chicago was the fourth largest city with a population of 334,270 compared to Galveston and San Antonio with a population of 13, 818 and 12, 256 respectively.

Heiner then relocated to Terre Haute, Indiana with a population of 16,103 where he took further training from Josse A. Vrydagh (1833-1895), whose offices were located at 925 South Seventh Street, Terre Haute. Vrydagh, a native of Belgium, was one of the most notable architects in the Mid-West had studied at the Belgium Louvain School of Arts for seven years. He originally immigrated to Dallas, Texas with the Phalansterian Colony, and then to New Orleans, Decatur (Illinois) and Cincinnati, but then returned to Europe. He came back to the United States in 1866 where he settled in Terre Haute to practice architecture. In 1870 Vrydagh was elected a fellow of the American Institute of Architects. In 1874, with fifty architects, including his associate, Eugene T. Heiner, they submitted competition drawings for the Centennial buildings in Philadelphia, for which Vrydagh and Heiner were awarded one of the ten premiums for the 1876 Philadelphia Exposition.

Eugene T. Heiner left Terre Haute and moved to Dallas, Texas in 1877. He was probably encouraged by Vrydagh to move there, as Vrydagh had lived there where he designed and built the St. Nicholas Hotel, the “finest structure in the city.” Heiner met his wife, Viola Isenhour, while living in Dallas in 1878. Heiner’s first known Texas commission was for the jail in Galveston, Texas in 1877. He would eventually move to Houston in 1878, where he established his practice. Heiner advertised his practice, and according to a full page advertisement in the 1884 Houston City Directory, he had expertise in “large and difficult building construction,” the old Houston Cotton Exchange being a notable, surviving example (City of Houston Landmark; National Register of Historic Places).

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Heiner became known as a Texas architect of note, and was one of the nationally recognized architects who was hired as a consultant for the evaluation of the dome being constructed at the Texas State Capitol in Austin. According to the New York Times of December 10, 1887, R. M. Harrod of New Orleans, Nicholas Clayton of Galveston and Eugene Heiner of Houston were selected as expert architects to investigate the construction. Upon their report to the Texas Governor and Capitol Board, they concluded that the charges of defective construction and use of improper materials were false, and that the building was being constructed in accordance with the plans and specifications. However, they recommended a discontinuance of the brick material and the substitution of iron braces for the dome. They also stated that they were "satisfied with everything and with the few changes they suggested, they think the building will be one of the most substantial and beautiful on the continent."

Heiner designed many of the most important buildings in Houston at the time, including the 1881 Henry Brashear Building. Although Heiner designed numerous buildings in Texas, including almost 40 courthouses and jails, few of his buildings survive in Houston. Heiner's major commercial buildings include the Leon and H. Blum Building (1879) and the Kauffman and Runge Building (1882), both in Galveston. His surviving works in Houston include the Cotton Exchange Building (1884), the W. L. Foley Dry Goods Building (1889; City Landmark; National Register), and the Sweeney & Coombs Building (1890; City Landmark; National Register), which is the most similar in design to the Brashear Building. Heiner also designed large private houses in Houston for the banker Charles S. House and the investor Thomas H. Scanlan. Many of Heiner's designs, including the Lavaca County Courthouse (1897) and the Gonzales County Jail (1878), have been listed in the National Register of Historic Places.

Heiner's buildings of the 1870s and 1880s often employed detail typical of American High Victorian-era architecture. In the late 1880s he occasionally employed the Richardsonian Romanesque style without abandoning certain strong High Victorian inclinations. Heiner was a founding member of the Texas State Association of Architects, organized in 1886. Heiner and his wife, Viola Isenhour had four daughters. His wife, Viola died in Houston in 1889 from complications in childbirth. Heiner died in Houston on April 26, 1901 and was buried in Glenwood Cemetery on Washington Avenue. Eugene Thomas Heiner's obituary probably best described the man and his work:

"Mr. Heiner was a man of a bright, sunny temperament and by his congenial nature he made friends of all with whom he came in contact. He was shrewd and energetic in business and in his calling as an architect, he leaves probably more public buildings in Texas as monuments to his memory than any other architect in the State."

### *Henry Brashear*

Henry Brashear invested \$8,500 for the construction of the building at 910 Prairie Avenue.<sup>1</sup> At the time, the Brashear estate had recently been settled, giving Henry the capital to invest in the building. Henry Brashear was a son of Isaac Wright Brashear and Sarah Brashear, who as a widow, sold the 1,765 acres to the Omaha and South Texas Land Company (OSTL) in 1891. The OSTL developed Houston Heights, the first planned industrial suburb of Houston in 1891. Henry Brashear was a judge of the District Criminal Court and later became the vice-president of the Texas National Bank.<sup>2</sup> His brother, William, was commander in the Texas Navy and presided over the dismantling of the first navy of the Republic of

<sup>1</sup> William Scott Field, *The Last of the Past: Houston Architecture 1847-1915*. Report prepared for The Greater Houston Preservation Alliance and The Harris County Heritage Society, 1981.

<sup>2</sup> Southwest Center for Urban Research, *Houston Architectural Survey*, 1980.

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of Texas.<sup>3</sup> Another brother, Sam Brashear, was mayor of Houston (1898-1900), who first launched Houston in creating a substantial park system in 1899 by purchasing sixteen acres on either side of Buffalo Bayou for a municipal park. The three tracts included the old Samuel W. Young brickyard on the north bank; the Kellum-Noble House and grounds and the adjoining nursery of Mrs. Sarah Byers on the south bank, which became known as Sam Houston Park (City of Houston Protected Landmark).

### **ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY**

The Henry Brashear building is one of Houston's best examples of a Victorian-era commercial building. It is a three-story masonry brick building containing about 2,500 square feet per floor. The east, west and south walls are brick construction supported by spread brick footings. The north elevation features an ornate sheet metal cornice and cast stone and stucco façade. It is very ornate in its facade decoration and is heavily plastered. A sheet metal entablature and cornice, accentuated by a central broken pediment and urn, reach above the roofline. The structure has a pitched roof over a portion of it which is hidden behind the ornate pediment. The third floor is heavily decorated over the entire surface with subtle pattern changes such as segmental-arch bays over windows with flattened arches. On the second floor are reticulated and smooth grids between three round-arch windows and fluted Corinthian pilasters upholding heavily molded voussiors and prominent keystones. The ground floor has three ornate archways supported by four cast iron columns with double doors tucked in a small covered area at each archway. Each floor has heart pine joists supporting the floor above. Located at the rear of the building is the original water closet tower, most likely the oldest and last remaining one of its kind in Houston.<sup>4</sup> The building is referred to by Stephen Fox as "a 'constructive' deconstruction of Renaissance classicism."<sup>5</sup>

The Brashear Building was fully restored in 1990 by owner, Kenny Meyer and tenant, Carter and Cooley Company Deli. The principals of the deli were Neil M. Sackheim and Randy Pace, who managed the entire restoration project. Architect, Guy Hagstette, completed the documentation required for the Federal Tax Credit Project.

The restoration project was also the recipient of a Community Development Block Grant from the City of Houston in 1990, since the use of the building as a restaurant created needed jobs in the Downtown Historic District. Minnette Boesel, who was the Main Street Market Square Historic District director for the National Trust Historic District Main Street program of the Texas Historical Commission, helped to facilitate the acquisition of the grant. The building had sat vacant for many years, and the roof had been leaking for many years as well. The interior, with its 14 foot ceilings, was fully restored for use as a restaurant and to meet fire and safety codes accordingly. The original wood floors were restored as well. The interior staircase had been removed, which was reconstructed using an 1882 Victorian-era newel post and wood railing that had been salvaged from a demolished historic house in Galveston. The first floor exterior façade had been drastically altered when the transoms and storefront had been removed. The façade had been clad with black carrara glass, and a metal fire escape was applied to the upper two floors. The storefront was restored including the three arched openings. Walls were reconstructed with plywood/wood framing and clad with metal lath to which stucco was applied to match the existing

<sup>3</sup> Handbook of Texas Online, *William C. Brashear*, <http://www.tshaonline.org/handbook/online/articles/BB/fbr24.html>, accessed February 2, 2009.

<sup>4</sup> Downtown Historic District, *Report on Buildings within the Historic District*. 1996.

<sup>5</sup> Stephen Fox, *Houston Architectural Guide* (Houston: The American Institute of Architects/Houston Chapter and Herring Press, 1990), p.57.

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stucco on the building. Stucco hoods, keystones, and quoins were fabricated to match existing stucco on the building where damaged or missing. Three inoperable arched transom windows were installed, as were three sets of wood, storefront doors consisting of a wood panel below an elongated glass light. The sheet metal cornice was repaired to match the existing cornice.

The restoration project was the recipient of the Texas Downtown Association Award for Best Texas Store Interior in 1990 as well as a Good Brick Award from the Greater Houston Preservation Alliance in 1992.

An historic drawing of the building at 912 Prairie, the building to the east, was later discovered which showed the original canopy configuration for that building which has been subsequently restored in accordance with the archival documentation. The drawing also showed part of the building at 910 Prairie, which also showed its original canopy configuration. The drawing was published in Morrison's *Houston* in 1891. The original canopy of the building at 910 Prairie Avenue, which shaded the sidewalk, was supported by four, round metal posts spaced evenly across the facade. The canopy roof was not constructed for public access and was not skirted with any type of balustrade railing. The canopy was only constructed to shade the building entry. In 1997, a certificate of appropriateness application was submitted by Solero Restaurant, the tenant at the time, to install the canopy but with a metal stick railing. It was also proposed that the original second floor windows be removed and replaced with paired doors, hinged on each side, that would resemble the original windows. However, since it was inappropriate to remove the original windows and to construct a canopy with a railing, when none had existed before, the COA was denied by the Houston Archaeological and Historical Commission (HAHC). Furthermore, any COA denied by the HAHC would have prevented the tenant from obtaining an encroachment agreement over the public sidewalk from Finance and Administration Department, City of Houston.

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

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William Scott Field, *The Last of the Past: Houston Architecture 1847-1915*. Report prepared for The Greater Houston Preservation Alliance and The Harris County Heritage Society, 1981.

### APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION

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

**S**   **NA**

**S - satisfies**   **D - does not satisfy**   **NA - not applicable**

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

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

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**AND**

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

**OR**

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

**OR**

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

**OR**

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

## **STAFF RECOMMENDATION**

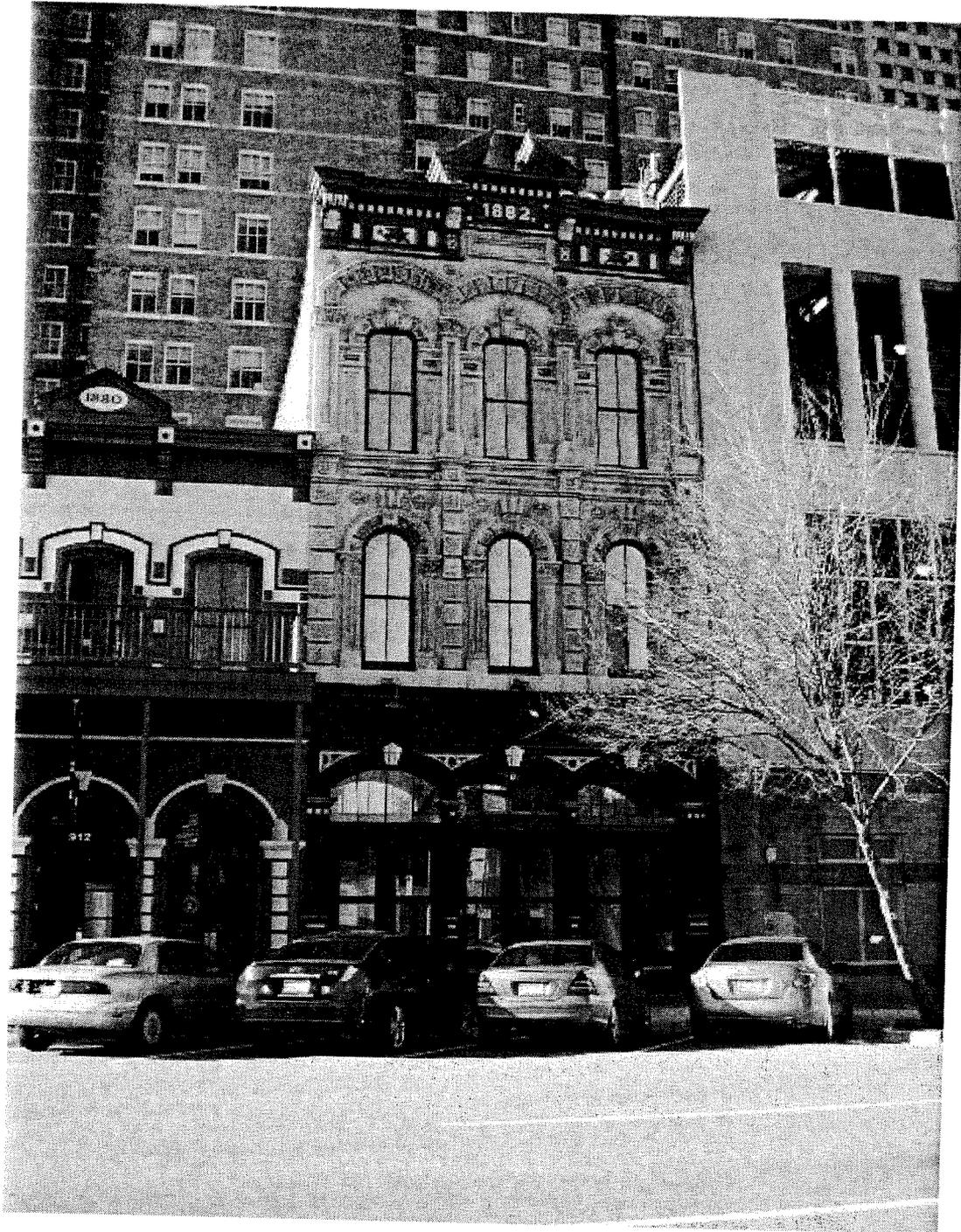
Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark and Protected Landmark Designation of the Henry Brashear Building at 910 Prairie Avenue.

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EXHIBIT A  
HENRY BRASHEAR BUILDING  
910 PRAIRIE AVENUE



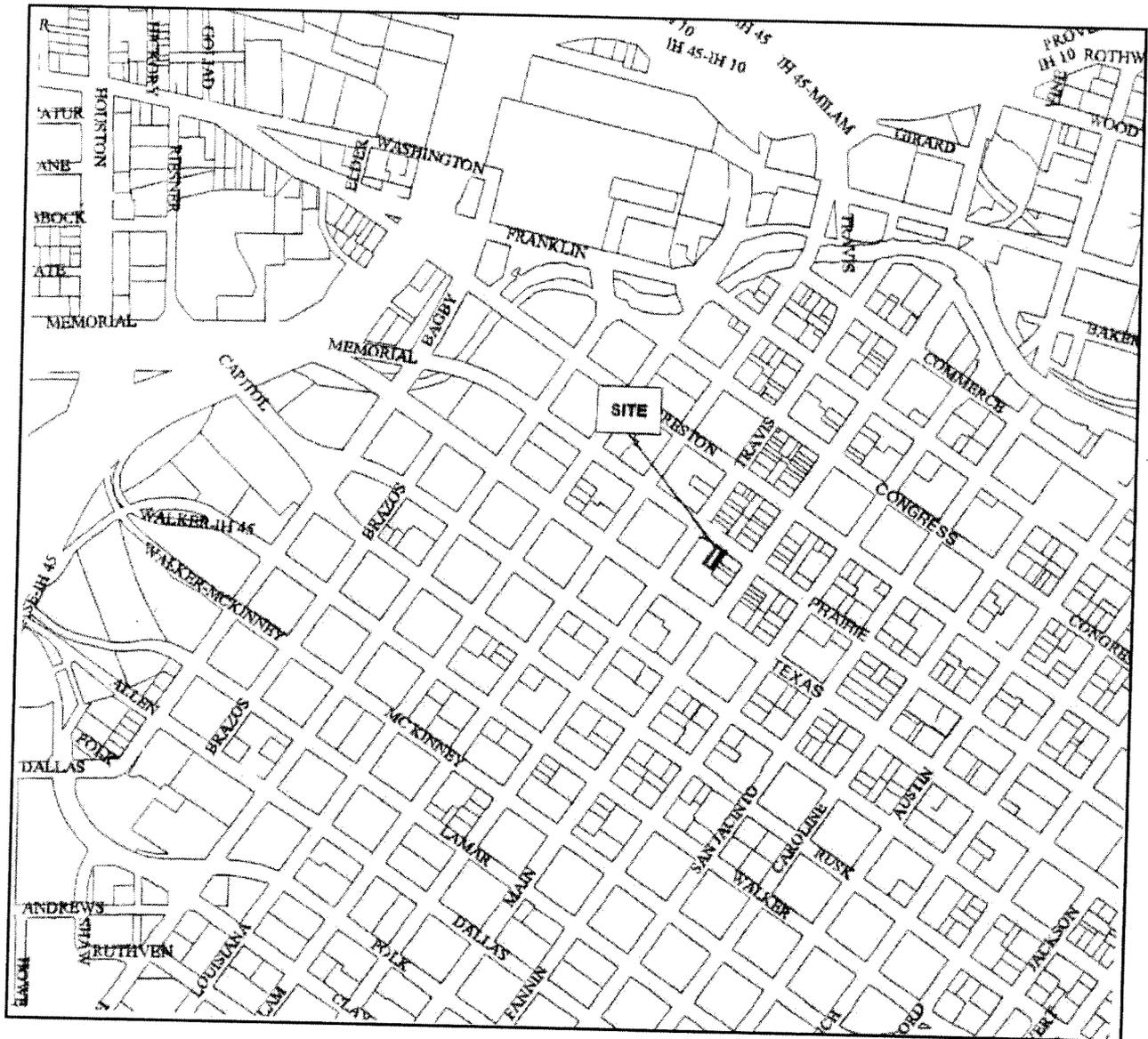
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## EXHIBIT B SITE LOCATION MAP

HENRY BRASHEAR BUILDING  
910 PRAIRIE AVENUE  
NOT TO SCALE



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

**SUBJECT:**

Approval of a resolution designating 2 Landmarks and Protected Landmarks in accordance with Chapter 33, Code of Ordinances

**Category #**

**Page**  
1 of 1

**Agenda Item #**  
24

**FROM (Department or other point of origin):**  
Planning and Development

**Origination Date**  
5/8/2009

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE:**

*Marene K. Spillane*

**Council District affected:**  
G, I

**For additional information contact:** Courtney Spillane  
**Phone:** (713) 837-7894

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

**RECOMMENDATION: (Summary)**

Approval of a resolution designating 2 Landmarks and Protected Landmarks

**Amount and Source of Funding:** N/A

**Finance Budget:**

**SPECIFIC EXPLANATION:**

A property owner may initiate an application for the designation of a Landmark and Protected Landmark, for which a 90-day waiver certificate may not be issued by the planning official. These applications for Landmark and Protected Landmark designation were initiated by the owners.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission and there were no objections to the designations. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark and Protected Landmark designations.

Photos of the proposed landmarks can be found by going to the following on the Planning Department's website:  
[http://www.houstontx.gov/planning/historic\\_pres/pending.htm](http://www.houstontx.gov/planning/historic_pres/pending.htm)

LANDMARK AND PROTECTED LANDMARK NAME/ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1 Cleveland Sewell House 3456 Inwood Drive	Owner	G	1-15-2009	1-22-2009
2 Henry Brashear Building 910 Prairie Avenue	Owner	I	2-12-2009	2-19-2009

cc: Minnette Boesel, Mayor's Assistant for Cultural Affairs  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department  
Harold L. Hurtt, Chief, Police Department  
Phil Boriskie, Chief, Fire Department

**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

<b>SUBJECT:</b> An Ordinance authorizing the issuance of the City of Houston Airport System Senior Lien Revenue and Refunding Bonds Series 2009A for the purpose of refunding certain Airport System Commercial Paper Notes, and for funding certain other projects and purposes; authorizing the distribution of the Preliminary Official Statement and proceeding with a negotiated sale of such bonds.	<b>Category #</b>	<b>Page</b> 1 of <u>2</u>	<b>Agenda Item #</b>  25
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<b>FROM (Department or other point of origin):</b> Finance Department and Office of City Controller	<b>Origination Date:</b> June 24, 2009	<b>Agenda Date</b>  JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District Affected:</b> All
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<b>For additional information contact:</b> Charles Leal 713 - 837-9892 Jim Moncur 713 - 247-2950	<b>Date and identification of prior authorizing Council action:</b> ORD No. 2008-969
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**RECOMMENDATION:** An Ordinance authorizing the issuance of the City of Houston Airport System Senior Lien Revenue and Refunding Bonds Series 2009A for the purpose of refunding certain Airport System Commercial Paper Notes, and for funding certain other projects and purposes; authorizing the distribution of the Preliminary Official Statement and proceeding with a negotiated sale of such bonds.

