

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

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

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

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

**5:00 P. M. - RECESS**

**RECONVENE**

**WEDNESDAY - SEPTEMBER 2, 2009 - 9:00 A. M.**

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

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

**MAYOR'S REPORT** - Reach out to Drop-Outs Walk

**CONSENT AGENDA NUMBERS 1 through 49**

**MISCELLANEOUS** - NUMBERS 1 through 5

1. CONFIRMATION of the appointment of **MR. R. MAVERICK WELSH III** to Position 13 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2011

**MISCELLANEOUS** - continued

2. REQUEST from Mayor for confirmation of the appointment of **MR. CHRISTOPHER L. KNAPP** to Position Six of the **GARDEN CENTER ADVISORY BOARD**, for a term expiring June 30, 2012
3. REQUEST from Mayor for confirmation of the reappointment of **MR. J. KENT FRIEDMAN**, as Chair of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, for a term to expire August 31, 2011, and the reappointment of the following to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**:
  - Position One - **MS. SYLVIA K. BARNES**, for a term to expire August 31, 2010
  - Position Four - **MR. CURTIS V. FLOWERS**, for a term to expire August 31, 2011
  - Position Five - **MS. JANIE REYES**, for a term to expire August 31, 2011
  - Position Eleven - **MR. ROLAND GARCIA**, for a term to expire August 31, 2011
4. RECOMMENDATION from the Director of the Finance Department that the City Council receive the 2009 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw and Jennifer Chen to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code
5. RECOMMENDATION from Acting Director of Human Resources Department for approval of the amended Holiday Schedule for Calendar Year 2009

**ACCEPT WORK** - NUMBERS 6 through 15A

6. RECOMMENDATION from Director General Services Department for approval of final contact amount of \$2,459,508.71 and acceptance of work completed by the surety, **TRAVELERS CASUALTY & SURETY CO. OF AMERICA** on contract awarded to **J.O.A. CONSTRUCTION CO., INC** for Renovation of Teague Fleet Maintenance Facility - 4.76% over the original contract amount - **DISTRICT A - LAWRENCE**
7. ORDINANCE appropriating \$704,903.21 out of Drainage Improvements Commercial Paper Series F, Fund, as an additional appropriation for Construction Contract with **OSCAR RENDA CONTRACTING, INC** approved by Ordinance No. 2004-373 (passed by City Council on April 28, 2004); approving and authorizing the execution of Compromise and Settlement Agreement for North MacGregor Outfall Project from Fannin Street to Brays Bayou (TMC/SWMP) - **DISTRICT D - ADAMS**
  - a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$13,071,460.21 and acceptance of work on contract with **OSCAR RENDA CONTRACTING, INC** for North MacGregor Outfall Project from Fannin Street to Brays Bayou - 10.99% over the original contract amount - **DISTRICT D - ADAMS**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,305,299.24 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, L.P.** for Brays Bayou Detention Site - 3.26% under the original contract amount - **DISTRICT C - CLUTTERBUCK**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$887,029.49 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program D1 Project - 9.42% under the original contract amount - **DISTRICT C - CLUTTERBUCK**

**ACCEPT WORK** - continued

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,284,250.95 and acceptance of work on contract with **ADS ENVIRONMENTAL SERVICES, INC** for Citywide Intensive Flow Monitoring - 1.08% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; F - KHAN; G - HOLM and I - RODRIGUEZ**
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,836,398.47 and acceptance of work on contract with **INDUSTRIAL TX CORP.** for Treewater and Kirkwood No. 1 and No. 2 Lift Station Replacement - 3.90% under the original contract amount - **DISTRICT F - KHAN**
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,109,219.50 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in the Mary Bates Middle Area 0.01% under the original contract amount - **DISTRICT F - KHAN**
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,175,214.81 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Line Replacement in Garden City Park Area - 3.74% over the original contract amount - **DISTRICT B - JOHNSON**
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,344,680.04 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, LP.** for 42-inch Water Line along Holmes Road and Knight Road from W. Bellfort Street to 4,300 linear feet west of Kirby Drive - 9.22% under the original contract amount - **DISTRICT D - ADAMS**
15. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **HEYL CONSTRUCTION, LTD.** to settle a lawsuit; authorizing payment to **AACON, INC** as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.
  - a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,958,249.06 and acceptance of work on contract with **HEYL CONSTRUCTION, LTD.** for 54-Inch Water Line along Ella Boulevard from West 24th Street to West 43rd Street - 7.48% under the original contract amount - **DISTRICTS A - LAWRENCE and H - GONZALEZ**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 16 through 21

16. **STATE OF TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification and Re-certification fees for Firefighters for Fire Department - \$190,000.00 - General Fund
17. ORDINANCE appropriating \$533,637.50 out of Police Consolidated Construction Fund for Installation of a Pre-Engineered Metal Building for Houston Police Department
  - a. **BLUESCOPE CONSTRUCTION, INC** for Pre-Engineered Metal Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Houston Police Department - \$485,125.00 and contingencies for a total amount not to exceed \$533,637.50
18. **AMEND MOTION #2007-601, 6/20/07, TO INCREASE** spending authority from \$528,890.00 to \$661,112.50 for Remote Activated School Flasher System Parts for Department of Public Works & Engineering - General Fund

**PURCHASING AND TABULATION OF BIDS** - continued

19. **ALTIVIA CORPORATION** - \$1,745,592.07 for Chemical, Caustic Soda and \$4,746,889.03 for Emergency Purchase of Caustic Soda for Department of Public Works & Engineering - Enterprise Fund
20. **NORTEX MODULAR SPACE** for Modular Office Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering - \$229,474.40 - Enterprise Fund
21. **TURTLE & HUGHES, INC** for Electrical Lighting Parts and Fixtures for Various Departments \$1,090,786.54 - General and Enterprise Funds

**ORDINANCES** - NUMBERS 22 through 49

22. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

Henderson-Scurlock House	3663 Del Monte Drive	<b><u>DISTRICT G - HOLM</u></b>
T. J. and Ruth Bettles House	1059 Kirby Drive	<b><u>DISTRICT G - HOLM</u></b>
James L. Autry House	5 Courtlandt Place	<b><u>DISTRICT D - ADAMS</u></b>
St. John Missionary Baptist Church	2222 Gray Avenue	<b><u>DISTRICT I - RODRIGUEZ</u></b>
Jones-Hunt House	24 Courtlandt Place	<b><u>DISTRICT D - ADAMS</u></b>
23. RESOLUTION designating certain property within the City of Houston as a landmark and a protected landmark (Francois and Marie Tajan House - 1801 Lubbock Street) - **DISTRICT H - GONZALEZ**
24. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2008-193 by adding one (1) Assistant Chief Position; four (4) Master Identification Officer Positions; and by deleting three (3) Police Communication Specialist III Positions; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance
25. ORDINANCE amending City of Houston Ordinance No. 2005-607, passed on May 11, 2005, which approved and authorized the submission of the 2005 Consolidated Plan to the United States Department of Housing and Urban Development, including a grant application for the thirty-first year of the Community Development Block Grant ("CDBG") Program, among others
26. ORDINANCE amending City of Houston Ordinance No. 2008-1053, which amended City of Houston Building Code and adopted additional local amendments to the International Residential Code for one- and two-family dwellings relating to Land Use Regulations at the City's Airports, to correct a scrivener's error
27. ORDINANCE appropriating \$1,100,000.00 out of Airports Renewal and Replacement Fund and approving and authorizing contract between the City of Houston and **TEXAS DRAIN TECHNOLOGIES, INC** for Evaluation, Repairs and Cleanup Services for the Sanitary Sewer Systems in all Terminal Buildings at George Bush Intercontinental Airport/Houston (Project No. 642) - **DISTRICT B - JOHNSON**
28. ORDINANCE deappropriating \$71,857,659.00 out of Airports Improvement Fund that was previously appropriated under Ordinance 2009-0365 for Project 417F (CIP A-0141); and appropriating \$71,857,659.00 out of HAS Consolidated 2004 AMT Construction Fund for Project 417F (CIP A-0141) for contract between the City of Houston and **CLARK CONSTRUCTION GROUP - TEXAS, LP** for Renovations of the East Terminal, Main Terminal Building, Baggage Make-Up and Baggage Claim areas at Hobby Airport

**ORDINANCES** - continued

29. ORDINANCE making certain findings concerning the use of a portion of Hermann Park for (1) the roadway and bridge construction at Brays Bayou and South MacGregor Drive, (2) the realignment of the paving of portions of North MacGregor Drive currently located in Hermann Park, and (3) associated temporary construction easements, all through Hermann Park, by the Department of Public Works and Engineering; said findings made after a public hearing held at 9:00 a.m. on Wednesday, May 9, 2007, in the City Council Chambers, Second Floor of City Hall, Houston, Texas, pursuant to the provisions of Chapter 26, Texas Parks and Wildlife Code; making other findings and stating other matters generally relating thereto; providing for the effective date of such findings and approval - **DISTRICT D - ADAMS**
30. ORDINANCE accepting into the City Collection the sculpture, Great Confucius, a Cast Bronze Statue by Sculptor Willie Wang, for placement in the International Sculpture Garden of the Houston Garden Center in Hermann Park and approving and authorizing agreement between the City of Houston and the **CONSULATE GENERAL OF THE PEOPLES REPUBLIC OF CHINA** in Houston for donation of such work of art - **DISTRICT D - ADAMS**
31. ORDINANCE relating to the Fiscal Affairs of the Uptown Development Authority on behalf of **REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS (UPTOWN ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Year 2010-2014 Capital Improvement Budget for the Zone - **DISTRICTS C - CLUTTERBUCK and G - HOLM**
32. ORDINANCE amending Ordinance No. 2009-0031 for the purpose of correcting various errors in the listing of voting precincts affecting certain single member districts
33. ORDINANCE approving and authorizing the City of Houston to enter into contract with **YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA** to administer an After School Achievement Program ("ASAP") - **DISTRICTS F - KHAN; G - HOLM and I - RODRIGUEZ**
34. ORDINANCE amending Ordinance Number 2008-1003 to increase the maximum contract amount for contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**, for transit fare media for City Employees - \$230,000.00 - General and Other Funds
35. ORDINANCE amending Ordinance No. 2006-0976 (Passed on September 27, 2006) to increase the maximum contract amount for contract between the City of Houston and **CENTRAL LANDSCAPE & MAINTENANCE** for Landscaping Services for Convention & Entertainment Facilities Department - \$245,000.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ**
36. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Kirby Drive (from Airport to Sims Bayou) and Mowery Road (from Edwina to future Kirby Drive) Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of a permanent and perpetual easements in, over, under, upon and across seven (7) parcels of land situated in the James Hamilton Survey, Abstract No. 877, in Harris County, Texas, such property being more specifically situated along and abutting the east and west lines of Airport Boulevard and along the north line of a Harris County Flood Control Drainage Easement and the north and south line of Mowery Road as these parcels intersect with Kirby Drive; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT D - ADAMS**

**ORDINANCES** - continued

37. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Mowery Road (Parcel SY9-061), from the west right-of-way line of the proposed Kirby Drive 246.08 feet west to its terminus, containing 0.1908 acre (8,311 square feet) of land, more or less; vacating and abandoning said tract and approving abutting owner, Headway Estates, Ltd.'s conveyance to the City of new street right-of-way (Parcel AY9-030) containing 0.6181 acre (26,927 square feet) of land, more or less, all located in the James Hamilton Survey, A-877, Houston, Harris County, Texas - **DISTRICT D - ADAMS**
38. ORDINANCE appropriating \$6,560,000.00 out of Equipment Acquisition Consolidated Fund for a Houston Municipal Courts Case Management System ("SYSTEM"); approving and authorizing contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services; providing for expenses relating to the design and implementation of the system
39. ORDINANCE appropriating \$162,500.00 out of Reimbursement of Equipment/Projects Fund; awarding Construction Manager At Risk Contract to **MANHATTAN CONSTRUCTION COMPANY** for Central Permitting Center - **DISTRICT H - GONZALEZ**
40. ORDINANCE appropriating \$221,000.00 out of Reimbursement of Equipment/Projects Fund; approving and authorizing Professional Services Contract between the City of Houston and **TC HOUSTON INDUSTRIAL DEVELOPMENT, INC** for Project Management Services for the Central Permitting Center; providing a maximum contract amount - **DISTRICT H - GONZALEZ**
41. ORDINANCE approving and authorizing Supplemental Agreement to Professional Landscape Architectural and Engineering Services Contract between the City of Houston and **LAUREN GRIFFITH, INC** for Hermann Park Trail Improvements - \$40,698.00 - Grant Fund - **DISTRICT D - ADAMS**
42. ORDINANCE appropriating \$6,800.00 out of Parks Special Fund for Demolition of Restroom/Shelter Building at Jaycee Park for Parks & Recreation Department - **DISTRICT A - LAWRENCE**
43. ORDINANCE appropriating \$120,500.00 out of Julia Ideson Library Contribution Fund and awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Julia Ideson Building; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for project management and construction oversight services and contingencies relating to construction of facilities financed by the Julia Ideson Library Contribution Fund - **DISTRICT I - RODRIGUEZ**
44. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **BRIONES CONSULTING & ENGINEERING, LTD.** for Rehabilitation and Renewal of Wastewater Lift Stations - **DISTRICT I - RODRIGUEZ**
45. ORDINANCE appropriating \$1,979,429.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** (Approved by Ordinance Nos. 1999-0001 and 2001-0417) for the Southeast Water Purification Plant (SEWPP) Expansion - **DISTRICT E - SULLIVAN**