<b>Amount of Funding:</b> Not Applicable	<b>Finance Dept Budget:</b>
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**Source of Funding:**       General Fund                       Grant Fund                       Enterprise Fund

Other (Specify

**SPECIFIC EXPLANATION:**

On March 6, 2007, Council approved the parameter sale of up to \$450 million for the Houston Airport System. This was comprised of the Subordinate Lien Revenue and Refunding Bonds Series 2007A (the "Series 2007A Bonds") and the Airport System Subordinate Lien Revenue and Refunding Bonds Series 2007B (the "Series 2007B Bonds"). Two series of bonds were required to differentiate bonds subject to alternative minimum tax (the "AMT") Bonds from other bonds. On July 25, 2007 the Series 2007B (Non-AMT) Bonds in the amount of \$299 million were successfully priced, and the bond sale closed on September 12, 2007. On August 14, 2007 the Series 2007A (AMT) Bonds went to market, but the transaction was postponed by the City due to volatile and unfavorable credit markets.

On October 23, 2007, Council again approved the completion of the sale of the 2007A Bonds, and approved the additional refunding of the Series 1997A Bonds that were not part of the original plan. The intent was to market the bonds in December 2007. Again, market conditions deteriorated in the lead up to the pricing and the deal was postponed.

Throughout 2008, preparations continued to price the Series 2007A Bonds, however, the credit markets for AMT bonds never improved sufficiently to complete the sale. The Finance Working Group (the "FWG") recommends this renewed attempt to sell the Series 2007A Bonds, now referred to as the Series 2009A, and designated as senior lien bonds, because the Airport System is near capacity in terms of appropriation and spending of its commercial paper program. The projects being financed with these bonds include improvements to the automated people mover at Bush Intercontinental Airport and to the terminal at Hobby Airport, among other things.

**REQUIRED AUTHORIZATION**

<b>Finance Department Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
-------------------------------------	-----------------------------	-----------------------------

<b>Date:</b> June 24, 2009	<b>Subject:</b> An Ordinance authorizing the issuance of the City of Houston Airport System Senior Lien Revenue and Refunding Bonds Series 2009A for the purpose of refunding certain Airport System Commercial Paper Notes, bonds and for certain other purposes; authorizing the distribution of the Preliminary Official Statement and proceeding with a negotiated sale of such bonds.	<b>Originator's Initials</b> <i>Revised</i> <i>25</i> <i>6/24/09</i>	<b>Page</b> 2 of 2
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Additionally, the American Recovery and Reinvestment Act of 2009, passed earlier this year, includes an "AMT Holiday". The AMT Holiday allows the Series 2009A Bonds to avoid being subject to AMT, which provides greater market access and more favorable borrowing rates.

The Series 2009A bonds would refund up to \$90 million of outstanding commercial paper and provide a construction fund for capital projects up to \$280 million. Other bond proceeds would be used for capitalized interest, the debt service reserve fund, and other costs of issuance. Of the \$280 million requested for the establishment of a construction fund, approximately \$221 million is for projects that have been appropriated, and are underway. The remainder is for unappropriated projects that were approved by Council on May 27, 2009 as part of the HAS 2010-2014 CIP.

The following is a summary of expected uses, as currently estimated:

<b>Series 2009A</b>	
	<b>Up To Amounts</b>
Construction Fund Deposit	\$280,000
Commercial Paper Refunding	\$90,000
Debt Service Reserve Fund	\$40,000
Capitalized Interest	\$40,000
<b>TOTAL</b>	<b>\$450,000</b>
<i>Amounts reflect thousands of US Dollars.</i>	

The Finance Working Group recommends the bonds be sold by negotiation through a syndicate headed by JPMorgan as the Senior Book Running Manager; Citigroup Global Markets, Inc., Merrill Lynch, and Ramirez as Co-Senior Managers; and Jefferies & Co., Loop Capital, Stifel Nicolaus, Inc. and Southwest Securities as Co-Managers. Vinson & Elkins, L.L.P. and Bates & Coleman, P.C. is recommended as co-bond counsel. Fulbright & Jaworski LLP and Escamilla & Poneck, Inc. are recommended as special disclosure co-counsel. Winstead, PC and Andrews Kurth, LLP are recommended as underwriters counsel. The recommended co-financial advisors are First Southwest Company and Estrada Hinojosa.

This transaction was presented to the Budget and Fiscal Affairs Committee on June 1, 2009 and reported out favorably.

**Recommendation**

The Finance Working Group recommends that the City proceed with this transaction.

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

<b>SUBJECT:</b> Ordinance designating the 600 block of Euclid Avenue, north and south sides, between Reagan and Northwood Avenues as a Special Building Line Requirement Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> 26
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 05/14/2009	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 600 block of Euclid Avenue, north and south sides, between Reagan and Northwood Avenues as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 16'-0" special building line.

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 11 & Tract 12A, Block 27, of the Woodland Heights Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 86% of the area. Notification was mailed to thirteen (13) property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a 16'-0" Special Building Line for the area.

MLG:md

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

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

REQUIRED AUTHORIZATION		
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

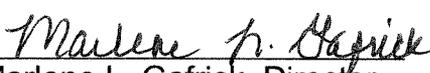
# Special Building Line Requirement Area No. 154

## Planning Director's Approval

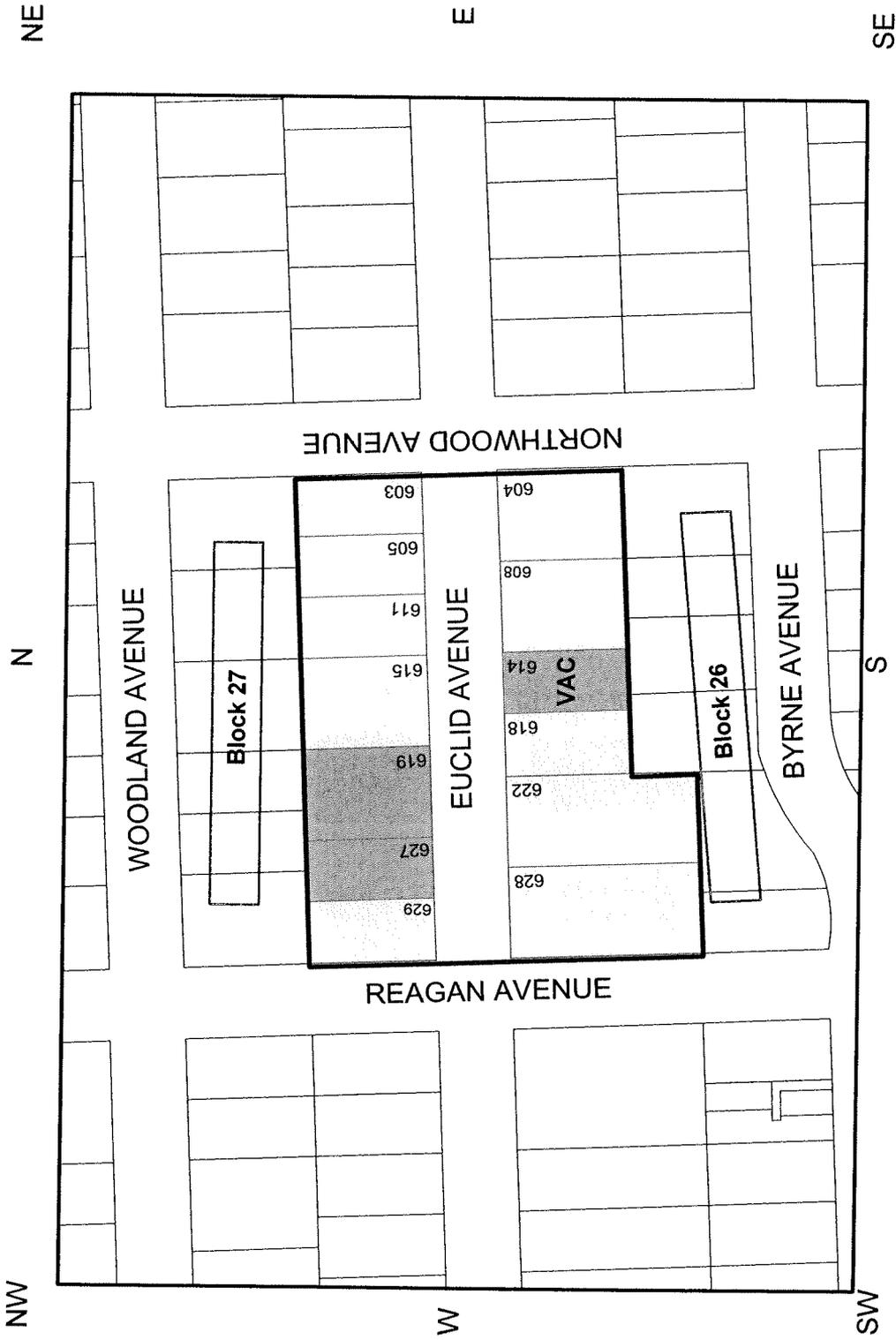
Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 600 block of Euclid Avenue, north and south sides.</b></p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>94% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 86% of the SBLRA.</b></p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p><b>A minimum building line of 16 ft exists on ten (10) properties in the blockface.</b></p>
X		<p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivision was platted in 1907. The houses mostly originate from the 1930's. The establishment of a 16 ft minimum building line will preserve the building line character of the area.</b></p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p>		
<p><b>Ten (10) out of thirteen (13) developed properties (representing 83% of the application area) have a building line of at least sixteen (16) feet.</b></p>		

**The Special Building Line Requirement Area meets the criteria.**


5/14/09  
 Marlene L. Gafrick, Director Date

WOODLAND HEIGHTS



16' Special Building Line  
MAP/SKETCH

SBLRA No. 154

-  Properties that meet the 16' Special Minimum Building Line
-  Properties less than the 16' Special Minimum Building Line
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded

**TO: Mayor via City Secretary**

**REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Ordinance approving and authorizing an agreement between the City of Houston and the Greater Houston Partnership.

**Category #**

**Page 1 of 1**

**AGENDA ITEM # 27**

**FROM (DEPARTMENT OR OTHER POINT OF ORIGIN):**

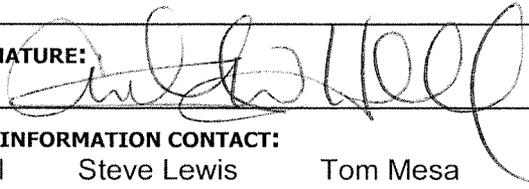
Mayor's Office

**ORIGINATION DATE**  
June 8, 2009

**AGENDA DATE**  
JUN 24 2009

**DIRECTOR'S SIGNATURE:**

Anthony Hall



**COUNCIL DISTRICT AFFECTED:**  
All

**FOR ADDITIONAL INFORMATION CONTACT:**

Saba Abashawl      Steve Lewis      Tom Mesa  
281/233-1829      713/853-8888      713/837-9857

**DATE AND IDENTIFICATION OF PRIOR AUTHORIZING COUNCIL ACTION:**

**RECOMMENDATION:** Approve an ordinance authorizing an agreement between the City of Houston and the Greater Houston Partnership.

**AMOUNT OF FUNDING:** \$885,000

**FINANCE BUDGET:**

**SOURCE OF FUNDING**      \$442,500      Houston Airport System (HAS) Revenue Fund (8001)  
   \$442,500      Civic Center Facility Revenue Fund (8601)

**SPECIFIC EXPLANATIONS:**

The Greater Houston Partnership (GHP) is supported by funding from the City of Houston, Harris County and many of the city's private corporations. GHP has worked since 1991 to promote Houston as the location of choice for conducting business, with a focus on increasing Houston's economic prosperity. GHP's Economic Development Division, that includes its World Trade group, works to solicit site consultants and corporations to look to Houston for both expansions and relocations, to increase investment efforts and job creation in Houston and to provide various professional services to further augment the City's economic development efforts. The collateral impact of these GHP activities, plus the direct effect of publicizing and promoting Houston in GHP publications, web sites and other communications media, will promote and encourage tourism for the Houston area and is expected to enhance the City's ability to market its convention facilities.

The Partnership will make its research capabilities available on a systematic basis to the Convention and Entertainment Facilities Department, Houston Airport System and the Greater Houston Convention and Visitors Bureau to facilitate the creation of professional, sophisticated marketing reports that include economic and demographic data, which will be used for air service development efforts and as sales and marketing tools to sell the benefits and capabilities of the City to various convention, corporate meeting and sports related groups that represent potential clients for the George R. Brown Convention Center.

GHP will actively participate and coordinate activities with the Houston Minority Business Council as part of a joint effort to promote minority businesses in the Houston area. This effort will continue to support the employment of minority firms that provide professional and other services. The Partnership efforts in this regard will include the deliverables agreed upon by the Partnership and the Houston Minority Business Council.

As part of the scope of services included in this contract, GHP will organize and conduct a comprehensive program designed to stimulate international infrastructure and trade development including; air route and air cargo development, commercial services support for international institutions in Houston, international business development, international publicity, promotional events supporting air carriers and travel, and outbound trade missions to regions determined by HAS.

Pursuant to the contract, GHP will continue to provide the City with quarterly reports and will have a contract goal for M/WBE at 15%. Approval of the contract is recommended.

The GHP agrees to comply with the City's "Pay or Play" program and does offer health insurance to its employees.

**REQUIRED AUTHORIZATION**

NDT

**FINANCE DEPARTMENT:**

**OTHER AUTHORIZATION:** *Em*

*Eric R. Potts*  
Eric R. Potts, Interim Director of Aviation

**OTHER AUTHORIZATION:**

*Dawn Ullrich*  
Dawn Ullrich, Director  
Convention & Entertainment Facilities Department

<b>SUBJECT:</b> Ordinance approving and authorizing an agreement between the City of Houston and the Houston Arts Alliance.		<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b> 28
<b>FROM (Department or other point of origin):</b> Convention & Entertainment Facilities Department		<b>Origination Date</b> June 8, 2009	<b>Agenda Date</b> JUN 24 2009	
<b>DIRECTOR'S SIGNATURE:</b> Dawn Ullrich 		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Dawn Ullrich      Stephen Lewis 713/853-8083      713/853-8888		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> Approve and authorize an agreement between the City of Houston and the Houston Arts Alliance.				
<b>Amount of Funding:</b> \$11,194,000 (estimate)		<b>Finance Budget:</b>		
<input checked="" type="checkbox"/> <b>Enterprise Fund</b> Civic Center Facility Revenue Fund (8601) -- \$11,194,000				
<b>SPECIFIC EXPLANATION:</b> Fiscal year 2010 marks the 32nd year of the public/private partnership of the City of Houston and the Houston Arts Alliance and its predecessor, the Cultural Arts Council of Houston / Harris County, in support of the arts in Houston. This long-standing collaboration has proved highly effective in developing the nonprofit arts community and providing vital services to citizens and visitors in Houston. In the 32 years of this partnership, Houston's nonprofit arts sector has grown significantly. Today, more than 150 nonprofit arts groups provide Houston's citizens and visitors with a vibrant and diverse array of arts and cultural programs. The many artistic offerings contribute significantly to the enjoyment, enrichment and entertainment of Houstonians and visitors who participate in the public programs offered by Houston's galleries, museums, concert halls, theaters, lecture halls, and festivals. The variety and diversity of the artistic offerings, supported by the City of Houston through the Houston Arts Alliance, has helped to secure Houston's position as a premier arts city in Texas and the United States.  The agreement specifies that the City make quarterly payments to HAA in an amount equal to 19.3% of the City's gross hotel occupancy tax ("HOT") receipts. Based on estimated HOT revenues of \$58,000,000, it is projected that HAA will receive \$11,194,000 in FY10.  The proposed level of funding will allow HAA to assist artists and organizations and continually strengthen Houston's cultural fabric. As with prior agreements, HAA is required to distribute City HOT funds in the following manner: 24% to the Theater District Improvement, Inc., 18% to the Houston Museum District, 16% to the Miller Theatre Advisory Board, and 2.5% to the City's Initiative Program. The remaining HOT funds are utilized by HAA for grants, programs, education, outreach, and operating costs.  To effectively serve its constituents, HAA will continue its work to publicize the programming of the arts community and enhance the technological capabilities of individual organizations. HAA's management assistance program, known as Management Assistance and Services, provides programs that improve the administrative and management capabilities of small and emerging organizations.  The Convention & Entertainment Facilities Department recommends approval of the FY10 agreement between the City of Houston and HAA.  The Houston Arts Alliance agrees to comply with the City's "Pay or Play" program and does offer health insurance to its employees. The revised MWBE goal established for this agreement is 6%, and HAA is expected to end the year at 5.37%.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

NDT

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

<b>SUBJECT:</b> Ordinance approving and authorizing a First Amendment to Joint Development Agreement between the City, Houston Downtown Park Corporation and Discovery Green Conservancy.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item#</b>  <b>29</b>
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<b>FROM: (Department or other point of origin):</b> Dawn Ullrich, Director Convention and Entertainment Facilities Department	<b>Origination Date</b>  June 2, 2009	<b>Agenda Date</b>  JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b>  <i>Dawn Ullrich</i>	<b>Council Districts affected:</b> District I
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<b>For additional information contact:</b> Stephen W. Lewis  <b>Phone:</b> 713-853-8888	<b>Date and identification of prior authorizing Council Action:</b> 2004-1240
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**RECOMMENDATION: (Summary)**  
That City Council approve and authorize a First Amendment to Joint Development Agreement between the City, Houston Downtown Park Corporation and Discovery Green Conservancy.

<b>Amount of Funding:</b> \$3,000,000 (\$300,000 per fiscal year for ten years) Civic Center Facility Revenue Fund (8601)	<b>Finance Budget:</b>
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**Enterprise Fund C&E:**

**SPECIFIC EXPLANATION:**  
One year after its opening in April 2008, Discovery Green Park (the "Park") has achieved a level of success that few could have predicted. As intended, the Park already has become a significant asset for the George R. Brown Convention Center, and it has created a far more appealing environment for both conventioners and patrons of the Hilton Americas Hotel. The Park has also become one of the City's most popular destinations for families and children from throughout the City who flock to the Park after school, during holidays and on weekends.

While the presence of thousands of families and children every week is certainly welcome, it has created some budgeting challenges for the Discovery Green Conservancy that is responsible for operating the Park. The intense and almost non-stop usage causes more wear and tear on both hardscapes and lawns, and security must be increased to provide adequate levels of security at the Park in light of the number of users. The Conservancy budgeted significant amounts of funding for maintenance and security, but the type and intensity of use threaten to outstrip its ability to fund these efforts at the level necessary to maintain success. In FY2010, the Conservancy projects that the cost of basic maintenance and security will double the current annual allocation of \$750,000 provided by the City for these purposes. Current economic conditions amplify the challenge by reducing revenues used to supplement City funding from many of the Conservancy's other funding sources as well.

In order to maintain the Park as a success, the parties propose a First Amendment to the Joint Development Agreement between the City, Houston Downtown Park Corporation and Discovery Green Conservancy providing for an increase, for a limited time, in the funds paid by the City to the Corporation for maintenance and security at the Park. In consideration for the increase in funds, the number of days per year when the Convention & Entertainment Facilities Department shall have the right to use the Discovery Green Park without payment of User Fees will also be increased from twelve (12) to seventeen (17) for the same period as the increased funds. Under the First Amendment, the City is agreeing to pay an additional \$25,000 per month (\$300,000 per year) to the Corporation for Baseline Operating Expenses with the first payment being due on July 1, 2009 and the final payment being due on June 1, 2019. The activities booked by the City in the Discovery Green Park will be primarily in connection with either convention business booked at the George R. Brown Convention Center or with generating hotel room revenues.

Continued programming and high levels of maintenance and security is of direct benefit to the George R. Brown Convention Center and the Hilton Americas Hotel. Therefore, the Convention & Entertainment Facilities Department recommends approval of the First Amendment.

**REQUIRED AUTHORIZATION**

<b>Finance Department</b>	<b>Other Authorization</b>	<b>Other Authorization</b>	<b>NOT</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance appropriating \$6,955,959.48 in tax increment revenue payments made by Humble ISD and Spring ISD and authorizing the transfer of tax increment revenues from the various Tax Increment Funds pursuant to Tri-Party & Interlocal Agreements.	<b>Category #</b> # 1	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  30
<b>FROM: (Department or other point of origin):</b> Department of Finance	<b>Origination Date</b> June 19, 2009		<b>Agenda Date</b> JUN 24 2009
<b>DIRECTOR'S SIGNATURE:</b>  MS <i>Michelle Mitchell</i>	<b>Council Districts affected:</b> "Districts B and E"		
<b>For additional information contact:</b> Tom Mesa Phone: 7-9857 Randell Naquin Phone: 7-7828	<b>Date and identification of prior authorizing Council Action:</b>		
<b>RECOMMENDATION: (Summary)</b> That City Council approve an ordinance appropriating \$6,955,959.48 in tax increment revenue payment made by Humble ISD and Spring ISD authorizing the transfer of tax increment revenues from the Tax Increment Reinvestment Zones Number Ten (Lake Houston Zone) and Eleven (Greater Greenspoint Zone) Tax Increment Funds pursuant to Tri-Party & Interlocal Agreements.			
<b>Amount of Funding:</b> \$6,955,959.48		FIN Budget	
<b>Source of Funding:</b> ) [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [X] Other (Specify) TIRZ Fund Number 7558 for \$6,482,746.18 and TIRZ Fund Number 7559 for \$473,213.30			
<b>Specific Explanation:</b>  The appropriation of \$6,482,746.18 results from the tax increment payments received from Humble Independent School Districts for Tax Increment Reinvestment Zone Number Ten (Lake Houston Zone) in which the jurisdiction participates. <ul style="list-style-type: none"> <li>As set forth in the attached spreadsheet, \$25,000.00 will be transferred to the General Fund for TIRZ Administrative costs; \$5,521,110.67 will be paid to Humble ISD for Educational Facilities Project Costs; and \$936,635.51 for payment of project costs pursuant to Chapter 311 of the Texas Tax Code.</li> </ul> The appropriation of \$473,213.30 results from the tax increment payments received from Spring Independent School District for Tax Increment Reinvestment Zone Number Eleven (Greater Greenspoint Zone) in which the jurisdiction participates. <ul style="list-style-type: none"> <li>As set forth in the attached spreadsheet, \$25,000.00 will be transferred to the General Fund for TIRZ Administrative costs; \$448,213.30 will be paid to Greater Greenspoint Redevelopment Authority.</li> </ul> cc: Marty Stein, Agenda Director Anna Russell, City Secretary Arturo Michel, City Attorney Deborah McAbee, Senior Assistant City Attorney			
<b>REQUIRED AUTHORIZATION</b>			
<b>FIN Director:</b>	<b>Other Authorization:</b> <i>Tom Mesa</i>	<b>Other Authorization:</b>	

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**SUBJECT:** Approve the Fiscal Year 2009 Operating Budget for Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone).

**Category #**

**Page**  
1 of 1

**RCA #**

**Agenda Item#**

31

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

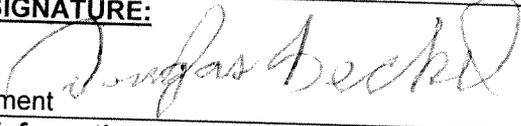
Michelle Mitchell, Director  
Finance Department

**Origination Date**  
June 1, 2009

**Agenda Date**

**JUN 24 2009**

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**  
H

Finance Department

**For additional information contact:**

Tom C. Mesa, Jr.                      **Phone:** (713)837-9857  
Julia Gee                                **Phone:** (713)837-7828

**Date and identification of prior authorizing Council Action:**  
Ord. 2009-0432, 5/27/09; Ord. 2009-0514, 6/10/09

**RECOMMENDATION: (Summary)**

City Council approve an ordinance to approve the Fiscal Year 2009 Operating Budget for Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone).

**Amount of Funding:** No Funding Required

**Finance Budget:**

**SOURCE OF FUNDING:**

General Fund     Grant Fund     Enterprise Fund  
 Other (Specify)

**SPECIFIC EXPLANATION:**

The administration has undertaken a comprehensive review of proposed FY 2009 TIRZ budgets. The Finance Department recommends approval of the Fiscal Year 2009 operating budget for Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone).

- Total operating budget for FY2009 is \$242,995, which includes \$242,995 for required fund transfers and \$0 for project costs.
- The project expenses include \$0 for administration and overhead. The Zone has City staff to manage redevelopment activities of the TIRZ. The Zone must advise the Director of any budget amendments. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.
- This is the first operating budget to be considered by City Council for this Zone.

Hardy/Near Northside Zone was created by City initiative and therefore does not include a provision for affordable housing. However, the purpose of the Zone as stated in the Project Plan includes affordable housing development. Council approved the Zone's affordable housing agreement on May 27, 2009. As set forth in Ordinance 2009-0432 and Ordinance 2009-0514, \$230,477.00 will be transferred from TIRZ #21-Hardy Place Fund (7569) to the TIRZ Affordable Housing Fund (2409) as related to TIRZ revenue for Tax Years 2004-2008.

**Attachments:** TIRZ Profile and FY09 Operating Budget

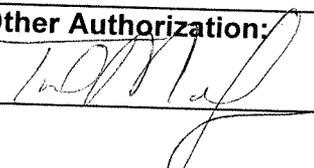
**cc:** Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo Michel, City Attorney  
Deborah McAbee, Senior Assistant City Attorney

**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**



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

Fund Summary  
 Fund Name: **Hardy/Near Northside**  
 TIRZ: **21**  
 Fund Number: **7569 / 64**

<b>P R O J E C T  I N F O R M A T I O N</b>	<b>Base Year:</b>		2003
	<b>Base Year Taxable Value:</b>	\$	40,313,080
	<b>Projected Taxable Value (TY2008):</b>	\$	86,190,810
	<b>Current Taxable Value (TY2007):</b>		
	<b>Acres:</b>		326.1
	<b>Administrator (Contact):</b>		City of Houston
<b>Contact Number:</b>		713.837.7828	

<b>N A R R A T I V E</b>	<b>Zone Purpose:</b>
	To provide affordable housing and mobility improvements in the Near Northside.
<b>Accomplishments in FY08 (Projects Underway):</b>	
This is the first budget for the Hardy/Near Northside TIRZ.	

<b>P R O J E C T  P L A N</b>		Cumulative Expenses		Variance
		Total Plan	(to FY08)	
	<b>Capital Projects:</b>			
	Affordable Housing	\$ 5,000,000		
	Mobility Improvements	16,000,000		
	<b>Total Capital Projects</b>	\$ 21,000,000	\$ -	\$ -
	Affordable Housing	-		-
	Education Facilities	-		-
	Financing Costs	1,700,000		-
	Creation/Administration Costs	2,200,000		-
	<b>Total Project Plan</b>	\$ 24,900,000	\$ -	\$ -

<b>D E B T</b>	Additional Financial Data		
	FY2008 Actual	2008 Projection	FY2009 Budget
	<b>Debt Service</b>		
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	<b>Balance as of 6/30/07</b>		
		<b>Balance as of 6/30/08</b>	<b>Balance as of 6/30/09</b>
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -

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

Fund Summary  
 Fund Name: Hardy/Near Northside  
 TIRZ: 21  
 Fund Number: 7569 / 64

TIRZ Budget Line Items	FY2008 Actual	2008 Projection	FY2009 Budget
<b>Available Resources</b>			
<b>Beginning Fund Balance</b>			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
<b>Total Beginning Fund Balance</b>	\$ -	\$ -	\$ 446,385
<b>TIRZ Revenue</b>			
City	\$ -	\$ -	\$ -
ISD	\$ -	\$ -	\$ 250,955
County	\$ -	\$ -	\$ -
Community College	\$ -	\$ -	\$ -
<b>Total Revenues</b>	\$ -	\$ -	\$ 250,955
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
<b>Total Available Resources</b>	\$ -	\$ -	\$ 712,588
<b>Fund Transfers</b>			
Affordable Housing			
City of Houston	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ 230,447
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ -	\$ -	\$ -
Municipal Services	\$ -	\$ -	\$ -
Adminstration Fee to General Fund	\$ -	\$ -	\$ -
COH Admin Fee (5%)	\$ -	\$ -	\$ -
Harris County Admin	\$ -	\$ -	\$ 12,548
ISD Admin	\$ -	\$ -	\$ -
<b>Total Fund Transfers</b>	\$ -	\$ -	\$ -
<b>Funds Available for Projects</b>	\$ -	\$ -	\$ 242,995
<b>Project Costs</b>			
Adminstrative Staff	\$ -	\$ -	\$ -
Adminstrative Consultant	\$ -	\$ -	\$ -
Legal	\$ -	\$ -	\$ -
Accounting/ Audit	\$ -	\$ -	\$ -
Program / Project Consulting	\$ -	\$ -	\$ -
Adminstrative Operating Expense	\$ -	\$ -	\$ -
Capital Expenditures	\$ -	\$ -	\$ -
Developer/ Project reimbursements	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Principal	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -
Other debt items	\$ -	\$ -	\$ -
<b>Total Project Costs</b>	\$ -	\$ -	\$ -
<b>Total Budget</b>	\$ -	\$ -	\$ 242,995
<b>Resources Less Transfer and Expenses</b>	\$ -	\$ -	\$ 469,593
<b>Planned Ending Fund Balance:</b>			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
<b>Unrestricted Fund Balance</b>	\$ -	\$ -	\$ 469,593

**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Ordinance approving contract with Mercer (USA) Inc. for professional human resources consulting services	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 32
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<b>FROM (Department or other point of origin):</b> Finance Department	<b>Origination Date:</b> June 9, 2009	<b>Agenda Date:</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> Michelle Mitchell, Director <i>Michelle Mitchell</i>	<b>Council District affected:</b> All
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<b>For additional information contact:</b>  Michelle Mitchell – 713-221-0935	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:**  
Adopt ordinance approving a contract with Mercer (USA) Inc. for professional consulting services

<b>Amount and source of funding:</b> Maximum contract amount: \$125,000 General Fund (1000)	<b>Finance Dept.</b>
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**EXPLANATION:**

The Finance Department requests Council approval of a professional consulting contract with Mercer (USA) Inc. to perform analysis relating to employee compensation, including salary, wages and benefits. Mercer would be assigned specific tasks on an as-needed basis to assist in the process of developing five-year budget estimates for City departments. This work will consist of researching publicly available sources of compensation practices information for 5 Texas cities (Dallas, Ft. Worth, Austin, San Antonio, El Paso, including Houston); compile and analyze data, summarize findings in a written report and meet with the Finance Director to present findings.

Mercer has already performed certain services for the City. Payment by the City for these services, as well as a limitation of Mercer's liability, are a necessary condition to induce Mercer to enter into this Contract. Mercer has proven to be a valuable resource.

**REQUIRED AUTHORIZATION**

<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>SUBJECT:</b> An ordinance approving a service agreement with Aspyra, Inc. for Cyberlab LIS (Laboratory Information System) IT test process system at the Houston Department of Health and Human Services (HDHHS) laboratory	<b>Category #9</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 33
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<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services	<b>Origination Date</b> 6/17/09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Celina Gung Rudge for suw</i>	<b>Council District affected:</b> ALL
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<b>For additional information/contact:</b> Kathy Balton Telephone: 713-794-9998 ; 713-826-5801	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
An ordinance approving a service agreement with Aspyra, Inc. for the Cyberlab LIS (Cyberlab) IT test process system at HDHHS laboratory

<b>Amount of Funding:</b> Maximum Contract Amount: \$308,539.00 Initial Allocation: \$69,244.00 Fund: 2008 (Special Funds – Lab Fees)	<b>Finance Department:</b>
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**SOURCE OF FUNDING:** [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [X] Other – Special Funds

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests a City Council ordinance to approve a service agreement with Aspyra, Inc. for the Cyberlab IT test process system at HDHHS laboratory. The agreement is for five years and is effective July 1, 2009 through June 30, 2014.

Cyberlab is the system that tracks the HDHHS laboratory testing. This agreement provides that Aspyra will perform the following services: 1) all repairs necessary to keep the equipment in good operating condition in accordance with the applicable functional specifications; 2) repair or replace specified parts; and 3) improve, modify, enhance, and maintain the software.

The HDHHS laboratory performs approximately 264 different types of tests for hospitals, clinics, other governmental entities, and HDHHS public health surveillance programs. It is one of 11 Laboratory Response Network (LNR) labs in Texas with biosafety level (BSL) 3 capabilities. It provides expertise in areas such as testing for bioterrorism agents, testing samples for influenza, rabies, West Nile and other viruses. Texas Medical Center hospitals use the HDHHS lab for advanced viral and bacterial identification. Therefore, the routine maintenance modification, and enhancement of the Cyberlab system is imperative.

cc: Legal Department  
Finance Department  
Agenda Director

**REQUIRED AUTHORIZATION**

<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance to accept and disburse Department of State Health Services, DSHS No. 2009-31091-001 Community Preparedness Section/Bioterrorism Discretionary Funds Projects Phase I contract funds.	<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 34
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<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services	<b>Origination Date</b> 06/05/09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Stephan Williams</i>	<b>Council District affected:</b> ALL
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<b>For additional information contact:</b> Kathy Barton Telephone: 713-794-9998 ; 713-826-5801	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance to accept and disburse Department of State Health Services, DSHS No. 2009-31091-001 Community Preparedness Section/Bioterrorism Discretionary Funds Projects Phase I contract funds.

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<b>Amount of Funding:</b> \$431,688.00 Fund 5030 Federal State Local – Pass Through Fund	<b>Finance Department:</b>
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**SOURCE OF FUNDING:** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify )

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests City Council's approval to accept and disburse via contract discretionary funds awarded by the Department of State Health Services (DSHS) to:

- purchase, install and configure an automated extraction instrument;
- purchase and install a laboratory specific freezer;
- purchase, install and configure an upgrade for the RODS Oracle database;
- purchase, install and configure two (2) servers for the Oracle upgrade;
- conduct and publish pre-program surveys to determine levels of preparedness and resiliency in the focus community;
- conduct a four part emergency preparedness educational program (includes home DVD, family preparedness workbook, and a family emergency plan pocket reminder); and
- conduct and publish a post-program survey to determine if the program influenced families to take one or more specific steps to prepare themselves for the next disaster.

The total project period is from June 1, 2009 through November 30, 2009.

Funding from DSHS allows HDHHS to implement projects in support of the Centers for Disease Control and Prevention (CDC) Public Health Emergency Preparedness (PHEP) that will resolve identified gaps in or enhance local preparedness. The projects are designed to upgrade and integrate state and local public health jurisdictions' preparedness for and response to bioterrorism, outbreaks of infectious disease, and other public health threats and emergencies. HDHHS will increase lab capacity to address an identified preparedness gap in the City of Houston Bureau of Laboratory Services which is a CDC Lab Resource Network (LRN) laboratory; Upgrade the Real-time Outbreak Disease Surveillance System (RODS); Address an identified PHEP gap by providing emergency/disaster preparedness training to vulnerable populations, and build a network of community partners which will include, but not be limited to, faith-based organizations in the Contractor's service area.

cc: Finance Department  
Legal Department  
Agenda Director

**REQUIRED AUTHORIZATION**

<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance to accept and disburse Department of State Health Services, DSHS No. 2009-031305-001 Community Preparedness Section/Bioterrorism Discretionary Funds Projects Phase II contract funds.	<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 35
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<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services	<b>Origination Date</b> 06/05/09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> ALL
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<b>For additional information contact:</b> Kathy Barton Telephone: 713-794-9998 ; 713-826-5801	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance to accept and disburse Department of State Health Services, DSHS No. 2009-31305-001-II Community Preparedness Section/Bioterrorism Discretionary Funds Projects Phase II contract funds.

<b>Amount of Funding:</b> \$630,892.00: Fund 5030 Federal State Local – Pass Through Fund	<b>Finance Department:</b>
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**SOURCE OF FUNDING:** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify)

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests City Council's approval to accept and disburse discretionary funds awarded by the Department of State Health Services (DSHS) to:

- remedy software barriers preventing the electronic exchange of laboratory reports from the Houston Electronic Disease Surveillance System (HEDSS);
- develop a regional disaster plan regarding behavioral health services;
- provide volunteer training on mass prophylaxis in emergency incidents;
- expand upon a prior assessment regarding the extent to which specific preparedness messages reach households in vulnerable population areas;
- create a secure, encrypted connection to the Department of State Health Services (DSHS) for the electronic transmission to volunteer records; and
- assess the preparedness understanding and levels of linguistically isolated groups in the greater Houston area

The total project period is from June 1, 2009 through November 30, 2009.

Funding from DSHS allows HDHHS to implement projects in support of the Centers for Disease Control and Prevention (CDC) Public Health Emergency Preparedness (PHEP) that will resolve identified gaps in or enhance local preparedness. These projects are designed to upgrade and integrate state and local public health jurisdictions' preparedness for and response to bioterrorism, outbreaks of infectious disease, and other public health threats and emergencies.

cc: Finance Department  
Legal Department  
Agenda Director

REQUIRED AUTHORIZATION		
<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>SUBJECT: An ordinance approving and authorizing a grant application for the City's morbidity and risk behavior surveillance</b>		<b>Category # 9</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 36
<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services		<b>Origination Date</b> 06/11/09	<b>Agenda Date</b> JUN 24 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>Olivia Ganga Ridge for SW</i>		<b>Council District affected:</b> ALL		
<b>For additional information contact: Kathy Barton</b> Telephone: 713-794-9998 ; 713-826-5801		<b>Date and identification of prior authorizing Council action:</b> 06-22-05;05-803		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance approving and authorizing a grant application for the City's morbidity and risk behavior surveillance				
<b>Amount of Funding:</b> Total Grant Funding Amount: \$658,975.00 Fund 128- Federal CDC		<b>Finance Department:</b>		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other ( Specify)				
<b>SPECIFIC EXPLANATION:</b> <p>The Houston Department of Health and Human Services (HDHHS) requests City Council approval and authorization of a grant application to the Centers for Disease Control and Prevention (CDC) for the City's morbidity and risk behavior surveillance. This is a five year project. The total project period is from June 1, 2009 through May 31, 2014 for a total funding project of \$658,975.00.</p> <p>HDHHS also requests City Council authorization for the Director of HDHHS to accept and expend approved funding as soon as awarded; and 2) accept supplemental awards offered by CDC during the project period.</p> <p>Funding from this grant will allow HDHHS to use a population-based sampling method along with patient interviews to provide supplemental clinical and surveillance information to measure disease status, medical care and behaviors of people with HIV disease living in the Houston/Harris County area. As of December 31, 2008 the number of reported AIDS cases was 25,548. The number of reported HIV infections (not AIDS) was 8,200 and 18,377 persons were living with HIV or AIDS in the Houston/Harris County area.</p> <p>cc: Finance Department Legal Department Agenda Director</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance authorizing the First Amendment to the contract with Harris County for the provision of Community Case Management targeted to Not-In-Care and newly diagnosed People Living with HIV/AIDS (PLWHA) in the Houston EMA under the Ryan White HIV/AIDS Treatment Modernization Act of 2006	<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 37
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<b>FROM (Department or other point of origin):</b> Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	<b>Origination Date</b> 06/05/09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> ALL
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<b>For additional information contact:</b> Kathy Barton Telephone: 713-794-9998 ; 713-826-5801	<b>Date and identification of prior authorizing Council action:</b> 04-07-09;09-0291
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance authorizing the First Amendment to the contract with Harris County for the provision of Community Case Management targeted to Not-In-Care and newly diagnosed People Living with HIV/AIDS in the Houston EMA under the Ryan White HIV/AIDS Treatment Modernization Act of 2006

<b>Amount of Funding:</b> New Grant Funding Amount: \$225,000.00 Total Funding Increase: \$139,500.00 Fund: 5030 Federal State Local – Pass Through	<b>Finance Department:</b>
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**SOURCE OF FUNDING:** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify)

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing the First Amendment to the agreement for the provision of community case management and linkage services targeting newly diagnosed people living with HIV/AIDS and those who are considered "Not-In-Care" under the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (formerly the Ryan White Comprehensive AIDS Resource Emergency Act of 1990). The contract became effective April 14, 2009 and will end on February 28, 2010 unless terminated under any provision thereof.