**ORDINANCES** - continued

46. ORDINANCE appropriating \$2,308,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Neighborhood Sewer System Improvements; 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 Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS and G - HOLM**
47. ORDINANCE appropriating \$3,616,512.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **REPIPE CONSTRUCTION, LTD.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
48. ORDINANCE No. 2009-785, passed first reading August 26, 2009  
ORDINANCE granting to **A-GAIA AMERICA, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**
49. ORDINANCE No. 2009-759, passed second reading August 26, 2009  
ORDINANCE granting to **RW JAYNES, LLC, d/b/a INTRA-SERVICES WASTE TRANSPORT, A Texas Limited Liability Company**, 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 - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

**CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

**NON CONSENT AGENDA** - NUMBER 50

**MISCELLANEOUS**

50. RECEIVE nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for current unexpired term ending June 30, 2011

**AGENDA - SEPTEMBER 2, 2009 - PAGE 8**

**MATTERS HELD** - NUMBERS 51 through 54

51. MOTION by Council Member Khan/Seconded by Council Member Sullivan to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by Joint Referral Committee, on request from William Bickerstaff of W. W. Bickerstaff and Associates, Incorporated, on behalf of Candlelight Development Joint Venture (Alvin L. Freeman, Manager and Tom L. Shepard, Manager), for abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4 and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544, Parcel SY9-096 - **DISTRICT A - LAWRENCE** - TAGGED BY COUNCIL MEMBER LAWRENCE  
This was Item 8 on Agenda of August 26, 2009
52. ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Solid Waste Management - TAGGED BY COUNCIL MEMBER SULLIVAN  
This was Item 14 on Agenda of August 26, 2009
53. ORDINANCE approving and authorizing contract between the City and GERRY FUSCO CONSULTING for Professional Services relating to the Bureau of Animal Regulation and Control (BARC); providing a maximum contract amount - \$135,000.00 - General Fund  
TAGGED BY COUNCIL MEMBERS GREEN AND HOLM  
This was Item 22 on Agenda of August 26, 2009
54. ORDINANCE approving and authorizing first amended and restated agreement among the City of Houston, Texas, Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), and the MEMORIAL-HEIGHTS REDEVELOPMENT AUTHORITY to finance certain public infrastructure improvements - **DISTRICTS A - LAWRENCE; D - ADAMS; G - HOLM and H - GONZALEZ** - TAGGED BY COUNCIL MEMBER CLUTTERBUCK  
This was Item 23 on Agenda of August 26, 2009

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

1  
SEP 02 2009

MOTION NO. 2009 0637

MOTION by Council Member Khan that nominations for Position 13 of the Houston Archaeological and Historical Commission Board of Directors, for a two-year term that will end March 1, 2011, be closed.

Seconded by Council Member Clutterbuck and carried.

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

Council Member Jones absent on personal business

PASSED AND ADOPTED this 26th day of August 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 1, 2009.

City Secretary

Mr. R. Maverick Welsh III was nominated by Council Member Lovell.



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2

SEP 02 2009

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: Y-19-09  
COUNCIL MEMBER: \_\_\_\_\_  
date

August 19, 2009

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to Sections 32-126 and 32-127 of the Houston Code of Ordinances, I am nominating the following individual for appointment to the Garden Center Advisory Board with term expiring on June 30, 2012, subject to Council confirmation:

Mr. Christopher L. Knapp, appointment to Position Six;

Résumé of the nominee is attached for your review.

Sincerely,

Bill White  
Mayor

BW:CC:jsk

Attachments

cc: Ms. Minnette Boesel, Special Assistant to the Mayor, Mayor's Office  
Mr. Joe Turner, Director, Houston Parks and Recreation Department  
Ms. Susan Booth Keeton, Chair, Garden Center Advisory Board





BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

3

SEP 02 2009

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: V-19-09  
date

COUNCIL MEMBER: \_\_\_\_\_

August 19, 2009

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Section 335.035 of the Texas Local Government Code, I am reappointing Mr. J. Kent Friedman as Chair of the Harris County-Houston Sports Authority, for a term to expire August 31, 2011, subject to confirmation by the City Council and the concurrent reappointment of Mr. Friedman as Chair by the County Judge of Harris County, subject to confirmation by the Harris County Commissioners Court.

I also am reappointing the following individuals to the Harris County-Houston Sports Authority Board of Directors, subject to City Council confirmation:

- Ms. Sylvia K. Barnes, reappointment to Position One, for a term to expire August 31, 2010;
- Mr. Curtis V. Flowers, reappointment to Position Four, for a term to expire August 31, 2011;
- Ms. Janie Reyes, reappointment to Position Five, for a term to expire August 31, 2011; and
- Mr. Roland Garcia, reappointment to Position Eleven, for a term to expire August 31, 2011.

The résumés of the appointees are attached for your review. Additional appointments will be submitted at a later date.

Sincerely,

Bill White  
Mayor

BW:CC:jsk

Attachments

- cc: Harris County Judge Ed Emmett
- Ms. Beverly B. Kaufman, County Clerk, Harris County
- Ms. Janis Schmees, Executive Director, Harris County-Houston Sports Authority
- Mr. J. Kent Friedman Chair, Harris County-Houston Sports Authority
- Mr. Roland Garcia, Secretary-Treasurer, Harris County-Houston Sports Authority

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject:**

Approve Amended Holiday Schedule for Calendar Year 2009 for Fire Fighters

Category #

Page 1 of 1

Agenda Item

5

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

Human Resources

**Origination Date**

August 27, 2009

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE**

*cc Aldridge*

**Council District(s) affected**  
All

**For additional information contact:**

Candy Clarke Aldridge  
Roderick J. Newman

**Phone:**  
(713) 837-9333  
(713) 837-9411

**Date and Identification of prior authorizing Council Action:** Motion 2008-0731- October 1, 2008

**RECOMMENDATION: (Summary)**

It is recommended that City Council approve the following Amended Holiday Schedule for 2009 for Fire Fighters.

**Amount of Funding:**

None Required

**Finance Budget**

**SOURCE OF FUNDING:**

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

None Required

**SPECIFIC EXPLANATION:**

The Amended 2009 Holiday Schedule listed below designates the Labor Day holiday as the Labor Day/September 11<sup>th</sup> (observed holiday) for Fire Fighters, in compliance with HB 2113 (Texas Local Gov't Code 142.0013) by September 1, 2009. The list of 2009 holidays remains unchanged for Police and Municipal employees.

**Proposed Amended 2009 Holiday Schedule for Fire Fighters**

New Year's Day	Thursday	01-01-09
Martin Luther King, Jr.	Monday	01-19-09
Memorial Day	Monday	05-25-09
Independence Day (observed)	Friday	07-03-09
Labor Day/September 11 <sup>th</sup> (observed holiday)	Monday	09-07-09
Veteran's Day	Wednesday	11-11-09
Thanksgiving Day	Thursday	11-26-09
Day after Thanksgiving	Friday	11-27-09
Christmas Eve	Thursday	12-24-09
Christmas	Friday	12-25-09

**Plus one (1) floating holiday granted according to guidelines established and administered by the Administration.**

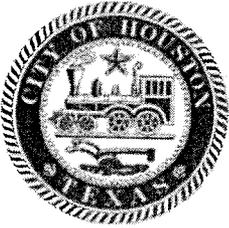
Cc: Anthony Hall  
Marty Stein

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

Other Authorization:



# CITY OF HOUSTON

Human Resources  
Department

## Interoffice

Correspondence

*Candy Clarke Aldridge*

To: Council Members

From: Candy Clarke Aldridge  
Acting Director

Date: August 27, 2009

Subject: **September 11<sup>th</sup> Holiday Designated for  
Fire Fighters**

During the recent state legislative session, legislators required that municipalities designate a holiday for fire fighters as "September 11<sup>th</sup>." The law is quoted below:

- (c) A fire fighter shall be granted the same number of vacation days and holidays, or days in lieu of vacation days or holidays, granted to other municipal employees, at least one shall be designated as September 11<sup>th</sup>.
- (d) A police officer shall be granted the same number of vacation days and holidays, or days in lieu of vacation days or holidays, granted to other municipal employees.

This bill was sponsored by Representative Armando Walle and is effective on September 1, 2009.

The law states that of the holidays a fire fighter is granted, one shall be "designated as September 11<sup>th</sup>," but makes clear that we are not required to add an additional holiday.

Implementation of the new law is challenging for the City, and the proposed modification to the 2009 Holiday Schedule was prepared with consideration of existing labor agreements and has been vetted through the Legal Department. We have worked with the Fire Chief to develop a recommendation that complies with the interpretation of the law and the complex staffing requirements of the Fire Department.

In order to comply by September 11<sup>th</sup>, we will place a recommendation on the September 2<sup>nd</sup> Council Agenda to address the new law. Since Council does not meet on September 9<sup>th</sup>, we respectfully request your consideration and approval on September 2<sup>nd</sup>.

CCA:amfb

Attachment (HB 2113)

Cc: Anthony Hall  
Chief Phil Boriskie  
Susan Taylor

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AN ACT

relating to the holidays for members of fire and police departments  
in certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 142.0013(c), Local Government Code, is  
amended to read as follows:

(c) A fire fighter [~~and a police officer~~] shall be granted  
the same number of vacation days and holidays, or days in lieu of  
vacation days or holidays, granted to other municipal employees, at  
least one of which shall be designated as September 11th.

SECTION 2. Section 142.0013, Local Government Code, is  
amended by adding Subsection (d) to read as follows:

(d) A police officer shall be granted the same number of  
vacation days and holidays, or days in lieu of vacation days or  
holidays, granted to other municipal employees.

SECTION 3. This Act takes effect September 1, 2009.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 2113 was passed by the House on April 15, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2113 on May 29, 2009, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 2113 was passed by the Senate, with amendments, on May 23, 2009, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work J.O.A Construction Co., Inc./Travelers Casualty & Surety Co. of America Renovation of Teague Fleet Maintenance Facility WBS No. R-000268-0051-4	<b>Page</b> 1 of 2	<b>Agenda Item</b> <b>6</b>
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<b>FROM (Department or other point of origin):</b> General Services Department <i>[Signature]</i> 1/31/09	<b>Origination Date</b> 08-10-09	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P. E.	<b>Council District affected:</b> A
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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. 2006-0299, Dated April 5, 2006
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**RECOMMENDATION:** Pass a motion approving the final contract amount of \$2,459,508.71, accept the work, and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required	<b>Finance Budget:</b>
<b>Previous Funding:</b> \$2,645,686.61 Water & Sewer System Consolidated Construction Fund (755)	

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$2,459,508.71 or 4.76% over the original contract amount, accept the work and authorize final payment to the surety, Travelers Casualty & Surety Co. of America for construction services in connection with the Renovation of Teague Fleet Maintenance Facility for the Department of Public Works and Engineering.

On September 6, 2007, the contractor, J.O.A. Construction Co., Inc., defaulted on the contract and was subsequently terminated on September 19, 2007 for failure to perform. The surety, Travelers Casualty & Surety Co. of America fulfilled its obligation under the performance bond and completed the project.

**PROJECT LOCATION:** 5900 Teague Street (410W)

**PROJECT DESCRIPTION:** This project was part of PWE's ongoing plan to upgrade five wastewater facilities. This first project constructed a new vehicle maintenance facility, which included demolition of the concrete batching plant and motor maintenance building, replaced concrete paving, constructed ten service shop bays and renovated and repaired the existing car wash / gas station.

**CONTRACT COMPLETION AND COST:** The take-over contractor, Scohill Construction Services, LLC, completed the project within 212 days: the original contract time of 150 days plus 62 days approved by Change Orders. The final cost of the project including Change Orders is \$2,459,508.71, an increase of \$111,863.37 over the original contract amount.

The project design consultant and construction manager was Bovay Engineering, Inc.