A Harris County Interlocal Agreement regarding Ryan White Part A (formerly Title 1) was first established in April of 2001 to fill a gap in linkage services determined to exist between clients receiving notification of their HIV status through post-test counseling and the clients receiving HIV services, more importantly, primary care and case management. The main objectives are 1) by 2/28/2010 to provide at least 400 unduplicated, eligible HIV-infected clients with greater access into the HIV/AIDS continuum of care by means of a Community Case Management targeted to Not-In-Care and newly diagnosed PLWHA program (does not include Youth); 2) by 2/28/2010 to provide at least 80 unduplicated, eligible HIV-infected youth with greater access into the HIV/AIDS continuum of care by means of a Community Case Management targeted to Not-In-Care and newly diagnosed PLWHA program

The original grant amount is being amended to increase the funds allocated to the City of Houston Department of Health and Human Services by the amount of \$139,500.00 to provide services. The original initial allocation was \$85,500.00.

cc: Finance Department  
Legal Department  
Agenda Director

REQUIRED AUTHORIZATION		
<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

<b>SUBJECT:</b> An Ordinance authorizing a Compromise & Settlement Agreement ("CSA") with Dufry America, Inc., et. al. to settle a lawsuit.	<b>Category #</b> 6	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 38
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<b>FROM (Department or other point of origin):</b> Legal Department	<b>Origination Date</b> 06/18/09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> Arturo Michel, City Attorney	<b>Council District affected:</b> B
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<b>For additional information contact:</b> John M. Helms Phone: (832) 393-6485	<b>Date and identification of prior authorizing Council action:</b> 95-493; 01-0387
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**RECOMMENDATION: (Summary)** Approve an Ordinance authorizing the attached Compromise & Settlement Agreement with Dufry America, Inc., Dufry Houston Duty Free and Retail Partnership, Dufry Houston, Inc., Global Impex Houston, Inc., Branch/McGowen Ventures, Nexus Power Company, Inc., Ernest B. McGowen, Sr., Branch/McGowen Ventures, LLP, and Theldon R. Branch, III, (collectively the "Dufry Group") to settle a lawsuit.

<b>AMOUNT OF FUNDING:</b> None	<b>Finance Budget:</b>
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**SOURCE OF FUNDING:**     General Fund                     Grant Fund                     Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION: FOR SETTLEMENT PURPOSES ONLY**

Effective June 9, 1995 the City entered into a concession agreement ("Agreement") with Weitnauer America, Inc. for a duty free concession operation at IAH. The Agreement was immediately assigned to various entities with the City's consent.

After the tragedy of September 11, 2001, the Dufry Group began a series of negotiations with the Houston Airport System ("HAS") to reduce the concession fees paid under the Agreement because of the drop in international passenger traffic. In connection therewith, the Defendants began to pay approximately one-half (1/2) of the concession fees due under the Agreement. During a low spot in the negotiation process, the City drafted on a Letter of Credit ("LOC") for \$1.034M.

Ultimately, the Defendants and HAS could not agree on an amendment of the Agreement regarding a permanent reduction in the concession fees and the Defendants vacated the relevant premises on March 31, 2005. The City, through an RFP process, awarded the duty free concession to the Nuance Group. The City in August, 2007 sued the Defendants for \$2.75M in past due concession fees, plus interest and attorneys' fees.

In the Lawsuit, The Defendants have alleged a new agreement with the City to accept the reduced payments and have filed a counterclaim seeking damages of approximately \$1.034M+ related to the City's drafting on the LOC (allegedly in breach of the new agreement). The Defendants have also asserted defenses of waiver, laches, and promissory estoppel.

A mediation was held January 23, 2009 before Gary McGowan, an experienced mediator. The Director of HAS and several other knowledgeable HAS personnel attended. After a full discussion of the case, the Dufry Group offered to settle the lawsuit for \$900,000.00 cash paid to the City and a dismissal with prejudice of all claims of all parties in the Lawsuit.

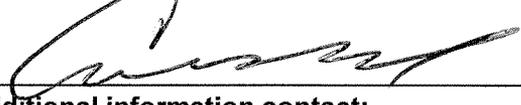
After thorough consideration, the Houston Airport System ("HAS") recommends that Council accept the settlement offer and approve an Ordinance authorizing the execution of the attached CSA (and related lawsuit pleadings) to settle the Lawsuit.

The Legal Department agrees with the recommendation of HAS and has prepared the settlement documents.

REQUIRED AUTHORIZATION		
<b>Finance Director:</b>	<b>Other Authorization:</b> <i>in rule</i> Eric R. Nott Interim Director, Houston Airport System	<b>Other Authorization:</b>

<b>SUBJECT:</b> Settlement of Lawsuit styled C.A. NO. H-07-04329; Osama Ibrahim vs. City of Houston, Texas; and Stephen Williams, Director of the City of Houston Department of Health and Human Services in his Individual Capacity	<b>Category #</b> y	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 39
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<b>FROM (Department or other point of origin):</b>  Legal Department	<b>Origination Date</b> 6-18-09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b>  All
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<b>For additional information contact:</b> Shani A. Dennis Phone: (832) 393-6300	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
 Approved the referenced settlement.

<b>Amount of Funding: None.</b> \$125,000.00	<b>FIN Budget:</b>
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Enterprise Fund   
  General Fund   
  Grant Fund   
  Enterprise Fund  
 Other Fund 1004   
 Property and Casualty Fund

**SPECIFIC EXPLANATION:**

FOR SETTLEMENT PURPOSES ONLY

This is an employment discrimination suit brought against the City of Houston and Department Director, Stephen L. Williams in his Individual Capacity. Plaintiff alleges that Defendants are in violation of the Title VII of the Civil Rights Act of 1964, U.S.C. Sections 1981 and 1983, and the Fourteenth Amendment of the United States Constitution because he was illegally terminated from his employment with the City due to his race, national origin, and religion. Defendants deny terminating Plaintiff in violation of any discrimination laws and/or statutes; instead Defendants actions were in furtherance of a legitimate, non-discriminatory, business reason.

Mr. Osama Ibrahim has agreed to settle his claim for a total of \$125,000.00, with the Law Office of Steve Petrou taking (\$56,250.00) for attorney's fees and Plaintiff Osama Ibrahim taking (\$ 68,750.00). This settlement is a good compromise for the City and is recommended for approval. The warrants should be made payable as follows:

1. Warrant in the amount \$56,250.00, payable to: attorney, Steve Petrou
2. Warrant in the amount \$68,750.00, payable to: Plaintiff, Osama Ibrahim

**REQUIRED AUTHORIZATION**

<b>FIN Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**SUBJECT:** Pipeline Reimbursement Agreement between City of Houston and TEPPCO CRUDE PIPELINE, LLC for Brittmoore Road Reconstruction Project: from I-10 to Hammerly Project. W.B.S. No. N-000596-0001-3

Page  
1 of 2

Agenda Item #

40

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

Department of Public Works and Engineering

**Origination Date**

6/8/09

**Agenda Date**

JUN 24 2009

**Director's Signature:**

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

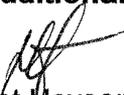
**Council District affected: (Council District Letter Only)**

A

JK



**For additional information contact:**

  
Hamlet Movsepien, P.E. Phone: (713) 837-7033  
Interim Senior Assistant Director

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

**Recommendation: (Summary)**

Approve an Ordinance appropriating Funds for a Reimbursement Agreement with TEPPCO CRUDE PIPELINE, LLC

**Amount and Source of Funding:** \$165,000.00 from Street and Bridge Consolidated Construction Fund No. 4506. *M.P. 6/10/09*

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project is required to improve traffic flow/circulation, reduce congestion and improve mobility on a major thoroughfare. This project was originally approved by both the Federal Highway Administration (FHWA) and the Texas Transportation Commission in the 1998-2000. Under this program, construction funding included both Federal and City participation.

**DESCRIPTION/SCOPE:** This project consists of the design of approximately 11,000 linear feet of concrete pavement with two parallel 24 foot concrete roadways with curbs and gutters, sidewalks and necessary underground utilities.

**LOCATION:** The project is bounded by Hammerly on the north, IH- 10 on the south, West Sam Houston Pkwy North on the east and Eldridge Parkway North Addicks Fairbanks on the west. The project is located in Key Map Grids 449 Q, U & Y and 489 C.

**SCOPE OF THIS AGREEMENT:** The construction of the roadway requires that certain existing pipelines be relocated or removed to facilitate the construction of the proposed roadway. Under the terms of this Agreement, the City will reimburse the owner's actual costs for the relocation of their pipelines after the work has been completed and the City has audited the final billing from the owner. TEPPCO CRUDE PIPELINE, LLC, a Texas limited liability company, has estimated the relocation costs to be \$150,000.00. This estimate has been reviewed and approved by Public Works. The City of Houston is not obligated to pay any costs in excess of the cost estimate provided by the owners of the pipelines. This Department requests a total appropriation of \$165,000.00 which includes \$150,000.00 for reimbursement costs and \$15,000.00 for City of Houston project management.

**REQUIRED AUTHORIZATION**

**CUIC ID #20MR66**

**Finance Department:**

**Other Authorization:**

**Other Authorization:**



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

**SUBJECT:** Pipeline Reimbursement Agreement between City of Houston and TEPPCO CRUDE PIPELINE, LLC for Brittmoore Road Reconstruction Project: from I-10 to Hammerly Project. W.B.S. No. N-000596-0001-3

**Originator's  
Initials**

*JK*

**Page  
1 of 2**

**ACTION RECOMMENDED:** It is recommended that Council approve an ordinance authorizing and approving a Reimbursement Agreement between the City of Houston and TEPPCO CRUDE PIPELINE, LLC and appropriating funds.

*JK*  
MSM:DRM:HH:JHK:MR

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c: Marty Stein  
Velma Laws  
Susan Bandy  
Craig Foster

File No. N-000596-0001-3 (1.2 RCA.Teppco)

# CITY OF HOUSTON

## DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

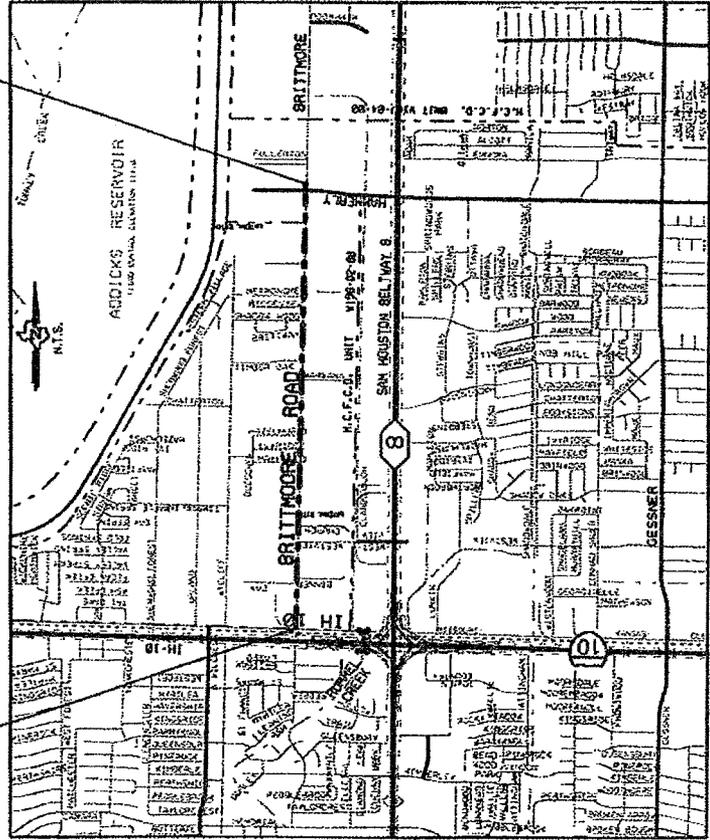
### ENGINEERING AND CONSTRUCTION DIVISION

#### BRITTMORE ROAD STREET IMPROVEMENTS

WBS NO. N-000596-0001-3 TxDOT CSJ: 0912-71-634

BEGIN PROJECT  
CSJ: 0912-71-634  
STA. 11+99.76  
X-3088335.327293  
Y-725685.043721

END PROJECT  
CSJ: 0912-71-634  
STA. 115+00  
X-3088003.173672  
Y-735978.923002



VICINITY MAP  
NO EQUATIONS

PRELIMINARY  
FOR REVIEW ONLY

CITY OF HOUSTON  
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

BRITTMORE ROAD

WBS NO. N-000596-0001-3
FILE NO.
DRAWING SCALE
NOT TO SCALE
CITY OF HOUSTON PM
ANDREW MICHELLE, P.E.

**SUBJECT:** First Amendment to Professional Energy Audit Services Contract  
Task Order Contract for Various City Facilities  
T.A.C. Americas, Inc.

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Agenda  
Item  
**41**

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

**Origination Date**  
6-18-09

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**

Issa Z. Dadoush, P.E. *Issa Z. Dadoush by File*

**Council District(s) affected:**  
All

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

**Date and identification of prior authorizing Council action:**  
Ordinance No. 2008-0439; 5/14/2008  
Motion No. 2009-0198; 4/15/2009

**RECOMMENDATION:** Approve First Amendment to professional energy audit services contract with T.A.C. Americas, Inc.

**Amount and Source Of Funding:** N/A

**Finance Budget:**

**Previous Funding:**

**\$236,000** In-House Renovation Fund (1003)  
(A maximum of \$100,000 will be allocated only if City fails to enter into an implementation contract with the vendor.)

**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council approve a First Amendment to the professional energy audit services contract with T.A.C. Americas, Inc., to allow the director to add or delete City facilities to be included in the contract.

Due to the success of this program, other City departments have requested to have their facilities undergo an energy audit and subsequent energy retrofits. The proposed First Amendment would allow GSD to perform audits on facilities when requested by other City departments.

**PROJECT LOCATION:** Citywide

**PREVIOUS HISTORY AND PROJECT SCOPE:** On May 14, 2008, City Council approved a professional energy audit services contract with T.A.C. Americas, Inc., to identify innovative energy efficient and sustainable development solutions for various City-owned facilities, totaling 5,111,575 square feet, and allocated \$100,000. On April 15, 2009, City Council allocated an additional \$136,000 to the contract with T.A.C. Americas, Inc. for an assessment of a Downtown District Cooling Facility and the Police Headquarters at 1200 Travis.

The energy audits and the subsequent measures are expected to significantly reduce the City's energy consumption. Payments will be made only if the City elects not to enter into a subsequent contract with the vendor to implement the audit findings. The funds will continue to be utilized for subsequent audits so long as the City elects to implement the audit findings.

**M/WBE PARTICIPATION:** An M/WBE goal of 24% has been established for this contract. To date, the consultant has achieved 33% M/WBE participation.

IZD:JLN:GMD:mlg

c: Issa Dadoush, P.E., Marty Stein, Jacquelyn L. Nisby, File

**REQUIRED AUTHORIZATION**

CUIC ID #25MSCL39

*NOT*

*42*

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: First Amendment to Construction Contract and Additional Appropriation  
Pyramid Constructors, L.L.P.  
Renovation of Magnolia Health and Multi-Service Center  
WBS No. D-000080-0001-4

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Agenda  
Item  
42

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

Origination Date  
6-18-09

Agenda Date  
JUN 24 2009

DIRECTOR'S SIGNATURE:

Jissa Z. Dadoush, P.E.

*J. Dadoush* 4/8/09

Council District affected:

1

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023

Date and identification of prior authorizing  
Council action:

Ordinance 2008-0304; dated April 9, 2008

RECOMMENDATION: Approve First Amendment to construction contract and appropriate additional funds for the project.

Amount and Source of Funding:

\$193,710.00—General Improvement Consolidated Construction Fund (4509)

Finance Budget:

*McCall*  
*McCall*

Previous Funding:

\$3,053,000.00 Federal Government—Grant Funded (5000) CDBG

\$1,381,500.00 Public Health Consolidated Construction Fund (4508)

\$4,434,500.00 Total Funding

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the construction contract with Pyramid Constructors, L.L.P., to increase the director's authority to approve Change Orders up to 15% of the original contract price. Unforeseen conditions and latent defects in the original building construction have resulted in the need for these additional services.

The additional funds are necessary to complete the renovation and address the following unforeseen conditions, which will exceed the original 10% contingency:

• Electrical Deviations:

Addition of electrical grounding circuits to electrical circuits. During construction, it was determined that the building was constructed under an Electrical Code that allowed the use of electrical metal conduits for grounding purposes. The current Electrical Code requires an independent circuit for grounding. The new circuits terminate into existing sub-panels that are without code approved grounding and thus will not meet current electrical code. New grounding bus-bars, conductors, conduit, and associated boxes must be connected to all circuits "feeding" the new electrical. This is a life safety hazard and must be addressed to obtain approved grounding and pass inspection.

REQUIRED AUTHORIZATION

CUIC ID # 25CONS86

General Services Department:

Department of Health and Human  
Services:

*H. Bautista*

Humberto Bautista, P.E.  
Chief of Design and Construction Division

*Stephen L. Williams*

Stephen L. Williams, M.ED, MPA,  
Director

Date	<b>SUBJECT:</b> First Amendment to Construction Contract and Additional Appropriation Pyramid Constructors, L.L.P. Renovation of Magnolia Health and Multi-Service Center WBS No. D-000080-0001-4	<b>Originator's Initials</b>  AWP	<b>Page</b> 2 of 2
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- Hazardous materials abatement:**  
 During demolition, materials containing mold were discovered behind vinyl wallpaper on most exterior walls of the building. These walls must be abated and materials replaced.
- Associated project delays.**

**PROJECT LOCATION:** 7037 Capitol Street (494Z)

**PREVIOUS HISTORY AND PROJECT DESCRIPTION:** On April 9, 2008, City Council awarded a construction contract to Pyramid Constructors, L.L.P. to provide construction services for Renovation of Magnolia Health and Multi-Service Center for the Department of Health and Human Services (DHHS). The scope of work consists of a new roof, plumbing replacement, HVAC upgrades including replacement of all ductwork, electrical systems upgrades, installation of new fire and sprinkler systems, building code and ADA updates, as well as a reconfiguration of the interior to better utilize the building. This facility is a vital part of the community serving hundreds of citizens daily through the DHHS, WIC, Red Cross, El Centro Clinic, a daycare center, and other programs to serve the elderly and those in need within the community.

**CONSTRUCTION GOALS:** The original contract and this additional appropriation have a 15% MBE goal, 5% WBE goal and 5% SBE goal. To date, Pyramid has achieved 26.94% MBE participation, 0% WBE participation and 10.25% SBE participation. Upon award of the construction contract, the WBE subcontractor refused to honor its bid and demanded an increase in the bid amount. Pyramid was unable to secure another certified WBE subcontractor, but to honor its participation requirements Pyramid has exceeded its MBE and SBE goals. Affirmative Action reviewed the process and determined that Pyramid made a Good Faith Effort.

*AWP*

IZD:HB:JLN:MCP:AWP:awp

c : Marty Stein, Fred Maier, Velma Laws, Kim Nguyen, Laura Ortiz, Gayve Anklesaria, Celina Ridge, James Tillman IV, Calvin Curtis, Yvette Burton, File

Pyramid  
new  
page 2

*MS*



Renovation of:

# Magnolia Health & Multi-Service Center

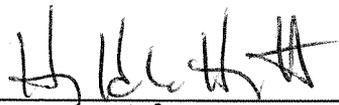
## 7037 Capitol, Houston Texas

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Forensic Science – Backlog Reduction and Adding Capacity Grant Program	<b>Category</b> #	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <b>43</b>
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<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date</b> June 4, 2009	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b> Harold L. Hurtt, Chief of Police 	<b>Council Districts affected:</b> All
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<b>For additional information contact:</b> JAF 6/1/09 Joseph A. Fenninger, Deputy Director Office # 713-308-1700	S. P. Ward, Lieutenant 713-308-1934	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)**

Create an ordinance authorizing the grant application and award acceptance from the Office of the Governor, Criminal Justice Division (CJD), which will reduce the increasing controlled substances cases backlog and provide training for four examiners so they can assist in reducing the growing backlog. There is no cash match required by the funding agency.

<b>Amount of Funding:</b>				<b>Finance Budget:</b>
	<u>Criminal Justice Division</u>	<u>Cash Match</u>	<u>Total Funding</u>	
	\$274,560.00	-0-	\$274,560.00	

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

Other (Specify)

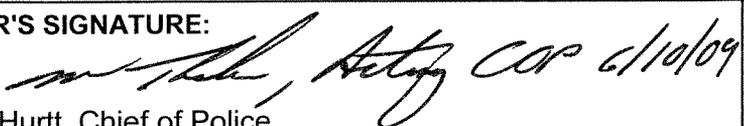
**SPECIFIC EXPLANATION:**

**Forensic Science – Backlog Reduction and Adding Capacity Grant Program**

The Houston Police Department is applying to the Criminal Justice Division (CJD), Office of the Governor, under the Paul Coverdell Forensic Sciences Program. The Forensic Science – Backlog Reduction and Adding Capacity Grant Program will reduce the increasing controlled substances cases backlog by employing four contract employees and also provide training for four examiners through various modules in the Firearms training program so they can assist in reducing the growing backlog. The grant program does not require a cash match but CJD requires council approval for submission of the grant application and award acceptance.