**REQUIRED AUTHORIZATION** CUIC #25CONS111 **NOT**

<b>General Services Department:</b> <i>[Signature]</i> Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Department of Public Works &amp; Engineering:</b> <i>[Signature]</i> Michael S. Marcotte, P.E., D.WRE, BCEE Director
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<b>Date</b>	<b>Subject:</b> Accept Work J.O.A Construction Co., Inc./Travelers Casualty & Surety Co. of America Renovation of Teague Fleet Maintenance Facility WBS No. R-000268-0051-4	<b>Originator's Initials</b> KTH	<b>Page</b> 2 of 2
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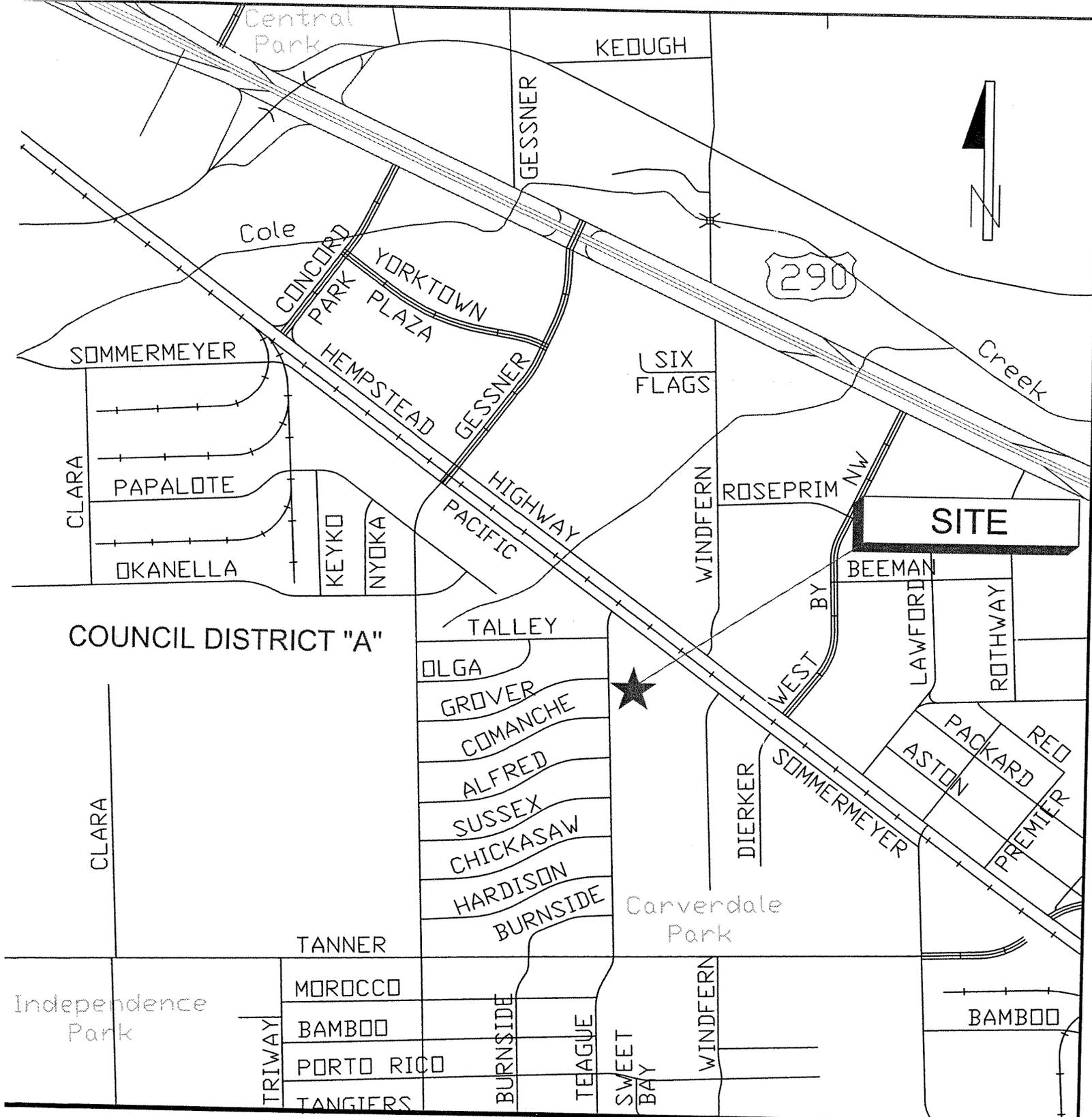
**PREVIOUS CHANGE ORDERS:** Change Order 1 was voided. Change Orders 2 - 12 added material to building pad, removed unsuitable soil materials, revised electrical design for upgraded demand loads, revised structural steel, deleted all fuel island work, installed emergency eyewash stations, installed epoxy floor coating, installed 650 gallon oil tank, deleted demolition of motor maintenance building and added contract days for scope of work revisions plus weather delays.

**M/WBE PARTICIPATION:** The contract contained a 17.0% MBE goal. The contractor achieved 8.561% MBE participation and was assigned an unsatisfactory rating. On September 6, 2007, the contractor, J.O.A. Construction Co., Inc., defaulted on the contract and was subsequently terminated on September 19, 2007 for failure to perform. The surety, Travelers Casualty & Surety Company of America fulfilled its obligation under the performance bond and completed the project.

IZD:HB:JLN:MCP:KTH:kth

This item was presented to the M/WBE Committee on August 24th, 2009, and moved to council with a recommendation.

c: Marty Stein, James Tillman IV, Jacquelyn L. Nisby, Michael S. Marcotte, Velma Laws, Joe Goodman, Calvin Curtis, Yvette Burton, Kim Nguyen, File



RENOVATION OF TEAGUE FLEET MAINTENANCE FACILITY  
 5900 TEAGUE STREET  
 HOUSTON, TX





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

<b>SUBJECT:</b> An Ordinance approving and authorizing the execution of a Compromise and Settlement Agreement to settle a claim, and Appropriating Additional Funds and a Motion to Accept Work for North MacGregor Outfall Project from Fannin Street to Brays Bayou, WBS No. M-000260-0004-4.	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <i>7-7A</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>8-7-09</i>	<b>Agenda Date</b> <i>SEP 02 2009</i>
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE., Director	<b>Council Districts affected:</b> <i>D</i>
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<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. #2004-373 dated 04/28/2004 Ord. #2005-788 dated 06/22/2005
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**RECOMMENDATION:** (Summary) Adopt an Ordinance approving and authorizing the execution of a Compromise and Settlement Agreement to settle a claim, and appropriating an additional \$704,903.21, adopt a Motion to approve the final Contract Amount of \$13,071,460.21, which is 10.99% over the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** Additional appropriation of \$704,903.21 from Drainage Improvements Commercial Paper Series F, Fund No. 4030. (Previous (original) appropriation of \$3,425,750.00 from Storm Sewer Consolidated Construction Fund No. 436. Subsequent appropriation of \$5,277,250.00 from the Drainage Improvements Commercial Paper Series F, Fund No. 49R, and \$5,000,000.00 from Street and Bridge Construction Fund 405). *M.P. 7/10/09*

**FOR SETTLEMENT PURPOSE, ONLY**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Storm Drainage Capital Improvements Plan and was designed to provide improvements within the Harris Gully watershed by reducing the flood potential to the Texas Medical Center, Rice University, Hermann Park and surrounding areas.

**DESCRIPTION/SCOPE:** This project consisted of tunnel installation of approximately 3,340 linear feet of 144-inch diameter storm sewer between Brays Bayou and Fannin Street. J. F. Thompson, Inc. designed the project with 355 calendar days allowed for construction. The project was awarded to Oscar Renda Contracting, Inc. with an original Contract Amount of \$11,777,673.00.

**LOCATION:** The project area is generally bounded by Fannin Street on the north, Brays Bayou on the south, Hermann Park on the east, and Texas Medical Center on the west. The project is located in Key Map Grids 533A and E.

**CONTRACT COMPLETION AND COST:** The Oscar Renda Contracting, Inc., has completed the work under the subject Contract. The final amount of the Contract, including Change Order No.1 in the amount of \$526,245.35, and including the Compromise and Settlement Agreement is \$13,071,460.21, which is 10.99% over the original Contract Amount.

**CLAIM:** Oscar Renda Construction, Inc. presented a claim for damages for alleged changed site conditions and delays in the construction of the project to the City Engineer in the amount of \$1,296,266.84 and was awarded \$884,140.64. Oscar Renda Construction, Inc. has agreed to accept the City's Engineer's decision and settle its claim for \$884,140.64. After thoroughly investigating the claim, the Legal Department and the Public Works & Engineering Department recommend that Council accept Oscar Renda's offer and adopt an Ordinance approving and authorizing a Compromise and Settlement Agreement between Oscar Renda Construction, Inc. and Houston to settle a claim and that Council appropriate the sum of \$704,903.21 to fund the Compromise and Settlement Agreement. The Legal Department has prepared the documents necessary to settle the claim.

**REQUIRED AUTHORIZATION**

CUIC ID # 20HA63

<b>Finance Department:</b>	<b>Other Authorization:</b>  Arturo G. Michel City Attorney	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date:	SUBJECT: An Ordinance approving and authorizing the execution of a Compromise and Settlement Agreement to settle a claim, and Appropriating Additional Funds and a Motion to Accept Work for North MacGregor Outfall Project from Fannin Street to Brays Bayou, WBS No. M-000260-0004-4.	Originator's Initials	Page 2 of 2
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The increased cost is a result of previously approved Change Order No. 1, Compromise and Settlement Agreement and difference between planned and measured quantities, which were necessary to complete the work.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 1.77%. Contractor's M/WBE performance evaluation was rated Unsatisfactory.

MSM:DRM:JTL:JAK:JW:ha

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cc: Velma Laws Craig Foster Waynette Chan Marty Stein Malinda York Crouch File M-0260-04/21.0.

This item was presented to the M/WBE Committee on Monday, August 24th, and moved to council with a recommendation.





# Oscar Renda Contracting, Inc. Contract History Report

As of May 28, 2009

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	MWDBE Rating
1	Water #10599 - WM along Westview: Silber to Spring Branch Creek, S-000900-0044-4	\$7,744,608.10	17%	18.01%	04/12/02	Satisfactory
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**TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Accept Work for Brays Bayou Detention Site, WBS No. M-000260-0005-4.

Page  
1 of 1

Agenda Item # **8**

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

Department of Public Works and Engineering

**Origination Date**

8/27/09

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE:**

*[Signature]* 8/14/09

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

**Council Districts affected:**

C *HH*

**For additional information contact:**

*[Signature]*

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

Phone: (713) 837-7074

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

Ord. #2007-1180 dated 10/24/2007

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$5,305,299.24 or 3.26% under the original Contract Amount, accept the Work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required. Total (original) appropriation of \$6,148,000.00 with \$3,148,000.00 from the Drainage Improvements Commercial Paper Series F, Fund No. 4030, and \$3,000,000.00 from Harris County Construction Fund No. 8303.

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Storm Drainage Capital Improvements Plan (CIP) and was required to mitigate impacts to Brays Bayou from the improved storm sewer infrastructure project in and around the Texas Medical Center and various neighborhoods along Brays Bayou.

**DESCRIPTION/SCOPE:** This project consisted of the construction of detention basin and a 300-foot concrete weir structure. TCB/AECOM. designed the project with 375 calendar days allowed for construction. The project was awarded to BRH-Garver Construction, L.P. with an original Contract Amount of \$5,484,362.06

**LOCATION:** The project area is generally bounded by Brays Bayou on the north, South Loop West (IH610) on the south, Willow Waterhole Bayou on the east and Brays Bayou on the west. The project is located in Key Map Grids 531-R.

**CONTRACT COMPLETION AND COST:** BRH-Garver Construction, L.P., has completed the work under the subject Contract. The project was completed within the Contract Time with an additional 7 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities, is \$5,305,299.24. This is a decrease of \$179,062.82 or 3.26% under the original Contract Amount.

The decreased cost is a result of difference between planned and measured quantities. This decrease is primarily a result of underrun in bid Items include Clean Air Incentives and unused items under Extra Unit Price Table and Cash Allowances. Full uses of these items are not required to complete the work.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 16.75%. Contractor's M/WBE performance evaluation was rated Unsatisfactory.

MSM:DRM:JTL:AK:AH:ha

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cc: Velma Laws Craig Foster Waynette Chan Marty Stein File M-0260-05/21.0.

**REQUIRED AUTHORIZATION**

CUIC ID # 20HA55

**Finance Department:**

**Other Authorization:**

**Other Authorization:**

*[Signature]*

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



**PROJECT LOCATION**

**VICINITY MAP**

HCFCO UNIT D500-08-00  
 BRAYS BAYOU DETENTION SITE  
 WBS NO. M-000260-0005-4  
 KEY MAP\* 53IR  
 GIMS MAP\* 51540, 5254C



**TCB | AECOM**

TCB, INC.  
 5757 WOODWAY  
 HOUSTON, TEXAS 77057  
 WWW.TCB.AECOM.COM



# **BRH-GARVER CONSTRUCTION, L.P.**

## **BRH Contracting, LLC, General Partner**

7600 S. Santa Fe, Bldg. A-1 East

Houston, TX 77061

Phone: 713-921-2929 Fax: 713-921-2487

Jean Abercrombie,  
Affirmative Action Contract Compliance Division  
City of Houston

I wanted to take some time and write a letter that will hopefully clarify some of our MWBE goal and clear up our satisfaction rating. In dirt contracting there are many ways in which a product (in our case dirt) can be bought and sold. There are always deals to be made with the availability of a dirt source. On the Brays Bayou job we had basically only one job to do, get rid of the dirt there, to excavate a detention pond. With roughly ½ million cubic yards to take 1 year of 10 hours a day of straight hauling to complete this task. We worked Saturdays and sometimes Sundays. With that much hauling, prices and keeping them straight can get confusing. We opted to pay the truckers with a flat load price, we loaded so we knew how much was being loaded and they either took it to our dumps or their dumps. When a trucker got another dirt contract with a different contractor to receive dirt they sold our dirt to the other contractor and took it from us for free. As this being a CoH job if they did not let us know that they were changing the dump site we could seek damages should the city deem the dirt was going to an area in the 100 year flood plain. So even though we did not directly pay the subcontractor, dollars were being generated in the favor of the trucking suppliers who sold our dirt. At that time, Brays Bayou dig was the closest dirt supply inside the loop, we took advantage of as much free trucking as we could. The suppliers were very happy that we let them negotiate their sell price to whatever market dictated. Even though we were still getting free trucking we had to provide ticket counts to the inspector every week, as to verify the quantities moved from our site so we could get paid for it. We did get a ticket count from every free truck vendor. We have provided an estimated breakdown for you, attached.

Sincerely,

-Kurt M. Roedel  
Project Manager  
BRH Garver Construction

# BRH-Garver Construction, L. P.

## Contract History Report

As of May 29, 2009

#	Project Number/Description	Final Contract Amount	MWDDBE Goal	Goal Achieved	Date Cleared	MWDDBE Rating
1	WW #4472-02 - Airport Boulevard, Reedwood & Chesterfield Relief sewers. R-1222-18-3	\$2,025,355.28	14%	16.79%	04/17/00	Outstanding
2	Water #9750-02 - 84" WM along Glenarm, Lee, and Lockwood. S-0900-33-2	\$6,358,230.61	17%	21.26%	06/12/00	Outstanding
3	WW #4260-10 - Proposed SSR in Northwest. R-1034-06-3	\$2,437,649.86	10%	12.94%	06/29/00	Outstanding
4	West Bellfort improvements: SS along Huntington Estates	\$779,260.00	0%	0.00%	04/18/01	No Goal
5	WW #4731 - Proposed sanitary sewer in Sims Bayou. R-1008-01-3	\$2,459,846.71	17%	21.27%	06/19/01	Outstanding
6	WW #4250-80 - SSR in Northside, Phase II. R-1039-08-3	\$5,809,106.22	12%	9.58%	01/28/02	Unsatisfactory
7	WW #4250-57 - SSR in Northside, Phase II Service Area. R-1039-13-3	\$2,091,525.83	12%	12.98%	06/07/02	Satisfactory
8	Water #10556 - WM along Clinton Drive and Federal Road. S-0900-38-3	\$5,304,096.25	17%	16.66%	07/10/02	Satisfactory
9	P. O. #PC20-00020011631 - Rocky River Road storm sewer rehabilitation for the PWE	\$95,141.55	0%	0.00%	02/05/03	No goal
10	Aviation #560A - Will Clayton Parkway/Lee Road improv. at Bush IAH. A-0116	\$3,676,588.56	17%	18.97%	03/18/03	Outstanding
11	WW #4258-06 - S.S.R. by Cured-in-Place (CIPP) method. R-0266-90-3	\$3,972,000.00	12%	11.70%	03/24/05	Satisfactory
12	Austin Street paving & drainage improvements, contract #3. M-0244-03-3	\$9,949,206.14	17%	17.10%	06/22/05	Satisfactory
13	WW #4258-04 - S.S.R. contract by cured-in-place pipe method. R-0266-74-3	\$2,640,000.00	12%	13.43%	09/29/05	Satisfactory
14	Water #10624-06 - WL along SH 6: Bakers Point Lane to Grisby Street.S-0900-96-3	\$1,051,223.71	17%	17.01%	06/23/06	Satisfactory
15	Water #10448-04 - WL along Aldine-Westfield, Peyton Road, etc. S-0900-A1-3	\$11,024,528.48	17%	21.04%	07/09/07	Outstanding
16	WW #4861-05 - Dairy Ashford #3 lift station Diversion. R-000267-0086-4	\$1,791,856.99	17%	15.28%	01/29/08	Satisfactory
17	Water #10448-11 WL along Dolly Wright: W. Montgomery to Acres Homes Pump station	\$5,089,858.94	17%	11.82%	04/03/08	Satisfactory
18	WW #4275-09 - Runnels Lift Station. R-000267-0021-4	\$2,572,349.85	17%	16.01%	09/30/08	Satisfactory
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Safe Sidewalk Program D1 Project; WBS No. N-00610A-00D1-4.

Page 1 of 1

Agenda Item # 9

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

8/27/09

Agenda Date

SEP 02 2009

DIRECTOR'S SIGNATURE:

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

Council District affected:

C

For additional information contact:

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

Phone: (713) 837-7074

Date and identification of prior authorizing Council action:

Ord. # 2008-597 dated 06/25/2008

**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$887,029.49 or 9.42% under the original Contract Amount, accept the Work and authorize final payment.

**Amount and Source of Funding:** No additional funding required; Total (Original) appropriation of \$1,157,700.00 from Street and Bridge Consolidated Construction Fund No. 4506.

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the continuing effort by the City to construct sidewalks through the City of Houston to meet the needs of the citizens.

**DESCRIPTION/SCOPE:** This project provides for the construction of sidewalk improvement at several locations. SES Horizon Consulting Engineers, Inc. designed the project with 180 calendar days allowed for construction. The project was awarded to Metro City Construction, LP with an original contract amount of \$979,303.62.

**LOCATION:** The project area is located in Council District C. The project is located in various Key Map Grids.

**CONTRACT COMPLETION AND COST:** Metro City Construction, L.P., has completed the work under subject Contract. The project was completed within the Contract Time with an additional 48 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No.1 is \$887,029.49. This is a decrease of \$92,274.13 or 9.42% under the original Contract Amount.

The decreased cost is primarily a result of difference between planned and measured quantities. This decrease is primarily of an underrun in Bid Item No. 4 – Reinforced Filter Fabric Fence, Bid Item No. 19 – 8” Wide Concrete Retaining Wall varying heights-per SF of exposed face, Bid Item No. 26 – 12-inch Thermal Pavement Marking (To be field located), Bid Item No. 28 – 6” Reinforced Concrete Saw-Tooth Curb (Complete in Place), Bid Item No. 36 – Relocate Existing Sign, Marker, Post or Mailbox and Extra Unit Price Items, which were not necessary to complete the work.

**M/WBE PARTICIPATION:** There is no M/WBE goal established for this project.

MSM:DRM:JTL:FAK:JC:pj  
Z:\E&C Construction\South Sector\PROJECT FOLDER\N-00610A-D1-4\CLOSEOUT\RCA\RCA - Closeout.doc

c: Velma Laws Craig Foster Waynette Chan Marty Stein File No.: N-0610A-D1-21.0

REQUIRED AUTHORIZATION

20HA69

*MSJ*

Finance Department:

Other Authorization:

Other Authorization:

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

**D1 PROJECT STREET LIST  
WBS NO. N-00610A-00D1-4**

<b>Site Number</b>	<b>Key Map</b>	<b>Project Title</b>	<b>Project Limits</b>	<b>Council District</b>
1	532-K	South Braeswood	Buffalo Speedway to Greenbush	C
2	530-U	South Braeswood	Braesridge Dr. to Larkwood Dr.	C
3	532-K	North Braeswood	Aberdeen to South Main	C
5	531-S	Hilcroft	Willowbend Blvd to Wigton Dr.	C
6	530-U	South Braeswood	Larkwood Dr. to Bob White Dr.	C
8	531-N&J	North Braeswood	Hilcroft to Braewick	C
9	530-W	Plainfield	Benning and West Bellfort	C
14	570-A	West Bellfort	Gatlinburg to Standwood-South Side	C
15	531-X	Atwell	Parker Elementary	C
16	570-H	Haviland	Minetta St. to Densmore(14200)	C

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Citywide Intensive Flow Monitoring WBS# R-000266-00T9-4	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 10
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8/26/09	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council District affected:</b> B, C, D, E, F, G and I
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<b>For additional information contact:</b> Dannelle H. Belhateche, P.E. Sr. Assistant Director <b>Phone:</b> (713) 641-9182	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2004-625, dated 06/16/2004
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**RECOMMENDATION: (Summary)**  
Pass a motion to approve the final contract amount of \$1,284,250.95, which is 1.08% under the original contract amount, accept the work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required. *M.P. 8/11/09*  
Original appropriation of \$1,389,125.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** Under this project, the contractor provided intensive flow monitoring to sewer collection systems throughout the City.

**DESCRIPTION/SCOPE:** This project consisted of sanitary sewer intensive flow monitoring. The project was awarded to ADS Environmental Services, Inc. with an original contract amount of \$1,298,247.68. The Notice to Proceed date was 07/08/2004 and the project had 730 calendar days for completion.

**LOCATION:** The project was located at various locations within Council Districts B, C, D, E, F, G and I.

**CONTRACT COMPLETION AND COST:** The contractor, ADS Environmental Services, Inc., has completed the work under the contract. The contract was completed within the contract time with an additional 270 days approved by Change Order No. 1 and Change Order No. 2. The final cost of the project is \$1,284,250.95, a decrease of \$13,996.73 or 1.08% under the original contract amount. Less flow monitoring was needed than anticipated.

**MWDBE PARTICIPATION:** The MWDBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 17.21%. The contractor was awarded a "Satisfactory" rating from Affirmative Action.

*MSM:JC:DR*  
MSM:JC:DHB:RK:JI:DR:mf  
Attachments

c: Velma Laws Hamlet Hovsepien, P.E. Craig Foster

<b>Project File 4865</b>	<b>REQUIRED AUTHORIZATION</b>	<b>CUIC ID# 20DHB280</b>
--------------------------	-------------------------------	--------------------------

<b>Finance Department</b>	<b>Other Authorization:</b> <i>[Signature]</i>	<b>Other Authorization:</b> <i>[Signature]</i> Jun Chang, P.E., Deputy Director Public Utilities Division
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**O: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Accept Work for Treewater and Kirkwood No. 1 and No. 2 Lift Station Replacement. WBS No. R-000267-0079-4.

Page 1 of 1

Agenda Item # 11

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

Department of Public Works and Engineering

**Origination Date** 8/27/09

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE:**

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

**Council Districts affected:**  
F

**For additional information contact:**

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

  
**Phone:** (713) 837-7074

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

Ord. #2006-655 dated 06/21/2006

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$5,836,398.47, which is 3.90% under the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.

(Original appropriation of \$6,906,700.00 from Water and Sewer System Consolidated Construction Fund No. 755.)

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's ongoing programs to upgrade its lift station facilities.

**DESCRIPTION/SCOPE:** The project consisted of construction of two new lift stations, installation of SCADA systems, and demolition of four existing lift stations and associated line work. Malcolm Pirnie, Inc. designed the project with 450 calendar days allowed for construction. The project was awarded to Industrial TX Corp. with an original Contract Amount of \$6,072,952.48.

**LOCATION:** The lift stations are located at 7321 Treewater Drive and 4430 South Kirkwood Road, Key Map Grids 528-M and 529-E respectively.

**CONTRACT COMPLETION AND COST:** The Contractor, Industrial TX Corp. has completed the Work under subject Contract. The project was completed within the Contract Time with additional 60 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities is \$5,836,398.47, a decrease of \$236,554.01 or 3.90% under the original Contract Amount.

The cost underrun is primarily due to the Work not requiring use of Extra Unit Price Items and Cash Allowance Item No. 177 - Utility Reimbursement for Centerpoint Energy Service Feed Connection and Disconnection.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 17.75%. The Contractor was awarded a "Satisfactory" rating for M/WBE compliance.

MSM:DRM:JTL:CVS:RC:mj  
Z:\E&C Construction\Facilities\Projects\R-0267-79-3 Treewater & Kirkwood\Closeout\RCA\RCA.DOC