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

<b>REQUIRED AUTHORIZATION</b>			<b>10SPW004</b>
<b>Finance Director:</b> 	<b>Other Authorization:</b>  6/1/09	<b>Other Authorization:</b>	

<b>SUBJECT:</b> FY09 Forensic DNA Backlog Reduction Program	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 44
<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date</b> June 11, 2009		<b>Agenda Date</b> JUN 24 2009
<b>DIRECTOR'S SIGNATURE:</b>  Harold L. Hurtt, Chief of Police	<b>Council Districts affected:</b> All		
<b>For additional information contact:</b> Joseph A. Fenninger, Deputy Director Office # 713-308-1700	<i>JAF 6/15/09</i> S. P. Ward, Lieutenant 713-308-1934	<b>Date and identification of prior authorizing Council Action:</b>	

**RECOMMENDATION: (Summary)**

Create an ordinance authorizing the grant application and award acceptance from the Department of Justice, Office of Justice Programs, National Institute of Justice, under the FY09 Forensic DNA Backlog Reduction Program, for the purpose of implementing automation in the DNA Section of the Crime Lab Division. The grant funding will be used to plan and implement improvements designed to improve turnaround time to 30 days and decrease the backlog to a target of 100 cases.

**Amount of Funding:**

<u>National Institute of Justice</u>	<u>Cash Match</u>	<u>Total Funding</u>
\$1,311,800.00	-0-	\$1,311,800.00

**Finance Budget:**

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

Other (Specify)

**SPECIFIC EXPLANATION:**

**FY09 Forensic DNA Backlog Reduction Program**

The Houston Police Department is applying to the Department of Justice, Office of Justice Programs, National Institute of Justice, under the FY09 Forensic DNA Backlog Reduction Program. The Forensic DNA Backlog Reduction Program's goal is to reduce forensic DNA sample turnaround time and reduce DNA forensic casework backlogs.

The FY09 Forensic DNA Backlog Reduction Program is requesting grant funding for the purpose of implementing automation in the DNA Section of the Crime Lab Division. The grant funding will be used to plan and implement improvements designed to improve turnaround time to 30 days and decrease the backlog to a target of 100 cases.

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

**REQUIRED AUTHORIZATION**

*105PW005*

<b>Finance Director:</b> 	<b>Other Authorization:</b> 	<b>Other Authorization:</b>
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R

REQUEST FOR COUNCIL ACTION

RCA# 8354

TO: Mayor via City Secretary

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for the Parking Management Information System for the General Services Department S17-T23097

Category #  
4

Page 1 of 2

Agenda Item

45

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

Origination Date  
June 17, 2009

Agenda Date  
JUN 24 2009

DIRECTOR'S SIGNATURE  
*Calvin D. Wells*

Council District(s) affected  
All

For additional information contact:  
Jacquelyn L. Nisby Phone: (832) 393-8023  
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to the best respondent, T2 Systems, Inc., in an amount not to exceed \$1,514,850.05 for a parking citation management information system for the General Services Department.

Maximum Contract Amount: \$1,514,850.05

Finance Budget

1,657,573.05 - Parking Management Operating Fund (Fund 8700) - Estimated Project Cost

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to the best respondent, T2 Systems, Inc., in an amount not to exceed \$1,514,850.05 for a parking citation management information system for the General Services Department.

The scope of work requires the contractor to provide all supervision, labor, tools software and supplies to implement the system. The contractor will integrate the parking citation issuance, processing, adjudication and permitting functions, and the associated on-street parking activities, including electronic documentation of meter maintenance into a unified, comprehensive and cost-effective user-oriented system. The contractor is also required to provide training and annual maintenance for the handheld units and the parking system.

The total cost for implementation of the new parking citation management information system is estimated at \$1,657,573.05. The funding will come from the General Services Department Parking Management Fund. The breakdown of the project costs is as follows:

Project Costs:

- \$1,514,850.05 – Software, implementation and 5-year maintenance (T2 Systems, Inc.)
- \$ 70,000.00 – Data Conversion Consulting Services (To be purchased through DIR Go-Direct Vendor Jefferson & Associates, Inc.)
- \$ 45,223.00 – Hardware equipment (Through DIR Go-Direct Vendor Hewlett Packard)
- \$ 20,000.00 – Salary Recovery & Support
- \$ 7,500.00 – SAP interface support services (To be purchased from existing COH Contract C62205 with Phoenix Business Consulting, Inc.)

**\$1,657,573.05 Total Project Cost**

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MW

3

Proposals were received from ACS State and Local Solutions, Cardinal Tracking Inc., IPS Group, Eximsoft International, Schweers Technologies Inc., and T2 Systems, Inc. The Evaluation Committee consisted of six evaluators from the Parking Commission, General Services Dept., Municipal Courts-Judicial and Municipal Courts-Administration Departments. The proposals were evaluated based upon the following criteria:

1. Conformance to the Scope of Work as outlined in Section II of the Request for Proposal document with emphasis on functionality, efficiencies, performance, design, customer service, and security of the proposed system
2. Financial impact or benefit as measured by net revenues or costs to the City
3. Experience, reputation and success in performing multi-faceted, large parking related projects such as this RFP
4. Design of the training plan and testing plan
5. Financial strength of the prospective Proposer and subcontractors
6. M/WBE participation

T2 Systems Inc. received the highest overall score.

**M/WBE Subcontracting:**

This RFP was issued as a goal-oriented contract with an 11% M/WBE participation level. T2 Systems, Inc. has designated the below-named companies as its certified M/WBE subcontractors:

Name	Type of Work	Dollar Amount	Percentage
Marnoble Computer Sales & Services, Inc	Casio IT 3100 handheld devices	\$ 135,000.00	8.91%
Shipcom Wireless	Symbol MC75 handheld devices	\$ 42,398.44	2.79%
<b>Total</b>		\$ 177,398.44	11.70%

**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 provides health benefits to eligible employees in compliance with City policy.

Buyer: Murdock Smith

**Estimated Spending Authority**

Department	FY09	FY10	Out Years	Total
General Services Department	\$909,861.21	\$142,723.00	\$605,033.84	\$1,657,573.05

DM

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8366

**Subject:** Approve an Ordinance Awarding a Contract to the Best Respondent for Delinquent Collection Services for the Municipal Courts-Administration Department  
S46-T23226

Category #  
4

Page 1 of 2

Agenda Item

46

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

**Origination Date**  
June 09, 2009

**Agenda Date**  
JUN 24 2009

*MS*  
**DIRECTOR'S SIGNATURE**  


**Council District(s) affected**  
All

**For additional information contact:**  
Sahira Abdool Phone: (713) 247-4105  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a revenue contract to the best respondent, Linebarger Goggan Blair & Sampson, LLP for delinquent collection services for the Municipal Courts-Administration Department.

NONE REQUIRED (REVENUE)

**Finance Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract with two one-year options to Linebarger Goggan Blair & Sampson, LLP for delinquent collection services for the Municipal Courts-Administration Department. The Director/Chief Clerk of Municipal Courts-Administration may terminate this contract for convenience at any time after 24 months from the effective date of the contract upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, equipment, facilities, transportation, equipment, and incidentals necessary to collect delinquent fees for the Municipal Courts-Administration Department.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State bid laws. Fifty-five perspective bidders downloaded the solicitation from SPD's e-bidding website and as a result, proposals were received from Perdue Brandon Fielder Collins & Mott, LLP, Linebarger Goggan Blair & Sampson, LLP and MSB Government Services. The Evaluation Committee consisted of three evaluators; two from the Municipal Courts-Administration Department and one from the Administration and Regulatory Affairs Department. The evaluations were based on the following criteria:

- Conformance to the scope of the RFP
- Financial impact to the City
- Experience and reputation in municipal delinquent collections
- Financial strength of the proposer
- M/WBE participation

Linebarger Goggan Blair & Sampson, LLP received the highest score.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MS*

*m*

Date: 6/9/2009	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Delinquent Collection Services for the Municipal Courts-Administration Department S46-T23226	Originator's Initials EA	Page 2 of 2
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**M/WBE Subcontracting:**

Law Office of Darryl B. Carter, Donald Hollingsworth and B & E Reprographics, Inc., for a total of 15% of the prorated share of the fees collected.

**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 provides health benefits to eligible employees in compliance with City policy.

The Affirmative Action Division will monitor this contract.

Buyer: Eric Alexander

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8231

**Subject:** Approve and Authorize an Ordinance to Appropriate Funds, Increase the Maximum Contract Amount to Contract No. 4600008583 for Energy Mgmt. & Maint. Services for the General Services Dept./S17-T22534

Category #  
4

Page 1 of 1

Agenda Item

47

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

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

**Origination Date**

June 19, 2009

**Agenda Date**

JUN 24 2009

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Jacquelyn L. Nisby      Phone: (832) 393-8023  
Douglas Moore            Phone: (832) 393-8724

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

Ord. 08-1004, 11/12/08 and Ord. 08-0122, 2/13/08

**RECOMMENDATION: (Summary)**

Approve and authorize an ordinance appropriating \$460,718.00 out of the Public Health Consolidated Construction Fund; \$77,744.00 out of the General Improvement Consolidated Construction Fund; 200,000.00 out of the Fire Consolidated Construction Fund and increase the maximum contract amount from \$8,523,069.00 to \$9,261,531.00 for the energy management and maintenance services contract between the City of Houston and Johnson Controls, Inc. for the General Services Department.

Award Amount: \$738,462.00

**Finance Budget**

*[Signature]*

\$460,718.00 - Public Health Consolidated Construction Fund (Fund 4508) WBS-H-000063  
\$200,000.00 - Fire Consolidated Construction Fund (4500) WBS - C-0000EQ-0002-5  
\$ 77,744.00 - General Improvement Consolidated Construction Fund (Fund 4509) WBS-D-0000EQ  
  
\$738,462.00 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve and authorize an ordinance appropriating \$460,718.00 out of the Public Health Consolidated Construction Fund; \$77,744.00 out of the General Improvement Consolidated Construction Fund; 200,000.00 out of the Fire Consolidated Construction Fund and increase the maximum contract amount from \$8,523,069.00 to \$9,261,531.00 for the energy management and maintenance services contract between the City of Houston and Johnson Controls, Inc. for the General Services Department.

This contract was awarded on February 13, 2008 for a five-year term, with two one-year options, in the amount of \$8,336,069.00, to provide services for all Houston Public Library facilities, including fire alarm monitoring, maintenance and testing services; HVAC maintenance and operations; energy management; preventive maintenance for lighting and electrical systems, and maintenance of building management systems. A first amendment was approved on November 12, 2008 to increase the maximum contract amount from \$8,336,069.00 to \$8,523,069.00 for the replacement of the chillers at the Acres Homes Multi-Service Center.

The requested appropriation is necessary to upgrade the HVAC controls systems at ten Health Facilities, replace four heaters at the Houston Police Academy Indoor Shooting Range and replace HVAC systems at nine fire stations. The scope of work requires Johnson Controls, Inc. to provide all labor, equipment, materials, tools, supervision and transportation necessary to provide the requested work.

This contract was issued as a goal-oriented contract with a 15% M/WBE participation level, and the contractor is currently achieving 18.50%.

Buyer: Murdock Smith III

**REQUIRED AUTHORIZATION**

NDT

Finance Department:

Other Authorization:

Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8330**

**Subject:** Approve an Ordinance Awarding a Contract for Cleaning and Janitorial Services for the Public Works and Engineering Department. S23-L23042

Category #  
4

Page 1 of 2

Agenda Item

**48**

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

**Origination Date**  
June 05, 2009

**Agenda Date**  
JUN 24 2009

**DIRECTOR'S SIGNATURE**  
*Calvin D. Wells*

**Council District(s) affected**  
All

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

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

**RECOMMENDATION: (Summary)**  
Approve an ordinance awarding a contract to TIBH Industries, Inc., in an amount not to exceed \$6,261,869.47 for cleaning and janitorial services for the Public Works & Engineering Department.

Maximum Contract Amount: \$6,261,869.47

**Finance Budget**

\$5,957,255.50 - PW&E Water & Sewer System Operating Fund (8300)  
\$ 304,613.97 - Fleet Management Fund (1005)

\$6,261,869.47 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a five-year contract to TIBH Industries, Inc. for cleaning and janitorial services in an amount not to exceed \$6,261,869.47 for the Public Works & Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30-days notice to the contractor.

The scope of work requires the contractor to furnish all equipment, labor, materials, supplies, supervision and transportation necessary to provide cleaning and janitorial services at 42 Public Works & Engineering Department facilities. These contract services include daily sweeping, dust mopping, vacuuming, glass cleaning, trash removal, carpet cleaning and special cleaning assignments that includes extra sanitizing of fountains, doors and door knobs throughout the year.

TIBH Industries, Inc. employs mentally and physically challenged workers and the department is satisfied with their performance. There will be 51 such workers providing services under this contract which includes 5 veterans.

The Texas Human Resources Code, Section 122.017 provides: A political subdivision of this state may purchase products or services for its use from private businesses through its authorized purchasing procedures, but may substitute equivalent products or services produced by persons with disabilities under the provisions of this chapter.

Attorney General of Texas Opinion No. JM-444 states that general statutes that require counties, cities, hospital districts and school districts to engage in competitive bidding in order to make certain purchases do not apply to purchases such political subdivisions make pursuant to Section 122.017 of the Human Resources Code. The Texas Industries for the Blind and Handicapped (T.I.B.H.) has approved the contract specifications, services and the agency that will provide these services.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MS*

*MS*

*MS*

*MS*

Date: 6/5/2009	Subject: Approve an Ordinance Awarding a Contract for Cleaning and Janitorial Services for the Public Works and Engineering Department. S23-L23042	Originator's Initials RB	Page 2 of 2
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TIBH Industries, Inc. (TIBH) is a non-profit organization that was created by State law and Affirmative Action has issued a waiver of the M/WBE and the Pay-or-Play requirements.

Buyer: Roy Breaux

**Estimated Spending Authority**

<b>Department</b>	<b><u>FY2009</u></b>	<b><u>Out Years</u></b>	<b>Total</b>
<b>Public Works &amp; Engineering</b>	<b>87,917.05</b>	<b>\$6,173,952.42</b>	<b>\$6,261,869.47</b>

Attachment: List of Locations

**JANITORIAL SERVICES - TIBH  
PWE'S LOCATION LIST**

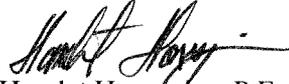
**W/PAPER**

8002 AIRLINE	X
12319 1/2 ALMEDA (MAINT)	X
12319 1/2 ALMEDA (ADMIN)	
7000 ARDMORE	
7004 ARDMORE COMPLEX	
4211 BEECHMENUT BLDG (ADMIN)	X
4211 BEECHMENUT BLDG (ELECTRICAL)	X
10500 BELLAIRE	X
12555 CLINTON DR	
7440 CULLEN	X
2700 DALTON (1ST FLOOR)	
2700 DALTON (HWSE # 13)	
2300 FEDERAL DR	
3100 GENOA RED BLUFF	
801 GILLETT	X
4545 GROVEWAY	X
4545 GROVEWAY (TRAILER)	X
4545 GROVEWAY (TRAILER #2)	X
100 JAPHET (FLEET)	X
100 JAPHET (TRAILER A-B-C)	X
9500 LAWNSDALE (OPNS)	X
9500 LAWNSDALE (ADMIN)	X
4215 LEELAND	
4200 LEELAND	
4501 LEELAND (EB CAPE)	X
5423 MANGUM	X
3300 MAIN (DAY PORTER)	
3300 MAIN	X
5711 NECHES	X
3100 OLD GALVESTON (ELEC BLD)	X
3100 OLD GALVESTON (ENG BLD)	X
3100 OLD GALVESTON (Admin)	X
7101 RENWICK (FLEET MAINT)	X
105 SABINE	
12121 N SAM HOUSTON (# 1)	
12121 N SAM HOUSTON (# 2)	
22627 SHOREWOOD	X
69TH ST S / SGT MACARIO GARCIA (Sludge)	X
2525 69TH ST S / SGT MACARIO GARCIA (Maint Bld)	
319 ST. EMANUEL	
9400 WHITE CHAPEL LANE	X
2102 AUSTIN *	X

<b>SUBJECT:</b> Professional Engineering Services Contract between the City of Houston and CivilTech Engineering, Inc. for North Eldridge Parkway Widening from Memorial Drive to I-10 WBS No. N-000795-0001-3	<b>Page</b> 1 of <u>2</u>	<b>Agenda Item #</b> <u>49</u>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 6-4-09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council District affected:</b> A,G JK
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<b>For additional information contact:</b>  Hamlet Hovsepian, P.E. Phone: (713) 837-7033 Interim Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approve Engineering Services Contract with CivilTech Engineering, Inc. and appropriate funds

**Amount and Source of Funding:**  
\$668,600.00 from the Street & Bridge Consolidated Construction Fund No. 4506 *M.P. 5/28/09*

**DESCRIPTION/SCOPE:** This project is part of the Street & Bridge Capital Improvement program (CIP) which is required to meet City of Houston standards and improve mobility. This project consists of the design of approximately 3,700 linear feet of reconstructed roadways with related storm sewer, sidewalks, street lighting, and necessary underground utilities on N. Eldridge Parkway from Memorial Drive to I-10.

**LOCATION:** The project is generally bounded by I-10 on the north, Memorial Drive on the south, Dairy Ashford on the east, and State Hwy 6 on the west. The project is located in Key Map Grid 488-C.

**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 fees for Phase I is based on cost of time and materials with not-to-exceed upon amount. The Basic Services fees for Phase II and Phase III will be negotiated on a lump sum amount or reimbursable basis after the completion of Phase I. The total Basic Services appropriation is \$309,139.00.

The Contract also includes certain Additional Services to be paid either as a lump sum or on a reimbursable basis. These Additional Services include topographical survey, geotechnical investigation, environmental site assessment, traffic control plans, storm water pollution prevention, tree protection plans, and Technical Review Committee (TRC) presentation. The total Additional Services appropriation is \$298,652.00.

The total requested appropriation is \$668,600.00 to be appropriated as follows: \$607,791.00 for Contract services and \$60,809.00 for project management.

**REQUIRED AUTHORIZATION** **CUIC ID #20SAB30**

<b>Finance Department:</b> ✓	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date

**Subject:** Professional Engineering Services Contract between the City of Houston and CivilTech Engineering, Inc. for North Eldridge Parkway Widening from Memorial Drive to I-10  
WBS No. N-000795-0001-3

**Originator's Initials**

**Page**  
2 of 2

**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.

**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 Including Addition</u>
1. Western Group Consultants	Topographic Survey	\$24,900.00	4.10%
2. Crouch Environmental Services, Inc.	Environmental	\$17,244.00	2.84%
3. KIT Professionals, Inc.	Traffic Signals/Control & SW3P	\$82,000.00	13.49%
4. Chief Solutions, Inc.	Storm Sewer /TV Inspection	\$8,722.50	1.43%
5. Geotech Engineering & Testing	Geotechnical Investigation	<u>\$44,182.25</u>	<u>7.27%</u>
<b>TOTAL</b>		<b>\$177,048.75</b>	<b>29.13%</b>

*MSM:DRM:HH:JHK:SAB*

MSM:DRM:HH:JHK:SAB

Z:\constr\A-SB-DIV\KS\Engineers\Sam\RCA\N Eldridge Parkway Widening N-000795-0001-3 Design.DOC

- c: Marty Stein
- Velma Laws
- Susan Bandy
- Mike Pezeshki, P.E.
- Craig Foster
- WBS No. N-000795-0001-3 (1.2\_DSGN\_RCA\_CONTRACT)



<b>SUBJECT:</b> Award Construction Contract Excalibur Excavation, L.P. Paving and Drainage Improvements Southwest Environmental Service Center WBS No. L-000072-0002-4	<b>Page</b> 1 of 2	<b>Agenda</b> Item  <span style="font-size: 2em; font-family: cursive;">50</span>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> <span style="font-size: 1.2em; font-family: cursive;">6-17-09</span>	<b>Agenda Date</b> <span style="font-size: 1.2em; font-family: cursive;">JUN 24 2009</span>
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <span style="font-size: 1.5em; font-family: cursive;">Issa Z. Dadoush</span> 6/4/09	<b>Council District affected:</b> C
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<b>For additional information contact:</b> Jacquelyn L. Nisby <span style="font-size: 1.5em; font-family: cursive;">J. Nisby</span> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Award construction contract and appropriate funds for the project.