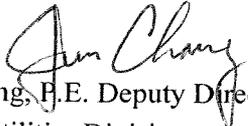
File No. R-000267-0079-4 - Closeout

**REQUIRED AUTHORIZATION**

**CUIC ID# 20MZQ115**

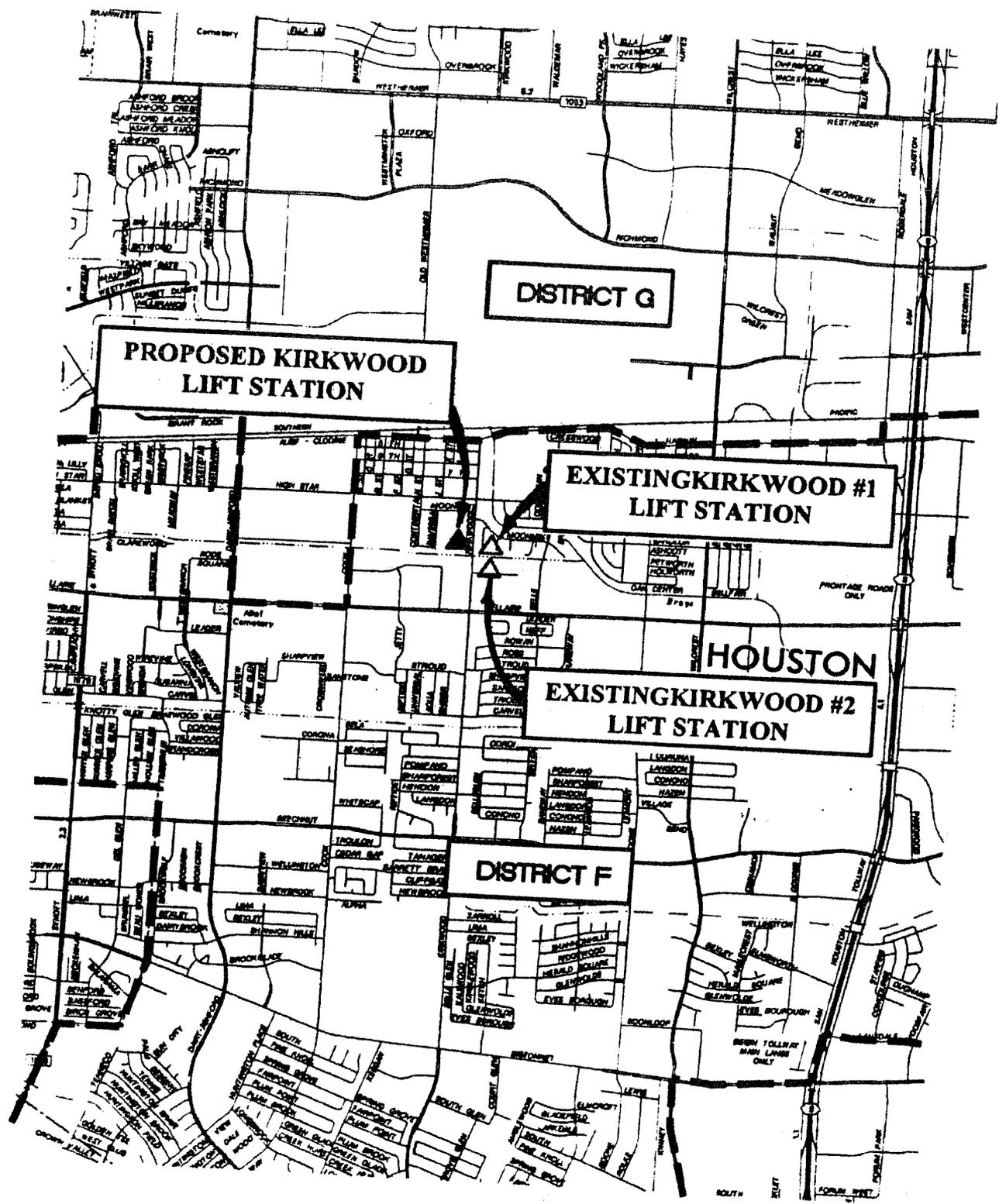
**Finance Department:**

**Other Authorization:**

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

**Other Authorization:**

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



**PROPOSED KIRKWOOD  
LIFT STATION**

**DISTRICT G**

**EXISTING KIRKWOOD #1  
LIFT STATION**

**HOUSTON**

**EXISTING KIRKWOOD #2  
LIFT STATION**

**DISTRICT F**

**LEGEND**

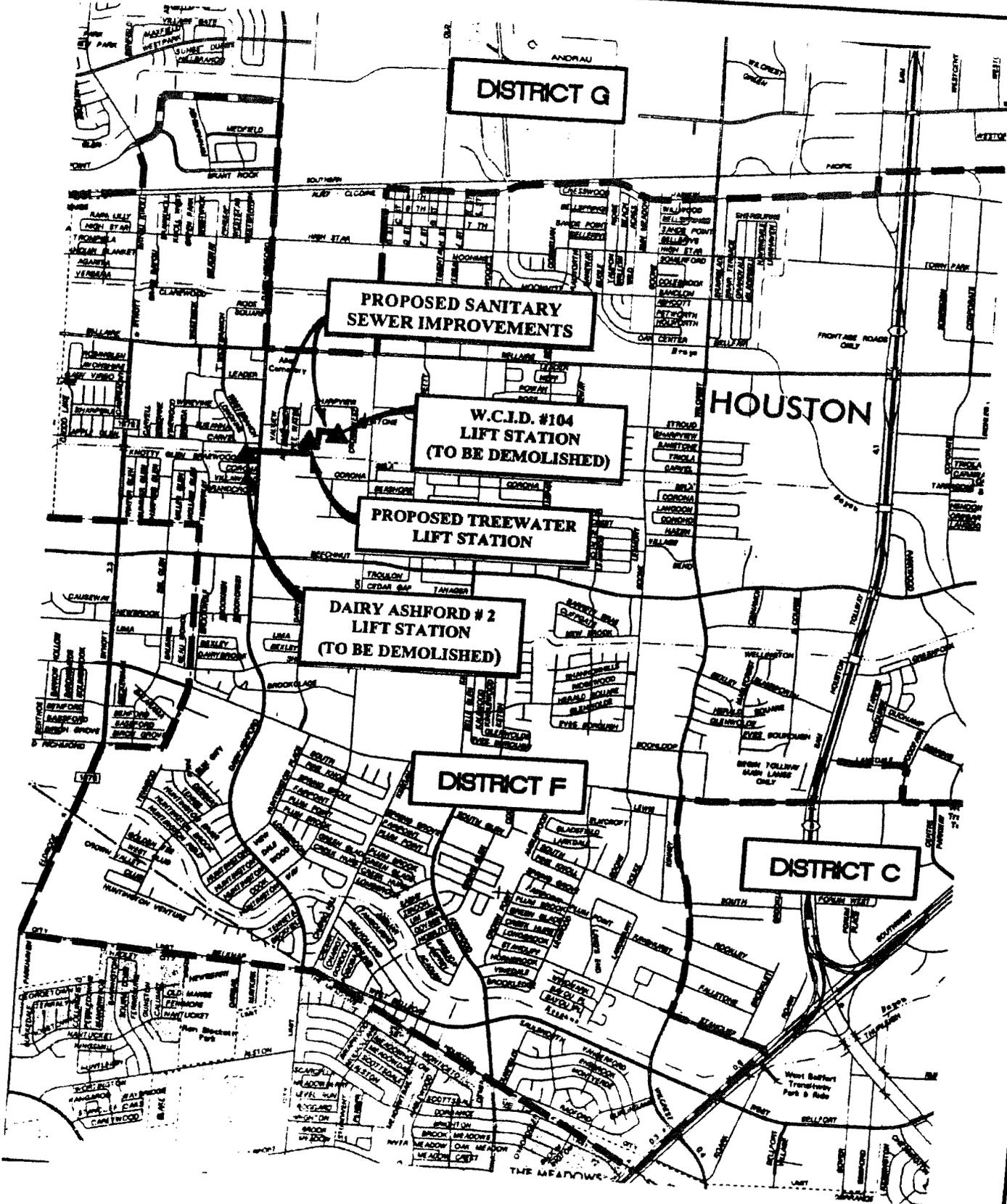
**---** COUNCIL DISTRICT  
BOUNDARY

**MALCOLM  
PIRNIE**

**CITY OF HOUSTON**

GFS No. R-0267-79-3 FILE No. 4895-03  
**TREEWATER AND KIRKWOOD No. 1 & No. 2  
LIFT STATION REPLACEMENT**

KEY MAP: 529 E



**MALCOLM  
PIRNIE**

**LEGEND**  
 --- COUNCIL DISTRICT BOUNDARY

**CITY OF HOUSTON**  
 GFS No. R-0267-79-3 FILE No. 4895-03  
**TREETWATER AND KIRKWOOD No. 1 & No. 2  
 LIFT STATION REPLACEMENT**  
 KEY MAP: 528 M

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

**SUBJECT:** Accept Work for Water Line Replacement in the Mary Bates Middle Area. WBS No. S-000035-00E6-4.

Page 1 of 1      Agenda Item # **12**

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

Department of Public Works and Engineering

Origination Date      Agenda Date  
SEP 02 2009

**DIRECTOR'S SIGNATURE:**

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

Council Districts affected:  
F

**For additional information contact:**

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

Phone: (713) 837-7074

Date and Identification of prior authorizing Council Action:  
Ord. #2007-246 dated 02/21/2007

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$2,109,219.50, which is 0.01% under the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.  
(Original appropriation of \$2,401,600.00 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 20,774 linear feet of 8-inch and 12-inch water lines, valves and appurtenances. Othon, Inc. designed the project with 235 calendar days allowed for construction. The project was awarded to RWL Construction, Inc. with an original Contract Amount of \$2,109,526.00.

**LOCATION:** The project area is generally bound by Rowan on the north, Carvel on the south, Barberton on the east, and South Gessner on the west. The project is located in the Key Map Grids 530-J & K.

**CONTRACT COMPLETION AND COST:** The Contractor, RWL 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 \$2,109,219.50, a decrease of \$306.50 or 0.01% under the original Contract Amount.

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

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 20%. According to Affirmative Action and Contract Compliance Division, the actual participation was 6.74%. The Contractor was awarded an "Unsatisfactory" rating for M/WBE compliance.

This item was presented to the M/WBE Committee on Monday August 24th, 2009, and moved to council with a recommendation.

MSM:DRM:JTL:PAK:JC:mq  
Z:\E&C Construction\South Sector\PROJECT FOLDER\S-0035-E6\CLOSEOUT\RCA\RCA.DOC

C: Velma Laws      File No. S-000035-00E6-4 - 21.0

**REQUIRED AUTHORIZATION**

CUIC ID# 20MZQ111

Finance Department:

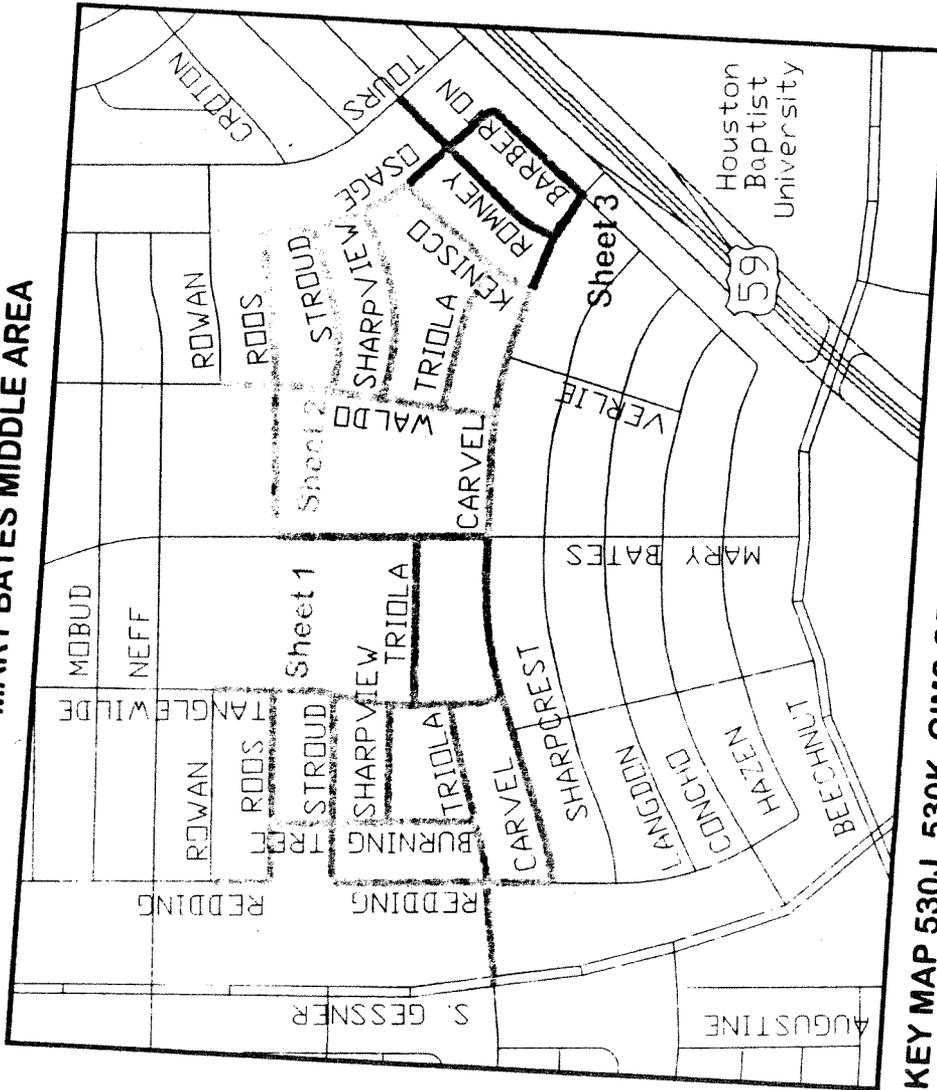
Other Authorization:  
*Jun Chang* 7/9/09  
Jun Chang, P.E. Deputy Director  
Public Utilities Division

Other Authorization:  
*Daniel R. Menendez*  
Daniel R. Menendez, P.E., Deputy Director  
Engineering and Construction Division

*not*

*12*

**MARY BATES MIDDLE AREA**



**KEY MAP 530J, 530K GIMS GRID Nos. 4954B, 5054A** 3-★

SCALE: N.T.S.

**MARY BATES MIDDLE AREA  
WATER LINE REPLACEMENT**

STREET NAME	FROM	TO	SIZE (INCH)	LENGTH (FEET)
Roos	Redding	Tanglewilde	8	1020
Roos	Mary Bates	Osage	8	1645
Stroud	Redding	Tanglewilde	8	980
Stroud	Waldo	Osage	8	950
Sharpview	Burning Tree	Tanglewilde	6	630
Sharpview	Waldo	Osage	8	1100
Triola	Redding	Gessner	12	580
Triola	Tanglewilde	Redding	8	980
Triola	Mary Bates	Tanglewilde	8	900
Triola	Kensico	Waldo	8	800
Kensico	Carvel	Osage	8	850
Romney	Carvel	Tours	8	1100
Redding	Rowan	Roos	8	300
Redding	Stroud	Carvel	8	1140
Burning Tree	Roos	Triola	8	1080
Tanglewilde	Rowan	Carvel	8	1485
Mary Bates	Roos	Carvel	12	1100
Osage	Rowan	Barberton	8	1705
Waldo	Rowan	Carvel	8	1430
Barberton	Osage	Carvel	8	670
Carvel	Waldo	Tanglewilde	12	1705
Carvel	Tanglewilde	Redding	8	1015
Carvel	Barberton	Waldo	8	1315
<b>TOTAL =</b>				<b>24,480</b>



**OTHON, INC., CONSULTING ENGINEERS**  
Civil, Transportation, Environmental, CM  
1111 Wilcrest Green Drive, Suite 128  
Houston, Texas 77042

**CITY OF HOUSTON**

WATER LINE REPLACEMENT IN THE  
MARY BATES MIDDLE AREA  
WBS NO. S-000035-00E6-4

Exhibit

**B**

VICINITY MAP

## Summary of MWDBE Activities

Project Description/#: Water #10857-03 - WLR in the Mary Bates Middle Area.. S-000035-00E6-4 #4600007588  
 Prime Contractor: RWL Construction, Inc.  
 Amount of Contract: **2,109,526.00**      Change Orders: **\$306.50**      MWDBE Goal at award of contract: **20%**  
 Amount of MWDBE goal with change order: **\$421,843.90**      Final Contract Amount: **\$2,109,219.50**  
 MWDBE actual participation: **6.74%**

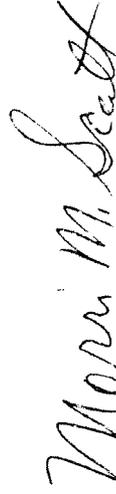
Original MWDBEs listed on RCA & Letter of Intent	MWDBEs Used:	List of original MWDBE, that were not used:
Angel's Security & Associates Cantu' Construction Company Deanie Hayes, Inc. Paradigm Outdoor Supply, LLC S & F Contractors, LLC	Angel's Security & Associates Deanie Hayes, Inc. Paradigm Outdoor Supply, LLC	Cantu' Construction Company S & F Contractors, LLC

If goal was not achieved, list the amount and percentage of shortage. Briefly state the reason given by prime why goal was not achieved and why the original MWDBEs listed in the RCA were not used:  
 RWL Construction was only able to achieve 6.74% of the 20% goal resulting in a shortage of 13.262% (\$279,696.20). Good Faith Efforts submitted at the beginning of the project stated that RWL Constuction could achieve 20% participation. Due to the exceptionally low participation, the prime is given an "Unsatisfactory".