<b>Amount and Source of Funding</b> \$350,871.00—Solid Waste Consolidated Construction Fund (4503)	<b>Finance Budget:</b> <span style="font-size: 1.5em; font-family: cursive;">Michelle Mitchell</span>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council award a construction contract to Excalibur Excavation, L.P., on the low bid amount of \$324,639.00 for construction services in connection with the Southwest Environmental Service Center for the Solid Waste Management Department.

**PROJECT LOCATION:** 11500 South Post Oak (571C)

**PROJECT DESCRIPTION:** This project involves concrete paving for additional parking for the Solid Waste Management fleet vehicles at the Southwest Environmental Service Center. The scope of work also includes expansion of the existing detention pond, storm drainage system and site lighting.

The contract duration for this project is 120 calendar days.

**BIDS:** The following seven bids were received on May 7, 2009:

	<u>Bidder</u>	<u>Bid Amount</u>
1.	Excalibur Excavation, L.P.	\$324,639.00
2.	Jerdon Enterprise, L.P.	\$333,333.00
3.	Spring Equipment Company, Inc.	\$361,650.00
4.	Resicom, Inc.	\$376,000.00
5.	Tikon Group, Inc.	\$419,000.00
6.	Times Construction, Inc.	\$426,900.00
7.	Carrera Construction, Inc.	\$492,776.00

**REQUIRED AUTHORIZATION** CUIC ID # 25CONS98

<b>General Services Department:</b>  <span style="font-size: 2em; font-family: cursive;">Humberto Bautista</span> Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Solid Waste Management Department:</b>  <span style="font-size: 2em; font-family: cursive;">Harry J. Hayes</span> Harry J. Hayes Director
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<b>Date</b>	<b>SUBJECT:</b> Award Construction Contract Excalibur Excavation, L.P. Paving and Drainage Improvements Southwest Environmental Service Center WBS No. L-000072-0002-4	<b>Originator's Initials</b>  VTN	<b>Page</b>  2 of 2
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**AWARD:** It is recommended that City Council award the construction contract to Excalibur Excavation, L.P., and appropriate funds for the project, including an additional appropriation of \$10,000.00 for engineering and testing services under the existing contract with Fugro Consultants, Inc.

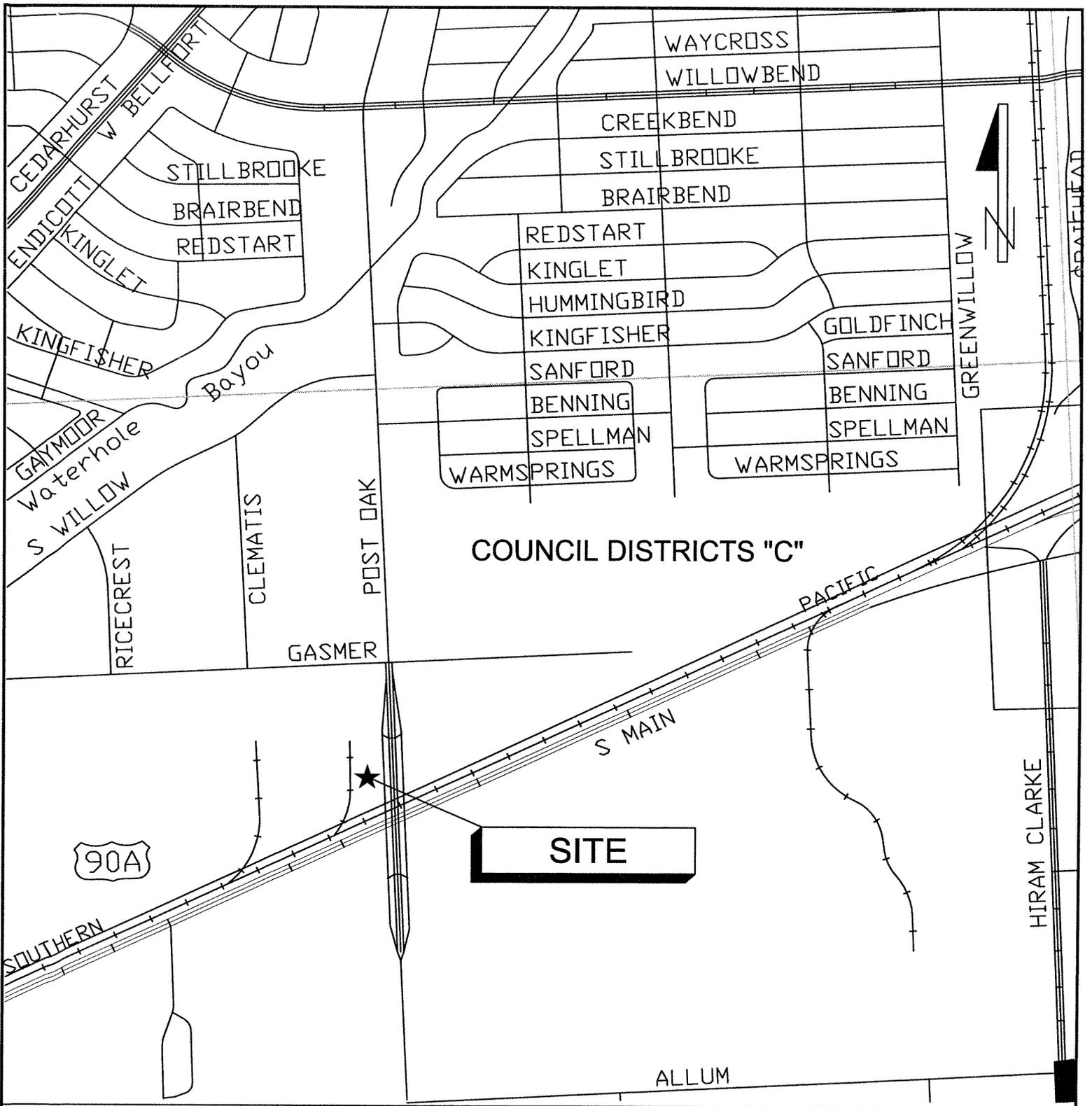
**FUNDING SUMMARY:**

\$ 324,639.00	Construction Contract Services
\$ 16,232.00	5% Contingency
\$ 10,000.00	Engineering and Testing Services
<b>\$ 350,871.00</b>	<b>Total</b>

**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 provides health benefits to eligible employees in compliance with City policy.

  
 IZD:HB:JLN:RAV:VTN:vtn

c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Morris Scott, Kim Nguyen, James Tillman IV, File L-000072-0001/813



Paving and Drainage Improvements to the  
 Southwest Environmental Service Center  
 11500 South Post Oak  
 Houston, TX 77035

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

<b>SUBJECT:</b> Contract Award for Mercury Drive Paving from US 90 to Wallisville Road. W.B.S. No. N-000625-0001-4 and S-000500-0081-4	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <i>51</i>
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b> <i>6-18-09</i>	<b>Agenda Date:</b> <i>JUN 24 2009</i>
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<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte 6/12/09</i> Michael S. Marcotte, P.E. D.WRE, BCEE	<b>Council District affected:</b>  <i>JK</i>
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<b>For additional information contact:</b> <i>Hamlet Hovsepian</i> Hamlet Hovsepian, P.E. Phone: (713) 837-7033 Interim Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)** Accept low bid, award construction Contract and appropriate funds.

**Amount and Source of Funding:** \$3,504,972.00 Metro Project Commercial Paper Series E Fund 4027, \$138,690.00 Water and Sewer System Consolidated Construction Fund No. 8500 for a total appropriation of \$3,643,662.00. *M.P. 6/3/09*

**PROJECT NOTICE/JUSTIFICATION:** This project is a designated Major Thoroughfare and part of the Street and Bridge Capital Improvement Plan (CIP) program, which is required to meet City of Houston standards and improve mobility.

**DESCRIPTION/SCOPE:** This project consists of the construction of 3,200 linear feet of 10-inch reinforced concrete pavement for two 24 foot wide concrete roadway sections with esplanade divide, curbs and gutters, storm sewers, waterlines, sidewalks, wheelchair ramps, driveways and necessary underground utilities and connection to U.S. 90. The DPC Program has a waterline for the above referenced project that will be reimbursed to the 8500 Fund in the amount of \$26,733.00 when the agreement is complete.

The Contract duration for this project is 365 calendar days. This project was designed by Pate Engineering, Incorporated.

**LOCATION:** The project area is generally bound by Wallisville Road on the north, Proposed Highway 90 on the south, Maxey on the east and IH-610 on the west. The project is located in Key Map Grids 456W& 496A.

**BIDS:** Bids were received on April 30, 2009. The fourteen (14) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Beyer Construction, L.L.P.	\$3,138,433.65
2. Angel Brothers Ent., Ltd.	\$3,187,649.25
3. Triple B Service, L.L.P	\$3,234,231.55
4. ISI Contracting	\$3,252,302.03
5. Conrad Construction Co., Ltd	\$3,350,494.10
6. Pace Services	\$3,365,852.32
7. Texas Sterling Construction Co.	\$3,439,866.20
8. Spring Equipment Company, Inc.	\$3,572,982.40
9. Total Contracting Limited	\$3,601,032.45

**REQUIRED AUTHORIZATION** CUIC ID# 20MR67 *MD*

<b>Finance Department</b>	<b>Other Authorization:</b>  <i>Jun Chang</i> Jun Chang, P.E., Deputy Director Public Utilities Division	<b>Other Authorization:</b>  <i>Daniel R. Menendez</i> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Revised PG 2  
51  
6/24/09

10. Harris Construction Company, Ltd.	\$3,629,888.60
11. SER Construction Partners, Ltd.	\$3,639,836.10
12. Reytec Construction Resources, Inc.	\$3,663,938.40
13. Total Site, Inc.	\$3,887,876.08
14. Marco Services, LLC	\$3,929,101.58

**AWARD:** It is recommended that this construction Contract be awarded to Beyer Construction, L.L.P. with a low bid of \$3,138,433.65 and that Addendum Number one be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$3,643,662.00 to be appropriated as follows:

• Bid Amount	\$3,138,433.65
• Contingencies	\$156,921.68
• Engineering and Testing Services	\$160,000.00
• Project Management	\$188,306.67

Engineering and Testing Services will be provided by Terracon Consultants, Inc. under a previously approved contract.

**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 provides health benefits to eligible employees in compliance with City Policy.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 14% MBE goal, 5% WBE goal and 3 % SBE goal for this project.

<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. JMHP, Inc	Guardrail	\$7,130.00	0.23%
2. ESOR Consulting Engineers, Inc.	Surveying	\$36,932.00	1.18%
3. Bedo Construction Products, Inc.	Pipe Supplies	\$372,000.00	11.85%
4. Curb Planet, Inc.	Curb & Misc. Concrete	\$24,391.00	0.78%
	<b>MBE Subtotal</b>	<b>\$440,453.00</b>	<b>14.04%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. El Dorado Paving Company, Inc.	Asphalt & Misc. Conc.	\$138,430.20	4.41%
2. B & D Maintenance	Trucking	\$27,196.00	0.87%
	<b>WBE Subtotal</b>	<b>\$165,626.20</b>	<b>5.28%</b>

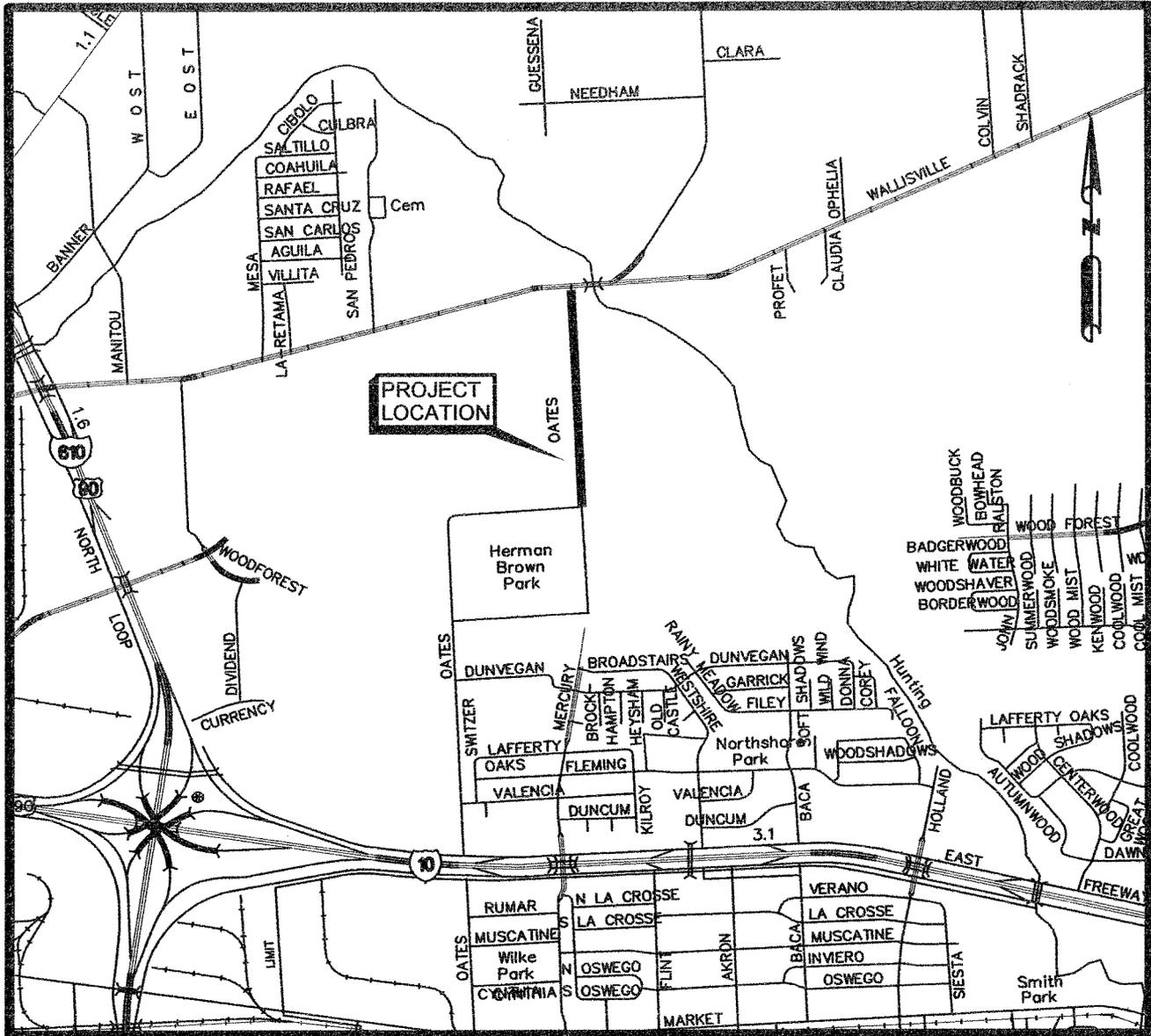
<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Work Zone Products, Inc.	Traffic Control	\$61,773.40	1.97%
2. Apcon Services, LLC	Trucking	\$24,000.00	0.76%
3. Mata Turf, Inc.	Landscaping	\$23,334.30	0.74%
	<b>SBE Subtotal</b>	<b>\$109,107.70</b>	<b>3.47%</b>
	<b>TOTAL</b>	<b>\$715,186.90</b>	<b>22.79%</b>

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

MSM:DRM:HH:JHK:MR:cd

Z:\design\A-sw-div\Wpdata\MR\N-0625-Mercury Drive-Pate\Construction\post bid\RCA.1.doc

- c: Marty Stein  
Velma Laws  
Susan Bandy  
Mike Pezeshki, P.E.  
Craig Foster  
File WBS No. N-000625-0001-3 (3.7\_CONST.RCA)



VICINITY MAP

KEY MAP NO 496 A, 456 W  
 GIMS MAP NO 5658, 5659

**MERCURY DRIVE PAVING**  
**U.S. HIGHWAY 90 TO WALLISVILLE RD.**

WBS NO. N-000625-0001-4



13333 N.W. Freeway, Suite 300 Houston, Tx. Phone: 713-462-3178

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Wastewater Collection System Rehabilitation and Renewal (Force Main) WBS# R-000266-0113-4	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 52
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 6/18/09	<b>Agenda Date</b> JUN 24 2009
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., D.WRE, BCEE	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Dannelle H. Belhateche, P.E. Senior Assistant Director <b>Phone:</b> (713) 641-9182	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
Accept low bid, award construction contract, and appropriate funds.

**Amount and Source of Funding:** \$1,851,246.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier II. *M.P. 5/20/09*

**SPECIFIC EXPLANATION:** This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.

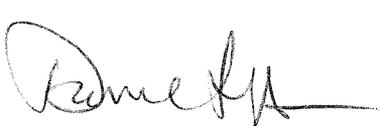
**DESCRIPTION/SCOPE:** This project consists of sanitary sewer force main rehabilitation. The contract duration for this project is 540 calendar days.

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

**BIDS:** Two (2) bids were received on February 19, 2009 for this project as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Huff & Mitchell, Inc.	\$1,724,174.44
2. Reliance Construction Services, L.P.	\$2,250,253.00

**File/Project No. WW 4235-37** **REQUIRED AUTHORIZATION** **CUIC# 20DHB267** *NOT*

Finance Department	<b>Other Authorization:</b> 	<b>Other Authorization:</b>  Jun Chang P.E., Interim Deputy Director Public Utilities Division
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**AWARD:** It is recommended that this construction contract be awarded to Huff & Mitchell, Inc., with a low bid of \$1,724,174.44.

**PROJECT COST:** The total cost of this project is \$1,851,246.00 to be appropriated as follows:

- Bid Amount \$1,724,174.44
- Contingencies \$86,208.72
- Project Management \$25,862.84
- Engineering Testing Services \$15,000.00

Engineering Testing Services will be provided by The Murillo Company under a previously approved contract.

**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 provides health benefits to eligible employees in compliance with City policy.

**M/W/SBE PARTICIPATION:** The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 14.00%, WBE participation of 5.00%, and SBE participation of 3.00%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
R.P. Construction	Sewer Rehabilitation	\$241,385.00	14.00%
	<b>TOTAL</b>	<b>\$241,385.00</b>	<b>14.00%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Gama Contracting Services	Supplies	\$86,209.00	5.00%
	<b>TOTAL</b>	<b>\$86,209.00</b>	<b>5.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Chief Solutions, Inc.	Clean & Televisive Sewer Lines	\$51,726.00	3.00%
	<b>TOTAL</b>	<b>\$51,726.00</b>	<b>3.00%</b>

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

*MSM:JC:DHB:RK:JI:DR:mf*  
MSM:JC:DHB:RK:JI:DR:mf

cc: Marty Stein  
Jun Chang, P.E.  
Susan Bandy, CPA  
Velma Laws  
Reid Mrsny, P.E.  
File No. WW 4235-37

**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*

*5370*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**

6/5/09

**Agenda Date**

~~JUN 17 2009~~

**DIRECTOR'S SIGNATURE:**

*[Handwritten Signature]*

**Council Districts affected:**

ALL

JUN 24 2009

**For additional information contact:**

Juan Olguin *JFO* Phone: (713) 837- 9623  
Nikki Cooper *NC* 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. PFP Abatement Group, 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:**

*MS*

*JP*

*[Handwritten mark]*

**REQUEST FOR COUNCIL ACTION**

TG: Mayor via City Secretary

RCA #

**SUBJECT:**  
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

*3<sup>rd</sup> Reading*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

*FINAD*

Origination Date

06/01/09

*54*

Agenda Date

~~JUN 10 2009~~

**DIRECTOR'S SIGNATURE:**

*[Signature]*

Council Districts affected:

ALL

JUN 24 2009

**For additional information contact:**

Juan Olguin *JFO*  
Nikki Cooper *[Signature]*

Phone: (713) 837- 9623

Phone: (713) 837- 9889

**Date and identification of prior authorizing**

**Council Action:** Ord. # 2002-526 – June 19, 2002;  
Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve 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)

NONE

**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:

- Huff & Mitchell, Inc.

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, 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:



MOTION NO. 2009 0330

MOTION by Council Member Khan that the recommendation of the Director of the General Services Department, relative to sealed bid sale of 43,491 square feet of land at 3602 Center Street known as the Heights Recycling Center; Parcel No. SY9-080, be adopted, as follows:

1. The City Council hereby authorizes the sealed bid sale of Parcel SY9-080, known as the Heights Recycling Center, located at 3602 Center Street at Harvard;
2. The City Council hereby determines a public need for an alternative recycling center site; and
3. The City Council hereby appoints Mr. Michael Welch and Mr. Bill Jackson, appraisers and Mr. Samuel Jarrett, alternate appraiser to determine the fair market value of the 43,491 square feet, more or less, site located at 3602 Center at Harvard inasmuch as the value is expected to exceed \$1million.