Briefly state reason given by MWDBE why they were not used or not used to the full amount originally projected:  
 Rudy Sanchez of S & F Contractors stated that they were unwilling to work on the project because the 2006 prevailing wage rates were too high for the amount they were being paid by RWL Construction. Gonzalez Construction Enterprises (added via deviation October 2007) went out of business before their portion of the work started. Abriel Cantu of Cantu Construction stated that he was too busy at the time and could not work on the project. Other contractors on similar nearby projects have achieved their goals.

Approved by:

  
 Jean Abercrombie  
 Contract Compliance Officer

  
 Morris M. Scott, Division Manager  
 Contract Compliance Section

February 11, 2009  
Date

# RWL CONSTRUCTION, INC.

P.O. BOX 1209 • SEALY, TEXAS 77474-1209  
(979) 627-7866 • FAX (979) 627-7850  
FAX ACCOUNTING (979) 627-7863

April 24, 2008

City of Houston  
611 Walker  
Houston, Texas 77002

Attn: Velma Laws  
Director of Affirmative Action

Reference: Waterline Replacement in the Mary Bates Middle Area  
Project No. S-000035-00E6-4 (File No. WA10857-3)

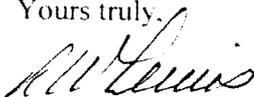
Subject: Letter MWDBE/SBE Participation

Many factors resulted from RWL Construction, Inc. not meeting the desired MWDBE/SBE goal on the above referenced project. Cantu' Construction Company was unavailable to the work on this project. A letter of deviation was sent the City of Houston to remove S & F Contractors, LLC to be replaced by Gonzalez Construction Enterprises, Inc. The request of removal for S & F Contractors, LLC was because the company had been unresponsive. Shortly after being added to this project Gonzalez Construction Enterprises, Inc. closed for business.

Please keep in mind RWL Construction, Inc. combined Good Faith Efforts with City of Houston Water Line Replacement in the Woodview Area Project, WBS No. S-000035-00F7-4 . We sent out more than 100 invitations to MWDBE/SBE contractors, advertised in two minority papers, Rumbo and La Voz.

RWL Construction, Inc. used all available resources but was still unable to meet the desired MWDBE/SBE participation goal on this project.

Yours truly,

  
Richard W. Lewis  
President

RECEIVED

APR 28 2008

CITY OF HOUSTON  
Affirmative Action

# RWL Construction, Inc. Contract History Report

As of February 19, 2009

Project Number/Description	Final Contract Amount	MWD BE Goal	Goal Achieved	Date Cleared	MWD BE Rating
Water #10446 - Bellaire Braes Wells #6 collection lines & WL extensions on Highway 6	\$1,528,715.26	17%	4.16%	07/14/99	Unsatisfactory
WW #4250-84 - Sims Bayou sanitary sewer rehabilitation. R-1033-09-3	\$1,679,570.51	12%	14.21%	07/15/99	Outstanding
Water #10410 - WMR in Woodland Acres. S-0467-01-3	\$1,272,296.45	17%	5.85%	09/01/99	Unsatisfactory
Water #10447-01 - WL along Hillcroft. Court Rd elevated storage tank to Chasewood. S-0700-0	\$1,189,770.57	17%	17.31%	06/28/00	Satisfactory
Water #10436 - Reroute of Well collection lines at various production facilities. S-0936-02-3	\$1,031,668.53	17%	16.84%	08/07/00	Satisfactory
Water #10296 - Hall's Bayou waterline extension. S-0531-11-3	\$432,698.02	0%	0.00%	03/16/01	No goal
Water #10549 - WM extension and Briar Hills Area Connections. S-0700-04-3	\$1,734,740.03	17%	17.09%	09/24/01	Satisfactory
Water #10482 - WLR in Silverdale Subdivision. S-0479-01-3	\$563,073.36	0%	0.00%	12/17/01	No goal
Water #10543 - WMR in Central City Subd. & portions of La Salette/Southland Place Subd.	\$1,705,617.45	17%	17.18%	01/14/02	Satisfactory
WW #4719-01 - Hunterwood MUD service area diversion. R-0536-05-3	\$814,028.85	0%	0.00%	03/27/02	No Goal
Water #10504-02 - WMR. Cottage Grove, Crestwood, Glencove, etc. S-0700-07-3	\$2,649,541.37	17%	17.08%	08/20/02	Satisfactory
WW #4740 - North of Fugate sanitary sewer relief. R-2011-10-3	\$1,275,212.50	17%	17.18%	09/17/02	Satisfactory
Water #10578 - WMR in Westheimer, Fountainview, etc. S-0035-50-3	\$1,195,645.22	17%	18.41%	09/23/02	Outstanding
Water #10580 - WMR in the Scenic Woods Subdivision. S-0035-71-3	\$2,084,541.20	17%	17.16%	11/25/02	Satisfactory
Water #10640 - West 24th Street North Durham Drive to Ella Blvd. S-0900-67-3	\$4,183,592.66	17%	17.65%	02/19/03	Satisfactory
Water #10550 - WM extension at various locations: McHard, O.S.T., etc. S-0700-05-3	\$2,190,037.99	17%	19.21%	08/29/03	Outstanding
Water #10666 - WLR in Eastex Oaks III Subdivision. S-0035-80-3	\$1,034,830.55	17%	17.06%	09/08/03	Satisfactory
Water #10671 - WLR in Sunnyside Subdivision. S-0035-85-3	\$1,743,213.00	17%	16.96%	11/17/03	Satisfactory
Water #10626 - WL along Lakeside Forest Lane, Wilcrest Drive, etc. S-0900-53-3	\$4,736,425.91	17%	17.08%	08/03/04	Satisfactory
Water #10777 - WLR in Azaleadell & Carlisle Subdivisions. S-0035-B4-3	\$728,068.45	0%	0%	10/27/06	No goal
Water #10776 - WLR in Alameda Manor Subdivision. S-0035-B3-3	\$880,088.14	0%	0%	11/29/06	No goal
Water #10787 - WLR in the Junction City Area. S-0035-C5-3	1660258.66	17%	17.57%	06/27/07	Satisfactory
<b>Total = 22 projects</b>					

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

**SUBJECT:** Accept Work for Water Line Replacement in Garden City Park Area.  
WBS. No. S-000035-00N7-4.

Page 1 of 1

Agenda Item #

13

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

Department of Public Works and Engineering

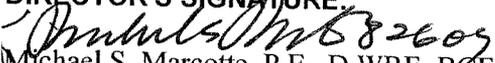
**Origination Date**

8/27/09

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE:**

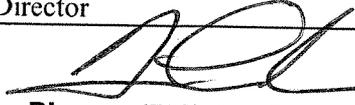
  
Michael S. Marcotte, P.E., D.WRE, BCEE, Director

**Council Districts affected:**

B

**For additional information contact:**

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

  
**Phone:** (713) 837-7074

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

Ord. #2007-496 dated 04/18/2007

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$1,175,214.81, which is 3.74% over the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.

(Original appropriation of \$1,282,400.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Fire Protection Program. This program is required to upgrade water lines within the City to provide fire hydrants in the area.

**DESCRIPTION/SCOPE:** The project consisted of 5,742 linear feet of 8-inch, 5,831 linear feet of 12-inch, and 1,321 linear feet of 20-inch diameter water lines, including valves, fittings, connections, fire hydrants appurtenances as shown on the construction drawings, and project manual. Amani Engineering, Inc. designed the project with 180 calendar days allowed for construction. The project was awarded to Metro City Construction, L.P. with an original Contract Amount of \$1,132,795.00.

**LOCATION:** The project area is generally bound by McCraey on the north, West Gulf Bank on the south, West Montgomery on the east and Bonazzi on the west. This project is located in the Key Map Grids 411-R.

**CONTRACT COMPLETION AND COST:** The Contractor, Metro City Construction, L.P. has completed the Work under the subject Contract. The project was completed within the Contract Time with 282 additional days approved by Change Order Nos. 1 and 2. The final cost of the project, including Change Order Nos. 1 and 2 and overrun and underrun of estimated bid quantities is \$1,175,214.81, an increase of \$42,419.81 or 3.74% over the original Contract Amount.

The cost overrun is primarily due to Change Order No. 1, which was necessary to complete the Work.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 20%. According to Affirmative Action and Contract Compliance Division, the actual participation was 21.24%. The Contractor was awarded an "Outstanding" rating for M/WBE compliance.



MSM:DRM:JTL:CWS:PK:mq  
Z:\E&C Construction\North Sector\PROJECT FOLDER\S-000035-00N7-4 WLC GARDEN CITY\23.0 Closeouts\RCA\RCA\_Closeout.DOC

File No. S-000035-00N7-4 - Closeout

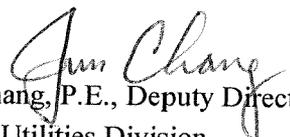
**REQUIRED AUTHORIZATION**

CUIC ID# 20MZQ114

MDT

**E&A Director:**

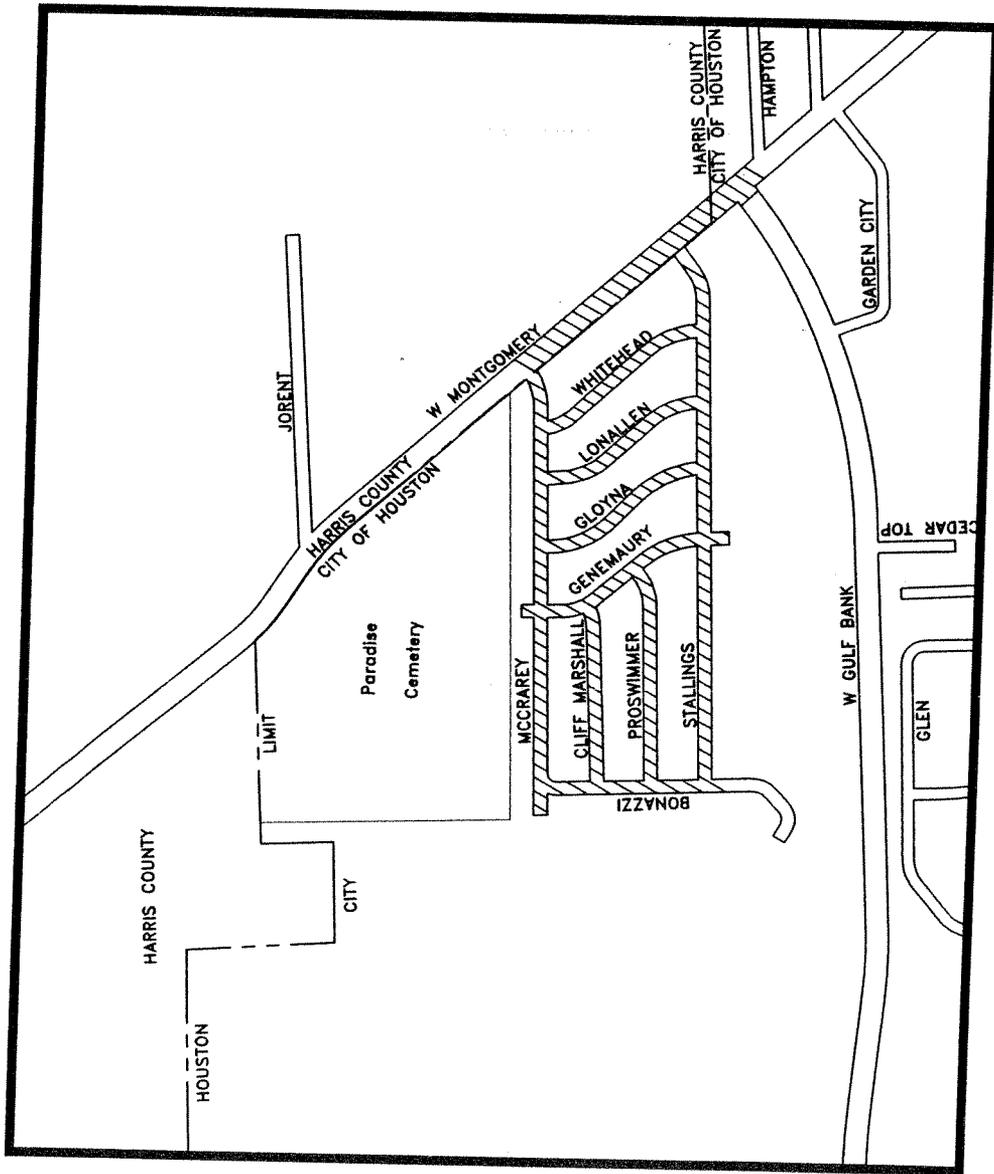
**Other Authorization:**

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

**Other Authorization:**

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

WATER LINE CONSTRUCTION IN GARDEN CITY PARK AREA  
 WBS NO. S-000035-00N7-4  
 DEPARTMENT OF PUBLIC WORKS AND ENGINEERING  
 ENGINEERING AND CONSTRUCTION DIVISION



KEY MAP #411 R  
 COUNCIL DISTRICT: B  
 COUNCIL MEMBER: JARVIS JOHNSON

PROJECT LOCATION MAP	
WATER LINE CONSTRUCTION IN GARDEN CITY PARK AREA	
WBS No. S-000035-00N7-4	
SCALE: N.T.S.	DATE: 02/23/07
 <b>AMANI ENGINEERING, INC.</b> <small>8113 SOUTHWEST FREEDWAY, SUITE 100 HOUSTON, TX 77034        TEL: (713) 270-8700 FAX: (713) 270-0487</small>	

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

**SUBJECT:** Accept Work for 42-inch Water Line along Holmes Road and Knight Road from W. Bellfort Street to 4,300 linear feet west of Kirby Drive.  
WBS. No. S-000900-00AB-4.

Page 1 of 1

Agenda Item #

14

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

Department of Public Works and Engineering

**Origination Date**

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE:**

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

**Council Districts affected:**  
D

**For additional information contact:**

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

  
**Phone:** (713) 837-7074

**Date and Identification of prior authorizing Council Action:**  
Ord. #2007-597 dated 05/16/2007

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$5,344,680.04, which is 9.22% under the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.  
(Original appropriation of \$6,832,600.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Surface Water Transmission Program and was required to increase circulation and availability of water in the Sims Bayou Pump Station service area.

**DESCRIPTION/SCOPE:** The project consisted of 10,197 linear feet of 42-inch water line, valves, and appurtenances, including temporary roadway construction along Knight Road and Holmes Road from W. Bellfort Street to 4,300 linear feet west of Kirby Drive. Lockwood, Andrews & Newnam, Inc. designed the project with 300 calendar days allowed for construction. The project was awarded to Texas Sterling Construction, LP. with an original Contract Amount of \$5,887,359.10.

**LOCATION:** The project is located along Knight Road and Holmes Road from W. Bellfort Street on the north to 4,300 linear feet west of Kirby on the west. The project is located in Key Map grids 532-V, X, Y & Z.

**CONTRACT COMPLETION AND COST:** The Contractor, Texas Sterling Construction, LP. has completed the Work under the subject Contract. The project was completed within the Contract Time with 10 additional days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Order Nos. 1 and 2 is \$5,344,680.04, a decrease of \$542,679.06 or 9.22% under the original Contract Amount.

The decreased cost is primarily a result of the Work not requiring use of the Clean Air Incentive Items and most Extra Unit Price Items.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 20%. According to Affirmative Action and Contract Compliance Division, the actual participation was 24.15%. The Contractor achieved an "Outstanding" rating for the MWDBE Compliance.

MSM:DRM:JTL:LS:JM:mq  
Z:\E&C Construction\North Sector\PROJECT FOLDER\S-000900-00AB-4 42 inch along Knight & Holmes\Closeout\RCA\RCA\_Closeout.DOC

c: File No. S-000900-00AB-4 - Closeout

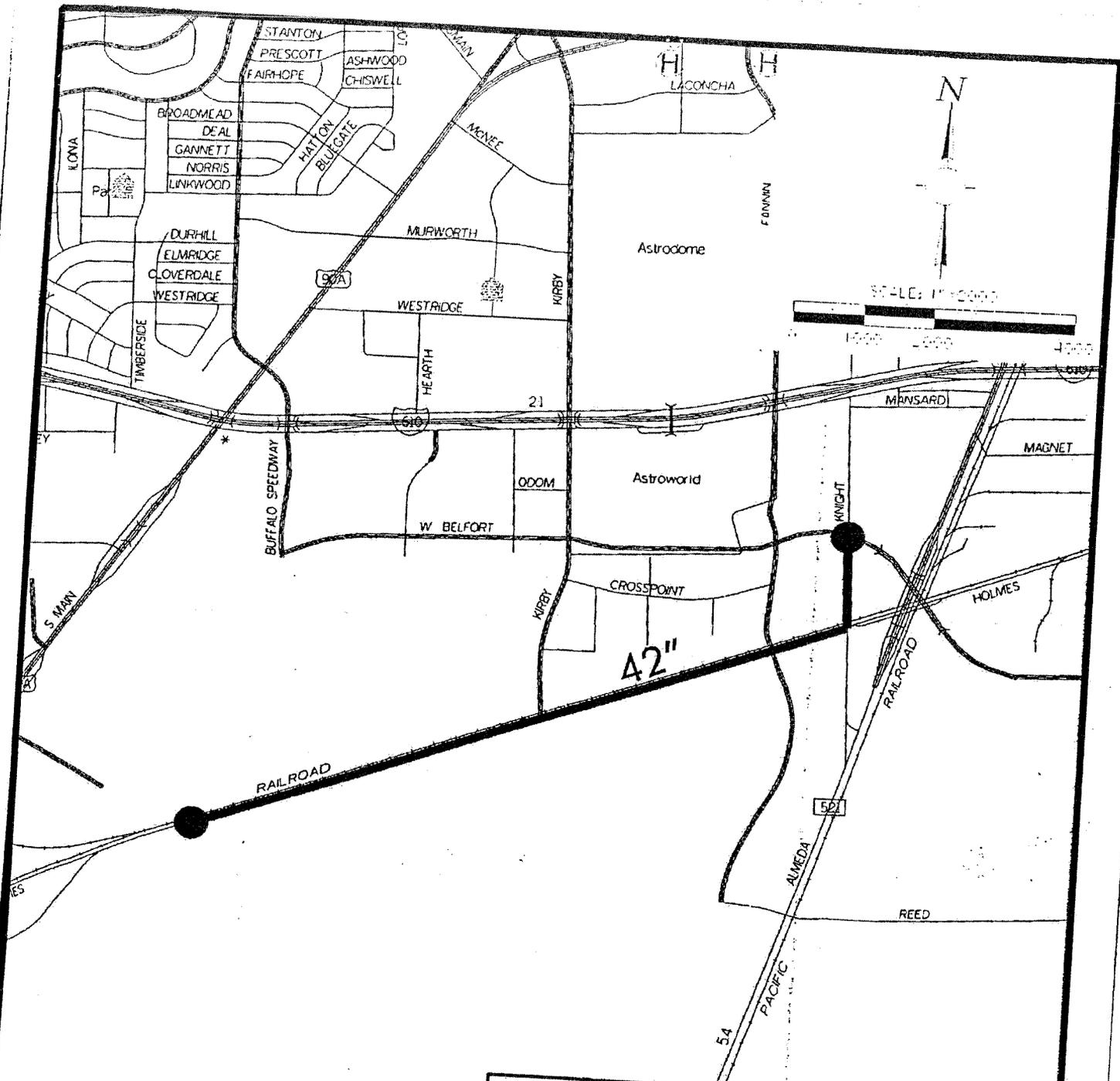
**REQUIRED AUTHORIZATION**

CUIC ID# 20MZQ119

AWT

<p><b>F&amp;A Director:</b></p>	<p><b>Other Authorization:</b></p> <p> Jun Chang, P.E., Deputy Director Public Utilities Division</p>	<p><b>Other Authorization:</b></p> <p> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division</p>
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147



**CITY OF HOUSTON**

**CONTRACT 73A-1**  
 10,200 L.F. OF 42-INCH WATER LINE ALONG KNIGHT  
 AND HOLMES FROM W. BELLFORT TO  
 4,300 L.F. WEST OF KIRBY

COUNCIL DISTRICT  
 WA# 10448-12; GFS#S-0900-AB-3  
 Key Map: 532V, X, Y, Z

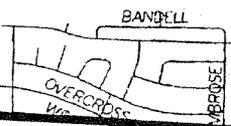
School Hospital

2925 Briarbank Drive  
 Houston, TX 77042

**L&N** Lockwood, Andrews  
 & Newnam, Inc.  
 ENGINEERS

**SWTP**  
 Surface Water Transmission Program

STRADE  
 ENCY



FILE: 532V, X, Y, Z

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

**SUBJECT:** Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 54-inch Water Line along Ella Boulevard from West 24th Street to West 43rd Street. WBS No. 5-000900-0068-4.

Page 1 of 2

Agenda Item #

15-15A

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

Department of Public Works & Engineering

**Origination Date**

8/27/09

**Agenda Date**

SEP 02 2009

**Department DIRECTOR'S SIGNATURE:**

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

**Council Districts affected:**

A & H

**For additional information contact:**

Timothy Lincoln, P.E.      Erica Schwam, LGL  
Sr. Assistant Director      Assistant City Attorney  
**Phone:** (713) 837-7047      **Phone:** (832) 393-6461

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

Ord. No. 2002-0180 Dated: 3/20/2002

**RECOMMENDATION: (Summary)** Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 54-inch Water Line along Ella Boulevard from West 24th Street to West 43rd Street.

**Amount and Source of Funding:** No additional appropriation required.

Original appropriation of \$4,949,500.00 from Water and Sewer System Consolidated Construction Fund No. 755.

**FOR SETTLEMENT PURPOSES ONLY**

**SPECIFIC EXPLANATION:** Pursuant to Houston Ordinance No. 2002-0180, Houston entered into Contract No. 53611, on or about March 28, 2002, with Heyl Construction Ltd. ("Heyl") for construction services for the 54-inch Water Line along Ella Boulevard from West 24th Street to West 43rd Street (the "Contract").

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Surface Water Transmission Program. This program is required to meet Harris-Galveston Coastal Subsidence District's legislative mandate to regulate the withdrawal of ground water.

**DESCRIPTION/SCOPE:** The project consisted of construction of 7,202 linear feet of 54-inch water line, valves and appurtenances along Ella Boulevard from West 24th Street to West 43rd Street. Roy F. Weston, Inc. designed the project with 300 calendar days allowed for construction. The project was awarded to Heyl Construction, Ltd. with an original Contract Amount of \$4,278,335.00. The final Contract Amount of \$3,958,249.06 is 7.48% under the original Contract Amount.

**LOCATION:** The project area is along Ella Boulevard from West 24th Street to West 43rd Street. The project is located in Key Map Grids 452-K, P & T.

**CONTRACT COMPLETION AND COST:** The Contractor, Heyl Construction Ltd. has completed the Work under subject Contract. The project was completed beyond the established completion date and Liquidated Damages in the amount of \$102,500.00 have been assessed and were considered during the compromise and settlement agreement negotiation for the final payment to Aacon, Inc., the Disbursing Agent for Heyl Construction Ltd.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 2.47%. Heyl Construction Ltd. achieved an "Unsatisfactory" rating for M/WBE compliance.

**REQUIRED AUTHORIZATION**

**CUIC ID# 20MZQ121**

Finance Department

Other Authorization

Other Authorization

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

  
Arturo G. Michel, City Attorney  
Legal

3

15-15A

Date	Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 54-inch Water Line along Ella Boulevard from West 24th Street to West 43rd Street. WBS No. S-000900-0068-4.	Originator's Initials	Page 2 of 2
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**FOR SETTLEMENT PURPOSES ONLY**

On or about December 2, 2004, Heyl filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Western District of Texas. Marsha Milligan is the duly appointed and acting Trustee for Heyl's bankruptcy estate.

On November 29, 2006, Heyl filed a lawsuit against Houston relating to the Contract in Cause No. 2006-75891, styled Marsha G. Milligan, Trustee v. the City of Houston, Texas in the 215<sup>th</sup> Judicial District Court of Harris County, Texas. (the "Lawsuit"). Heyl claims it is entitled to \$869,341.00, \$215,000.00 in attorneys fees, costs and interest for additional costs and damages it incurred to complete the contract.

Marsha Milligan, as Bankruptcy Trustee for Heyl's bankruptcy estate, has offered to settle this claim for the total sum of 135,000.00.

The Bankruptcy Court has ordered any payment being made to Heyl to settle this claim be made to Aacon, Inc., as Disbursing Agent for Heyl Construction, Ltd.

After a thorough review, the Public Works & Engineering Department and the Legal Department recommend that Council accept this settlement offer and approve an Ordinance authorizing the execution of a Compromise and Settlement Agreement to settle this lawsuit; and pass a Motion to Accept Work for 54-inch Water Line along Ella Boulevard from West 24th Street to West 43rd Street. WBS No. S-000900-0068-4.