Seconded by Council Member Green and carried.

MOTION by Council Member Holm that the above matter be postponed for two weeks:

Seconded by Council Member Jones

VOTE ON MOTION TO POSTPONE TWO WEEKS:  
Mayor White, Council Members Johnson, Clutterbuck,  
Adams, Sullivan, Khan, Holm, Rodriguez, Brown, Lovell,  
Noriega, Green and Jones voting aye  
Nays none  
MOTION TO POSTPONE TWO WEEKS CARRIED

Council Member Lawrence out of the City on personal business

PASSED AND ADOPTED this 10th day of June, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is June 16, 2009.

City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Sale of 43,491 square feet of land at 3602 Center Street, known as the Heights Recycling Center, Parcel SY9-080.

55 | 39 | Page 1 of 1 | Agenda Item 4210

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

**Origination Date**  
5-21-09

**Agenda Date**  
~~MAY 27 2009~~

**DIRECTOR'S SIGNATURE:**  
Issa Z. Dadoush, P.E. *Issa Z. Dadoush* 5/21/09

**Council District(s) affected:** H ~~JUN 0 3 2009~~  
JUN 2 4 2009 JUN 1 0 2009

**For additional information contact:**  
Jacquelyn L. Nisby *JLN* Phone: (832) 393-8023

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

**RECOMMENDATION:** Adopt a motion (i) authorizing the sealed bid sale of Parcel SY9-080, known as the Heights Recycling Center, located at 3602 Center Street at Harvard, (ii) determining a public need for an alternative recycling center site, and (iii) appointing two independent appraisers and an alternate appraiser to determine the fair market value of Parcel SY9-080.

**Amount and Source Of Funding:** N/A

**Finance Budget:**

**SPECIFIC EXPLANATION:** The General Services Department (GSD) believes the land currently serving as the Heights Recycling Center is underutilized for its market value and a sealed bid sale of the land could produce significant revenue to the City. Proceeds from the sale of this site will be used to acquire a less expensive recycling center site for the Solid Waste Management Department within the same service area and offset the construction and operations costs of the new site.

Pursuant to Code of Ordinances, section 2-236(b), to accept land as a part of the consideration during the bid sale process, City Council must declare a public need for land prior to the advertisement for bids. GSD recommends that City Council declare a public need for an alternative recycling center site of 40,000 to 50,000 square feet in area, located in a commercial or light industrial area within a 1.5 mile radius of the existing site, and within a half mile drive of freeway access. Once a public need is declared, any bidder may bid the conveyance of land to the City as all or a part of the consideration for Parcel SY9-080.

GSD further recommends that, pursuant to Code of Ordinances, section 2-241(c), City Council approve the appointment of two independent appraisers and an alternate, as listed below, to determine the fair market value of the 43,491 square feet, more or less, site located at 3602 Center at Harvard, known as the Heights Recycling Center, inasmuch as the value is expected to exceed \$1 million.

- Michael Welch - Integra Realty Resources
- Bill Jackson - Bill Jackson and Associates Appraisers
- Samuel Jarrett - Jarrett's Appraisal Service (Alternate)

IZD:BC:JLN:WW:ww

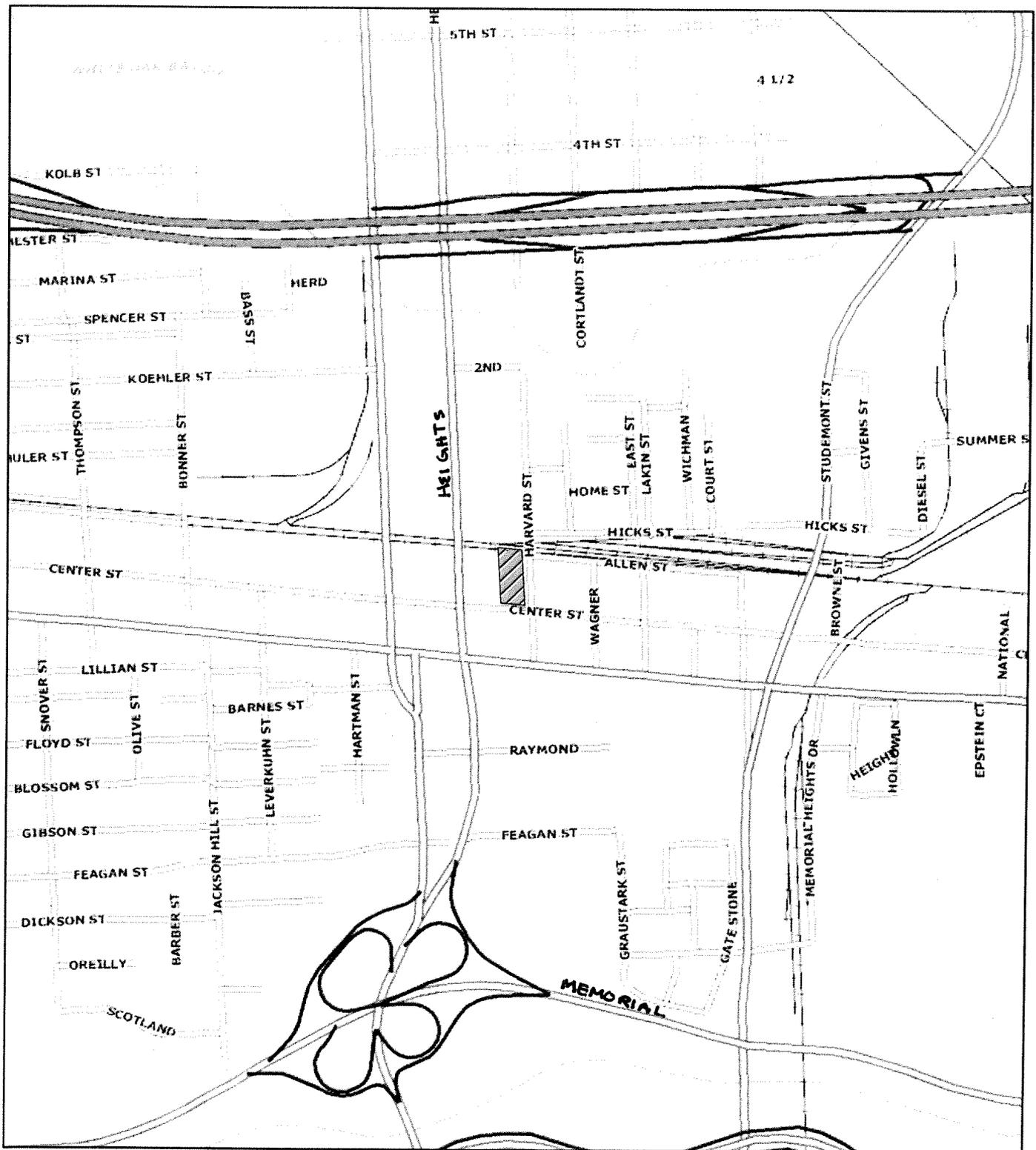
xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby

REQUIRED AUTHORIZATION

CUIC ID# 25 WW 02

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

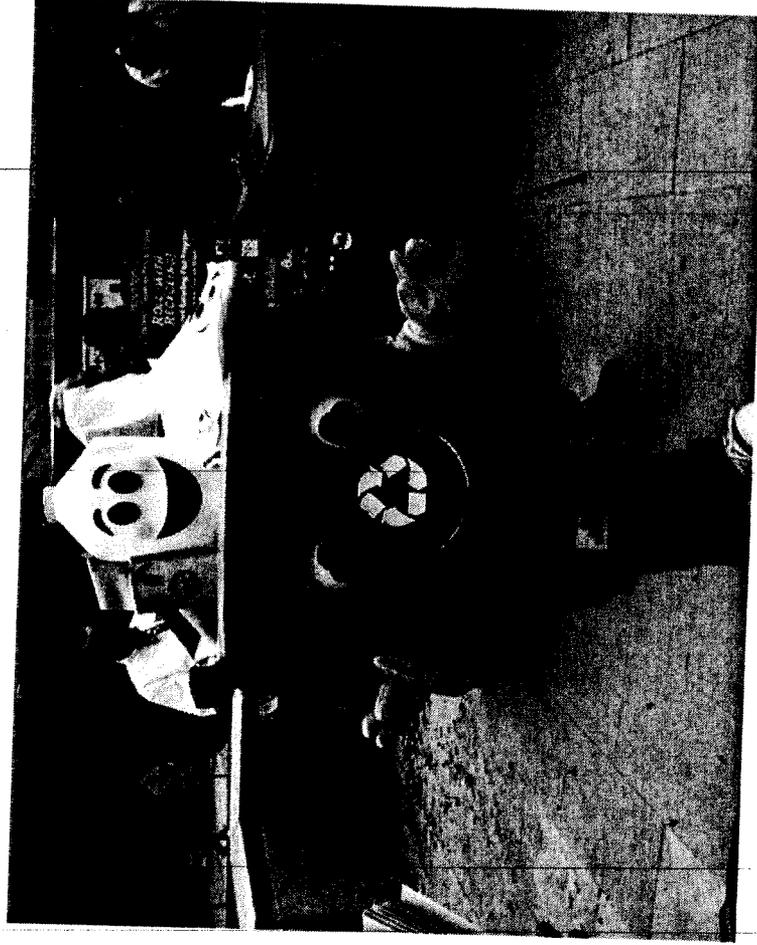
**Solid Waste Management Department:**  
*Harry J. Hayes*  
Harry J. Hayes  
Director



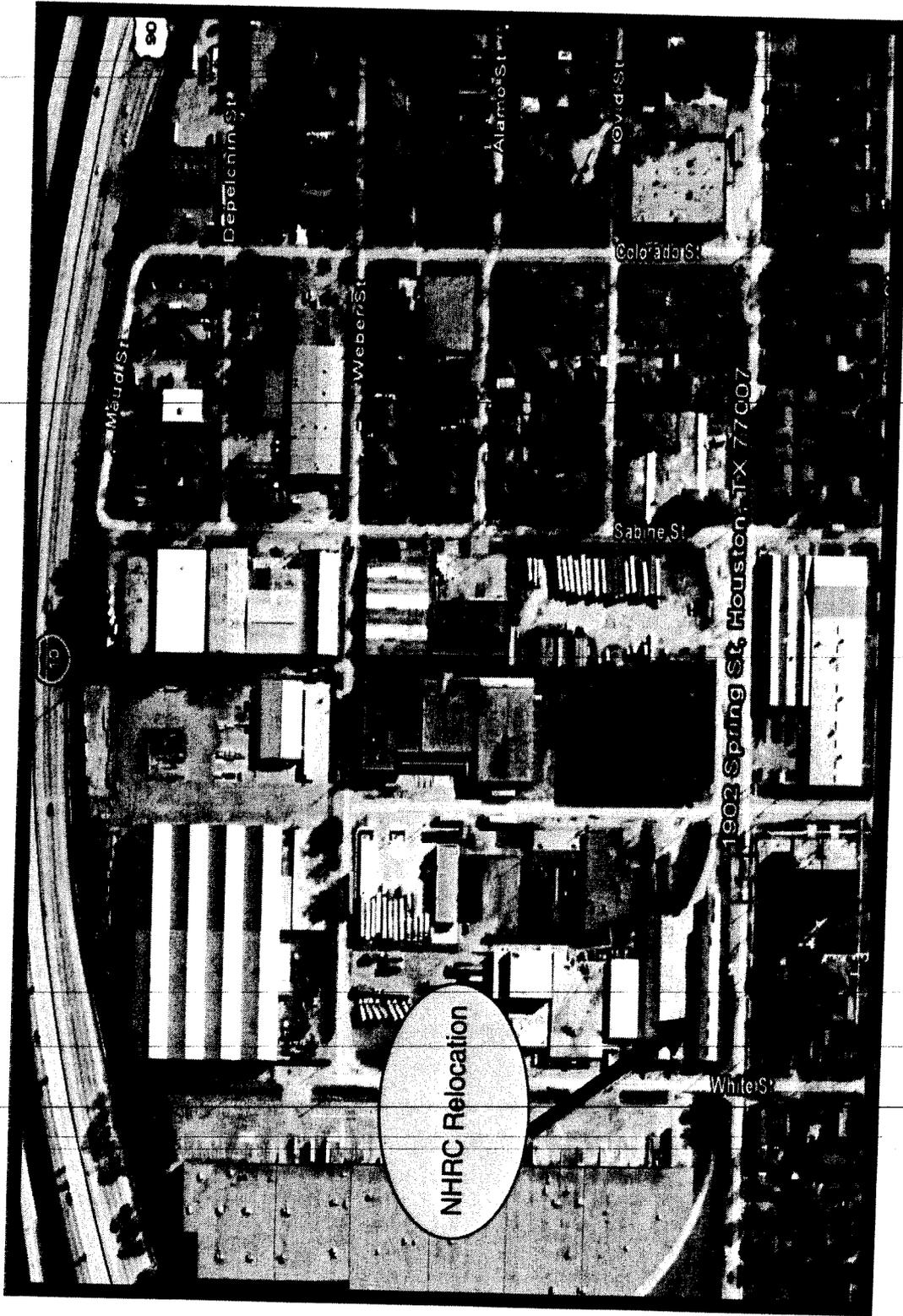
**Heights Recycling Center - 3602 Center Street**



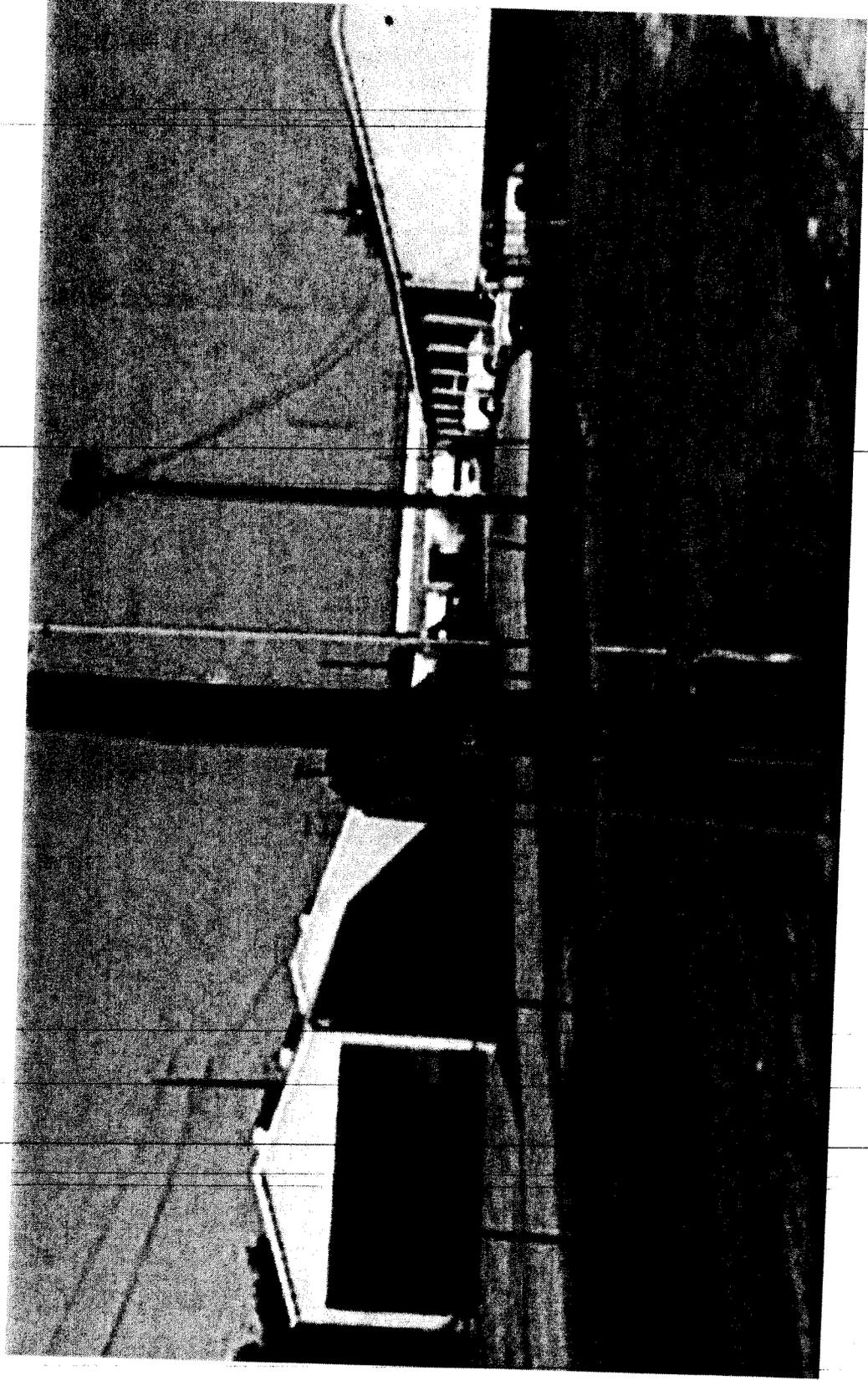
# Proposed Heights NHRC Relocation



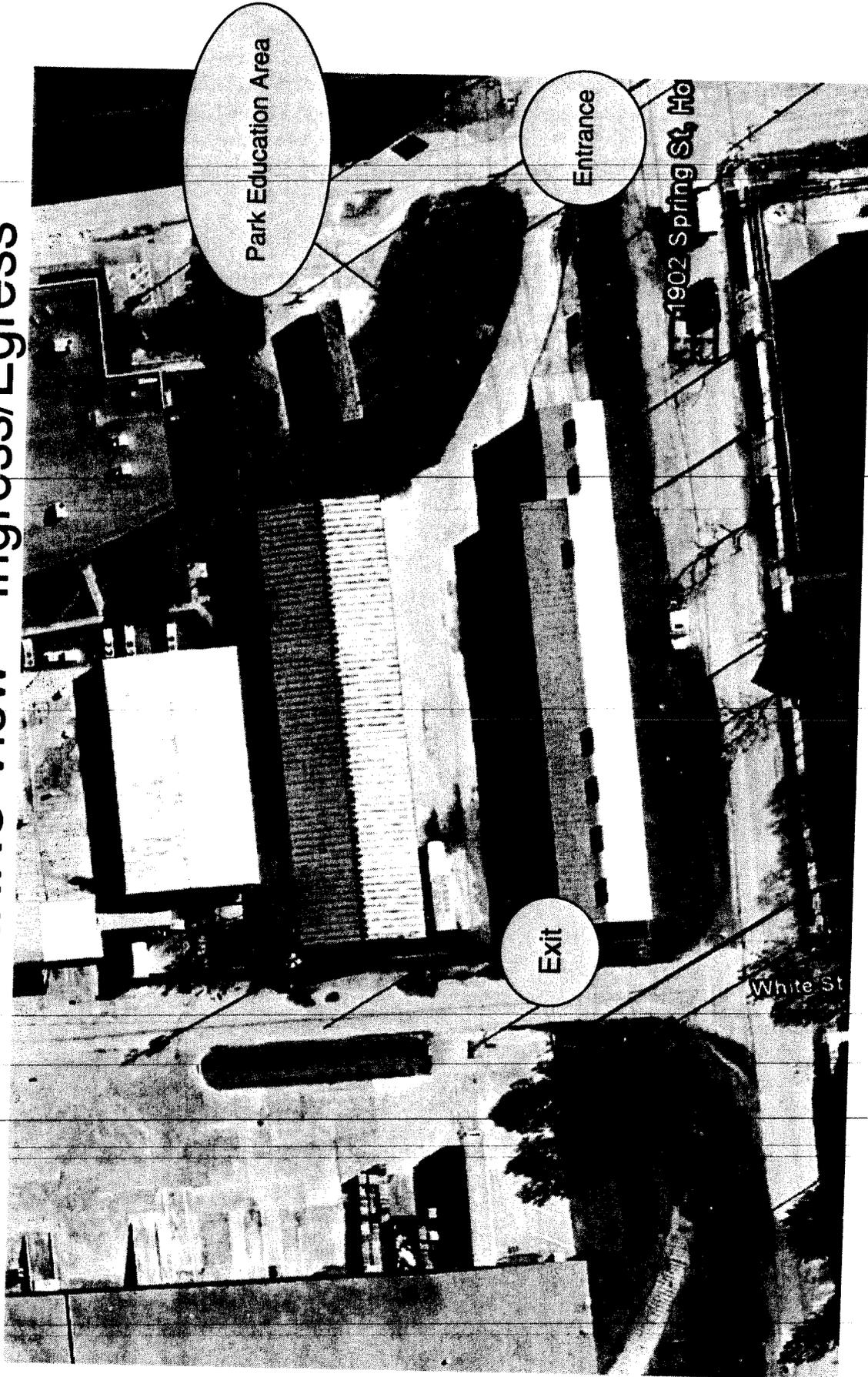
# Proposed NHRC Industrial Overview



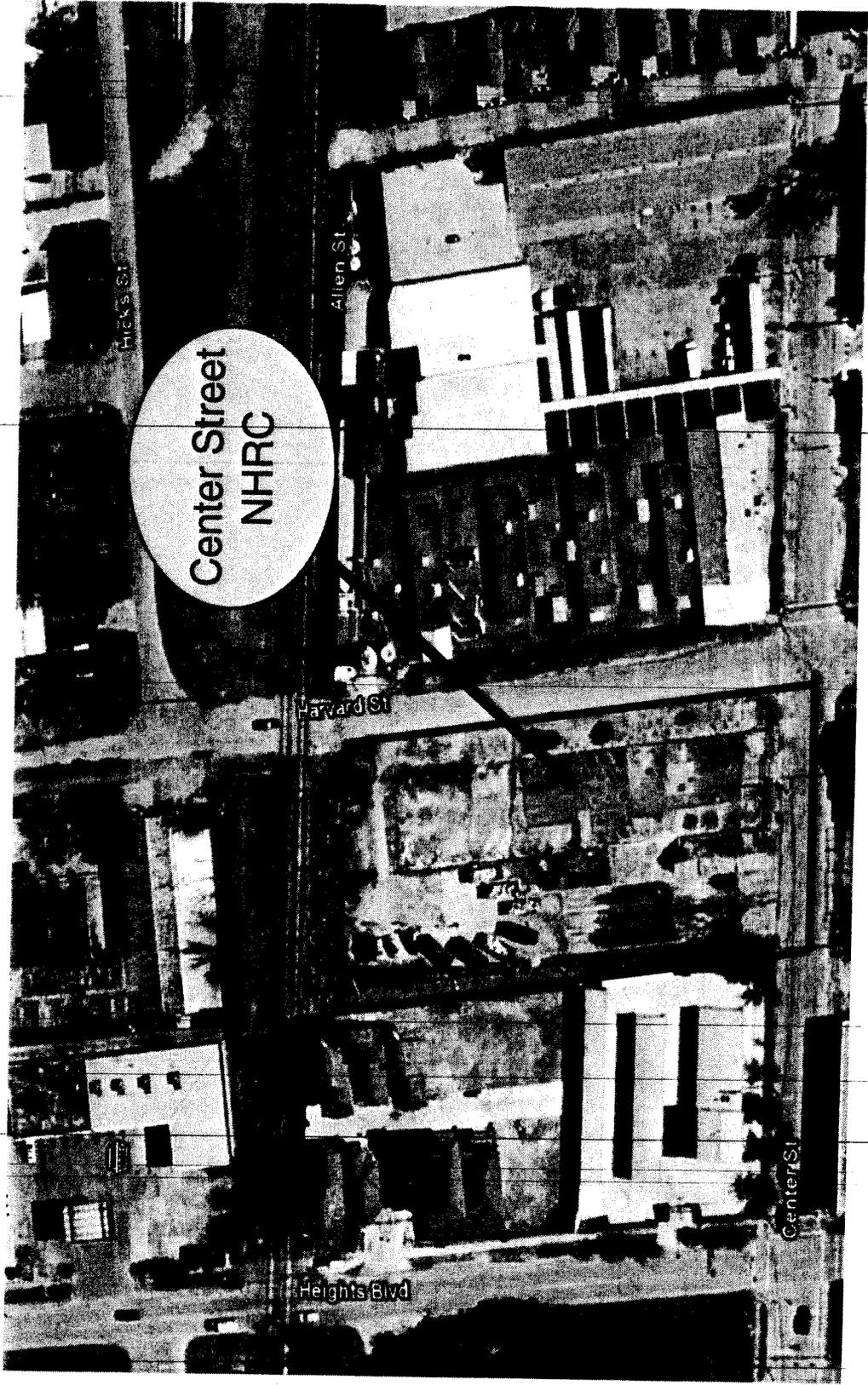
# Proposed NHRC Buildings View



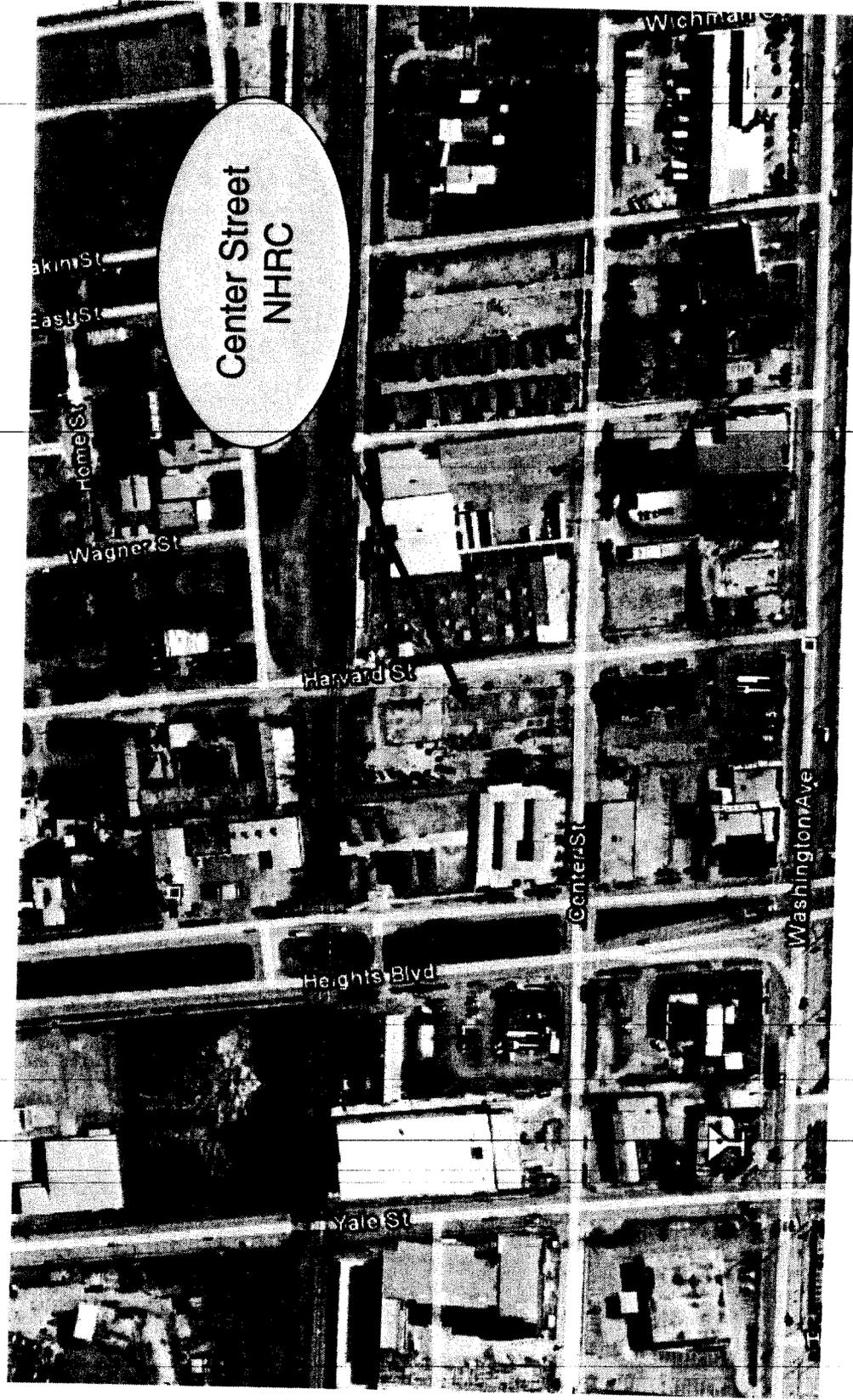
# New NE NHRC View – Ingress/Egress



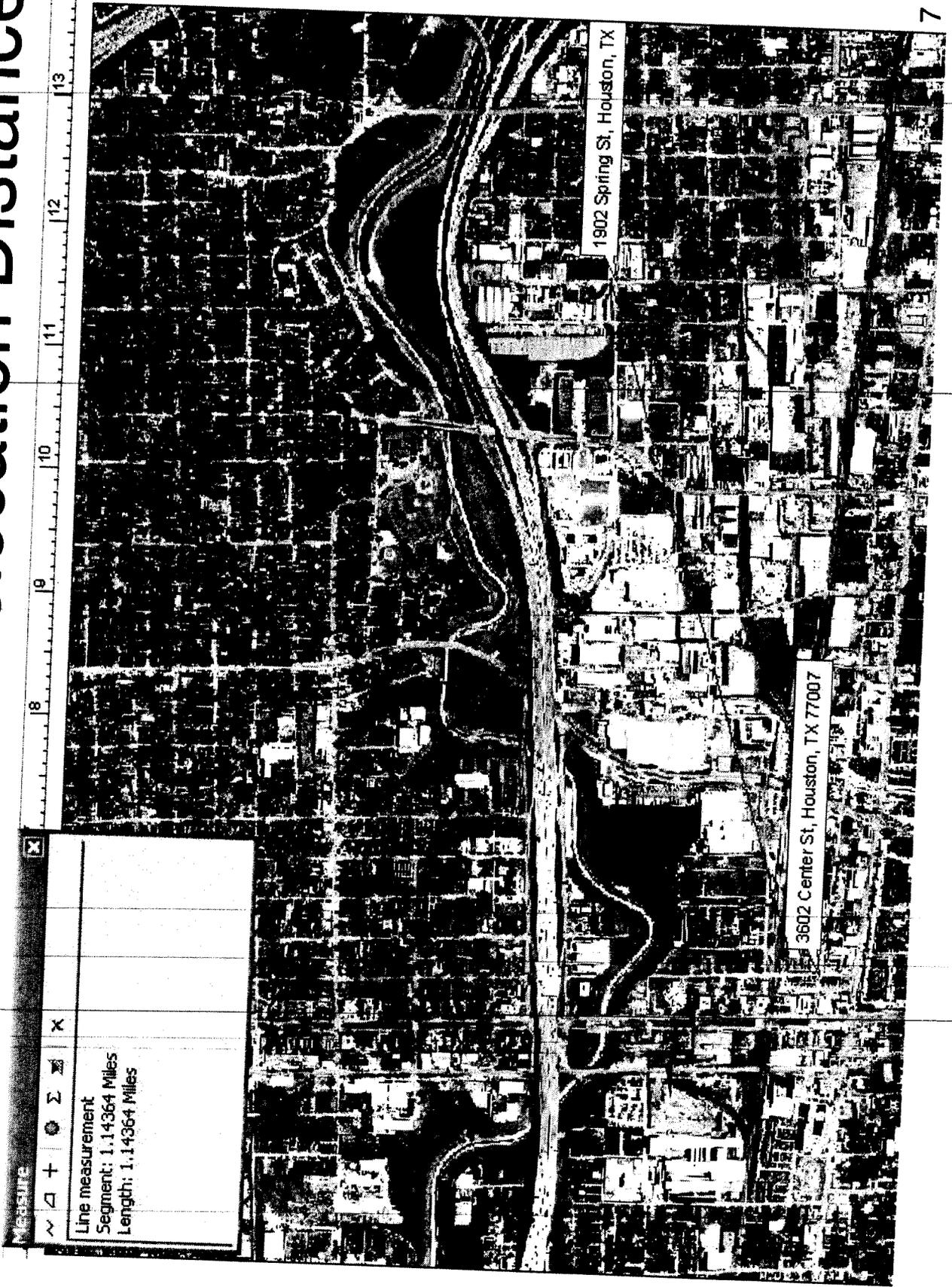
# Current Heights NHRC Industrial Overview



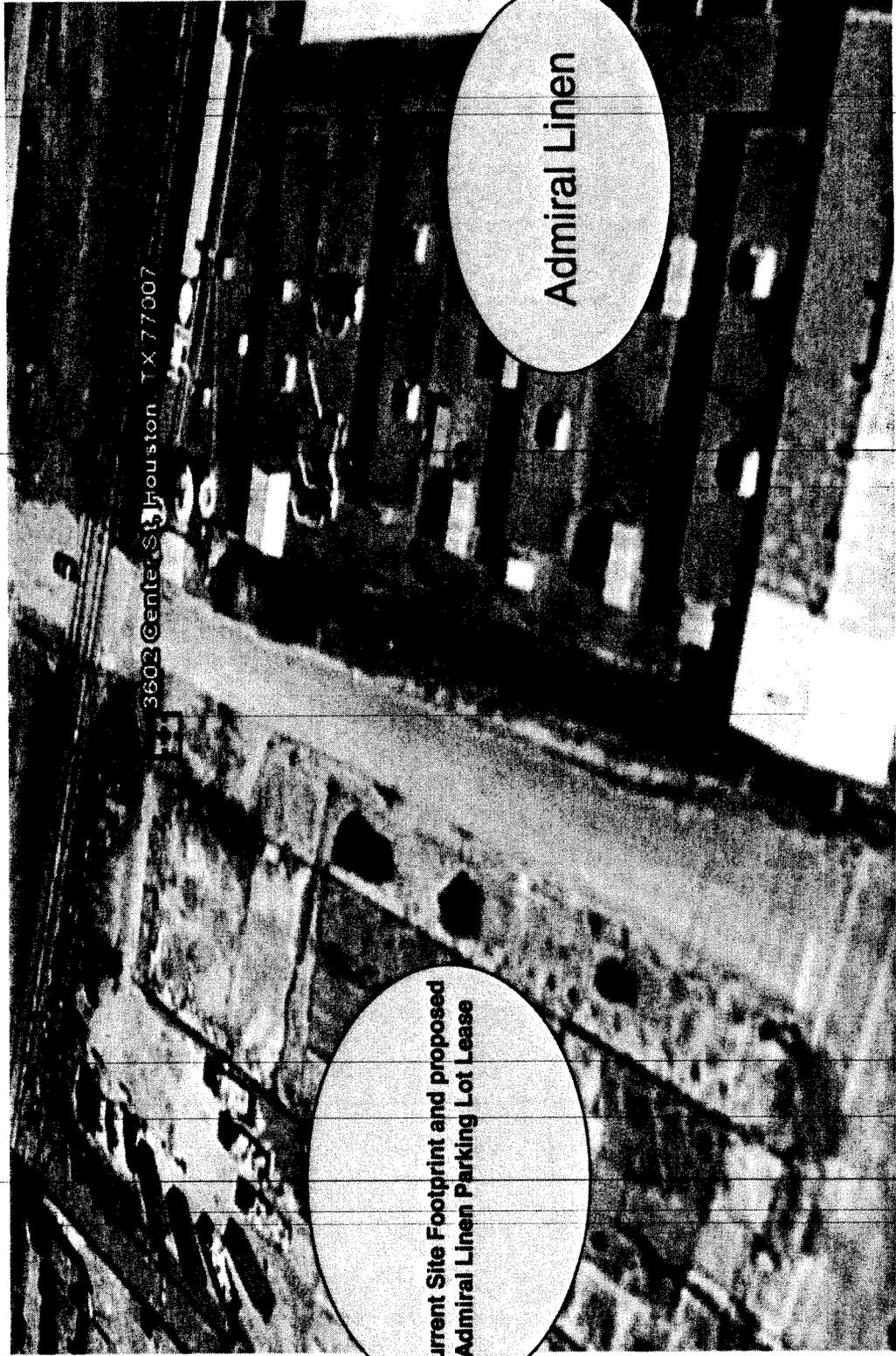
# Current Heights NHRC Industrial Overview



# Heights NHRC Relocation Distance

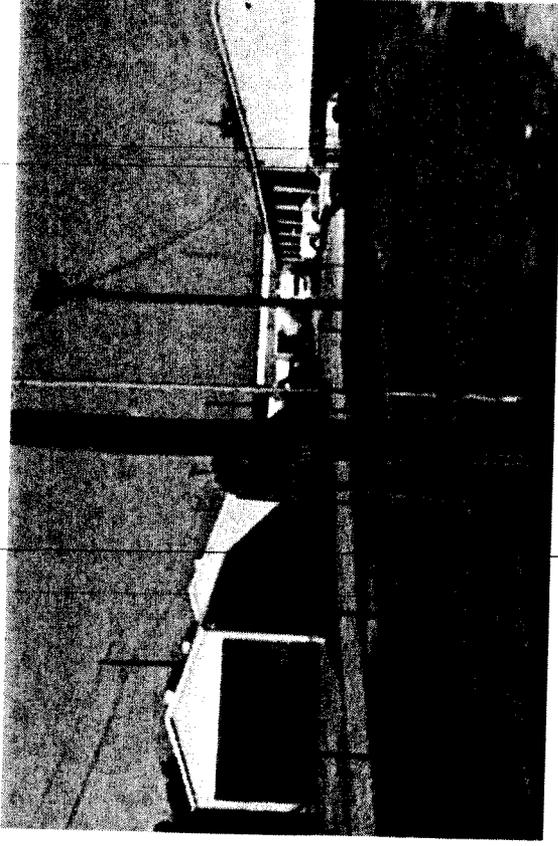


# Current Site/Future Use of Sold Land



# Spring Street Advantages

- Customers get a highly upgraded and larger site working area which will include HHW and Kiddie Education Park.
- Covered Buildings.
- NO CIP Expense.
- More Accessible and customer friendly facility.
- Entire Project funded through land existing land sale.



**SUBJECT:** An Ordinance approving and authorizing a contract between the City of Houston and Abitibi-Consolidated Corp. for the implementation of a recycling program for City facilities.

Category

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

Solid Waste/Mayor's Office

**Origination Date:**

02/17/09

**Agenda Date**

~~JUN 17 2009~~

**DIRECTOR'S SIGNATURE:**



**Council District Affected:**

All

JUN 24 2009

**For additional information contact:**

Harry Hayes: 713 837 9013

Sarah Mason: 832-393-0997

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

**RECOMMENDATION: (Summary)** That Council approves and authorizes an Ordinance authorizing a contract for recycling collection in City buildings between the City of Houston and Abitibi-Consolidated Corp.

**Amount and Source of Funding:** Maximum Contract Amount: \$1,630,514 (5 years)

General Fund (1000)

Convention & Entertainment Facilities Revenue Fund (8601)

HAS Revenue Fund (8001)

Water and Sewer System Operating Fund (8300)

**Finance Budget:**

**SPECIFIC EXPLANATION:**

The Solid Waste Department and the Mayor's Office of Environmental Programming recommend approval of a contract between the City of Houston and Abitibi-Consolidated Corp. The contract is to provide recycling collection at approximately 300 city-owned buildings and facilities. Currently, there is no citywide recycling program and recycling efforts are uneven across departments. This contract and program will convert lack of recycling in some departments and implement an even, managed approach across all city departments. This program will include plastic bottles, aluminum cans, bi-metal cans, glass containers, corrugated cardboard, office paper and newsprint. Analysis of city waste streams indicate that at least 30% of the material currently landfilled can be recycled under this program. The analysis was limited and expectations are that bigger percentages will be attained.

The contract period is five years, with one 5-year extension. Abitibi-Consolidated Corp will provide 12,000 deskside containers for employee recycling as well as containers for central collection points inside and outside of buildings. Facilities serviced include both administrative and public areas in all departments, to include the airports and the convention and entertainment facilities. The program includes an educational component which is designed to ensure that all employees understand the program and participate fully in recycling.

The City will pay the contractor an estimated \$27,175.23 monthly for this service based on unit costs established in the contract. Over time, the contract cost will be offset by the revenue received from the recyclable material and cost savings on trash disposal. The City will receive revenues from Abitibi-Consolidated Corp for recycled material collected based upon commodity values established by the Official Board Markets (OBM) Southwest high side for the Mixed Paper grade (MP). All revenue will be deposited in the Recycling Special Revenue Fund. As the amount of material recycled is increased, the level of trash disposal service needed will decrease.

cc: Marty Stein, Agenda Office

**REQUIRED AUTHORIZATION**

NDT

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

Funding Breakdown

Fund	Cost per month	Cost per Year	Cost over 5 years
General (1000)	22,141.83	265,701.92	1,328,509.62
C&EF (8601)	1,137.35	13,648.15	68,240.77
HAS (8001)	3,748.72	44,984.63	224,923.13
CUS (8300)	147.33	1,768.01	8,840.04
<b>TOTAL</b>	<b>27,175.23</b>	<b>326,102.71</b>	<b>1,630,513.56</b>