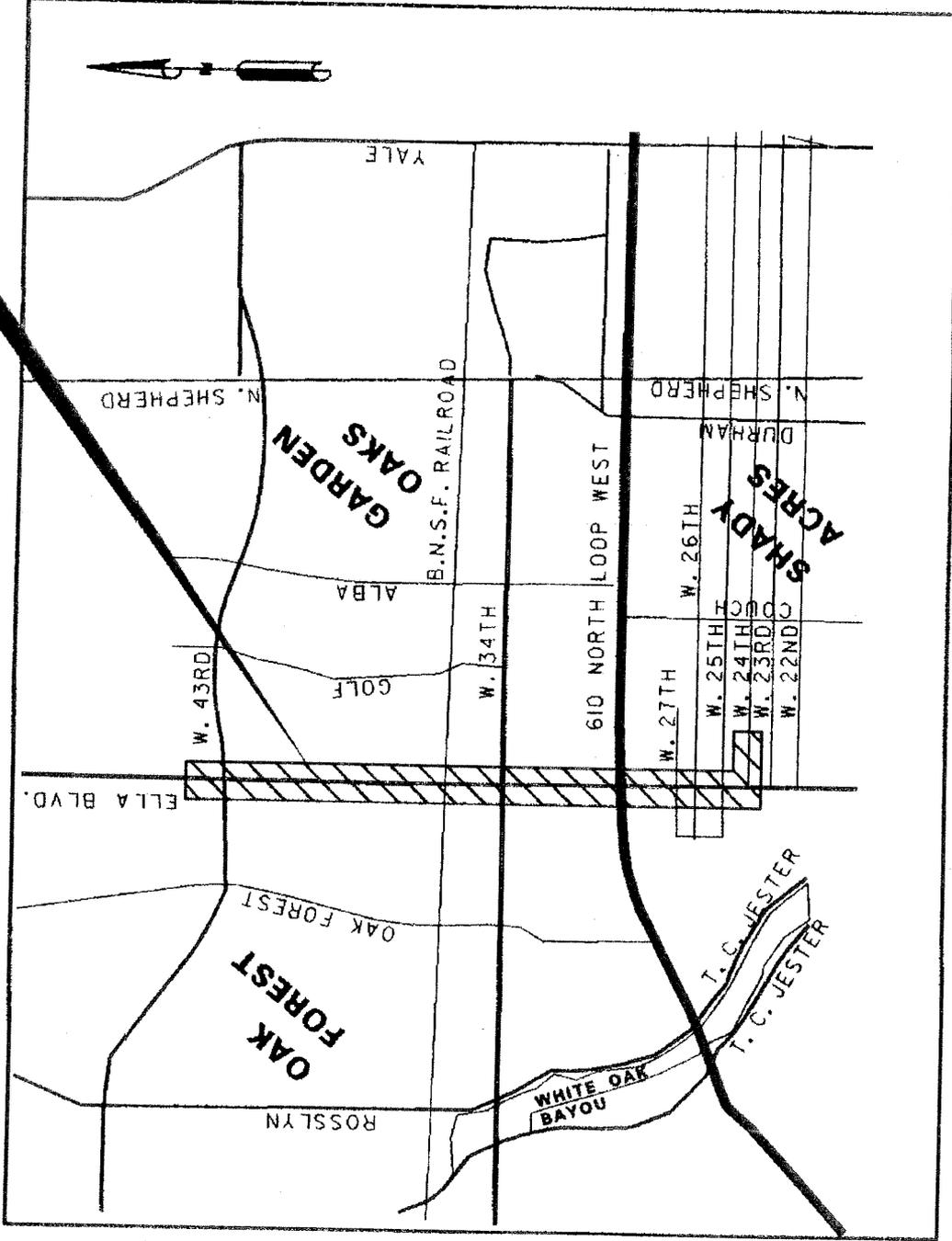
The Legal Department has prepared the settlement documents.

  
MSM:DRM:JTL:CWS:PK:mq

E&C Construction\North Sector\PROJECT FOLDER\10641\23.0 Closeouts\RCA\RCA Heyl Ella Blvd - revised.DOC

File No. S-000900-0068-4 – Closeout 21.0

PROJECT  
ALIGNMENT



# LOCATION MAP

NOT TO SCALE

(KEY MAP. 452T, 452P, 452K,

(GIMS MAP NO. 5259A, 5260C)

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8469**

**Subject:** Approve the payment of certification and re-certification fees to the State of Texas Commission on Fire Protection for State Firefighter certifications.

Category #  
9

Page 1 of 1

Agenda Item

*16*

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

Phil Boriskie  
Fire Chief *(Signature)*  
Fire

**Origination Date**

August 25, 2009

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE**

*Phil Boriskie*

**Council District(s) affected**  
All

**For additional information contact:**

Karen Dupont  
Jack Williams

Phone: (713) 859-4934  
Phone: (713) 247-8793

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

CM 2008-0717

**RECOMMENDATION: (Summary)**

City Council approve a motion authorizing payment to the Texas Fire Commission on Fire Protection for initial and annual re-certification of firefighters in an amount not to exceed \$190,000.00

\$190,000.00

General Fund (1000)

**Finance Budget**

**SPECIFIC EXPLANATION:**

The Fire Chief recommends City Council approve a motion authorizing payment to the Texas Fire Commission on Fire Protection for initial and annual re-certification of firefighters in an amount not to exceed \$190,000.00

Texas Government Code 419.024 requires that all firefighters employed in the State in a full time paid status be State certified. Certification must be renewed annually for each firefighter. Annual re-certification fees are to be paid to the State Commission prior to October 31<sup>st</sup> each year. Paying after October 31<sup>st</sup> results in a penalty of \$19.50 per firefighter.

Certifications include firefighting, Inspection, Rescue, Aircraft firefighting, and Master Instructors. Not every firefighter holds every certification. Each are certified according to their job responsibilities for the department. Based on current numbers of certified employees, projected trainees and special operations personnel to be certified this year we anticipate a total expenditure of no more than \$190,000.00.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*(Handwritten initials)*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8424**

**Subject:** Purchase a Pre-Engineered Metal Building from the State of Texas Procurement and Support Services Contract for the Houston Police Department  
S50-C23342E

Category #  
4

Page 1 of 2

Agenda Item

*17-17A*

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

**Origination Date**  
August 19, 2009

**Agenda Date**  
SEP 02 2009

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
B

**For additional information contact:**

Joseph Fenninger *JMF 8/19/09* Phone: (713) 308-1708  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$533,637.50 out of the Police Consolidated Construction Fund (Fund 4504) to purchase a pre-engineered metal building in the amount of \$485,125.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$48,512.50 for a total amount not to exceed \$533,637.50 through the State of Texas Procurement and Support Services Contract for the Houston Police Department.

**Awarded Amount:** \$533,637.50

**Finance Budget**

\$533,637.50 - Police Consolidated Construction Fund (4504) - WBS - G - 000117

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$533,637.50 out of the Police Consolidated Construction Fund (Fund 4504). It is further recommended that City Council approve the purchase of a pre-engineered metal building in the amount of \$485,125.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$48,512.50 for a total amount not to exceed \$533,637.50 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department and that authorization is given to issue purchase orders, as necessary, to the State contract vendor BlueScope Construction, Inc.

This pre-engineered metal structure will complete the Mounted Patrol training arena at 5005 Little York and will protect the training arena grounds from inclement weather, significantly expanding the Mounted Patrol's ability to hold training exercises.

The scope of work requires the construction contractor to provide all labor, materials, equipment, supervision and transportation necessary to furnish and erect a pre-engineered metal building, primarily a roofed, open sided, steel frame supported structure, and includes demolition, site preparation, concrete, steel fabrication, mechanical, electrical and finish work.

Materials and workmanship for this project are warranted for one year and the life expectancy of this structure is twenty years. The construction contractor shall have 180 calendar days to complete the work on this project after receipt of the notice-to-proceed. During this time, the Mounted Patrol will train in the adjacent parking lot and pastures.

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. Participation in the State program has enabled the City to take advantage of the volume discounts extended to the State.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*Calvin D. Wells 8/19/09*

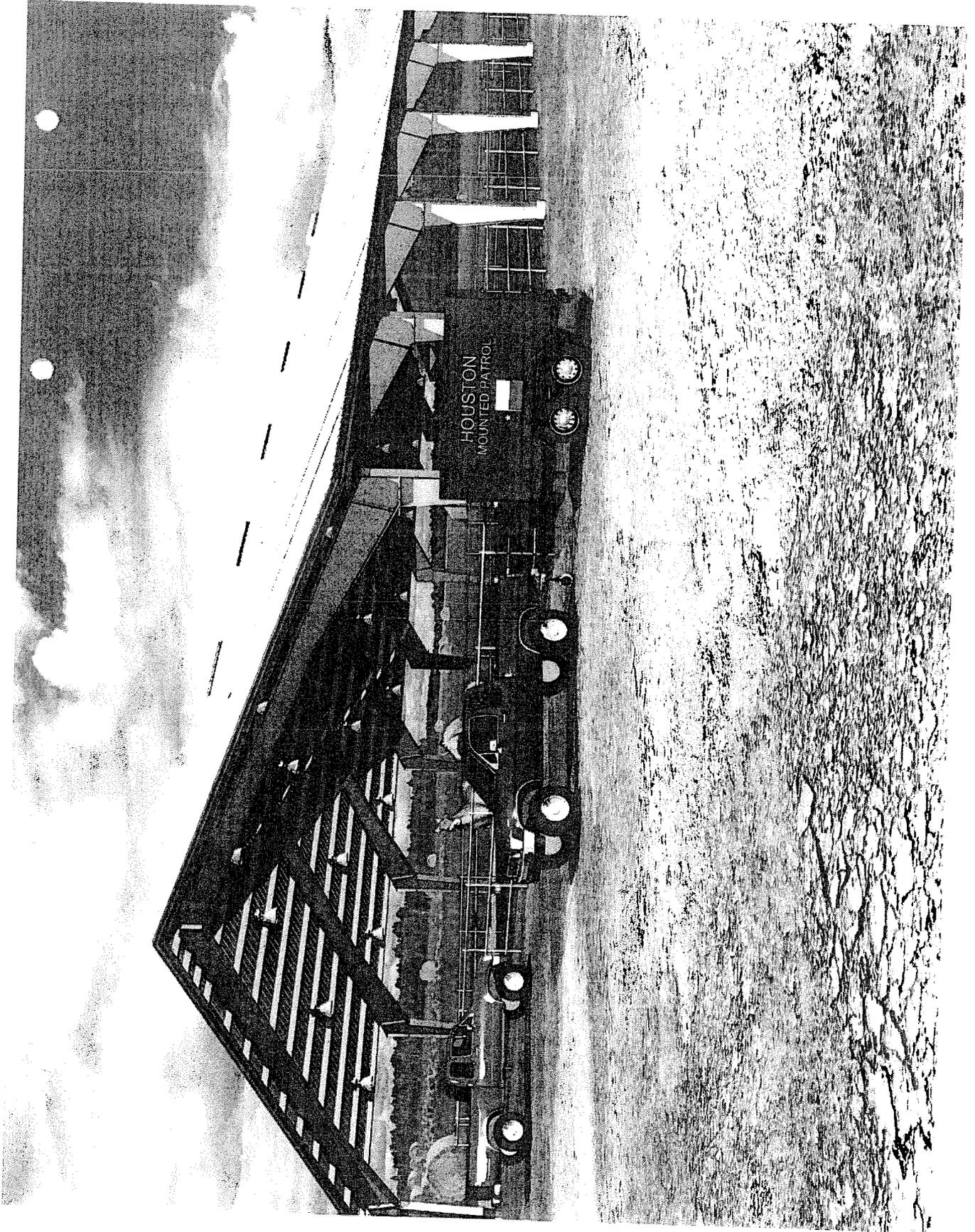
*ADT*

Date: 8/19/2009	Subject: Purchase a Pre-Engineered Metal Building from the State of Texas Procurement and Support Services Contract for the Houston Police Department S50-C23342E	Originator's Initials AL	Page 2 of 2
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**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: Arturo Lopez



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8392**

**Subject:** Amend Council Motion 2007-0601, Passed June 20, 2007, for Remote Activated School Flasher System Parts for the Public Works & Engineering Department  
S32-S22165-A1

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**

August 17, 2009

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

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

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

CM 2007-0601, passed June 20, 2007

**RECOMMENDATION: (Summary)**

Amend Council Motion 2007-0601, passed June 20, 2007, to increase the spending authority from \$528,890.00 to \$661,112.50 for remote activated school flasher system parts for the Public Works & Engineering Department.

Spending Authority Increased By: \$132,222.50

**Finance Budget**

\$132,222.50 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council amend Council Motion 2007-0601, to increase the spending authority for remote activated school flasher system parts awarded to Consolidated Traffic Controls, Inc. from \$528,890.00 to \$661,112.50. The additional spending authority is required to continue the operations of the Public Works & Engineering Department's repair of remote activated school flasher systems citywide until a new award is presented to City Council within the next six months. The request for an increase in spending authority is due to the major hit Houston received from Hurricane Ike. The school zone beacons, cabinets, and panels suffered significant damage as a result of this hurricane.

This award began June 28, 2007 for a 60-month period in an amount not to exceed \$528,890.00. Expenditures as of July 28, 2009 totaled \$528,549.00. All terms and conditions shall remain as originally approved by City Council.

This award consists of various cabinet shells, control panels, lamps and solar panels used for new installations and replacement parts to existing school flasher systems located citywide.

This solicitation was advertised with a 3% goal for M/WBE participation and Consolidated Traffic Controls, Inc. is currently exceeding the goal.

Buyer: Veronica Douglas, CPPB

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MA*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8394**

**Subject:** Best Value Bids Received for Chemical, Caustic Soda for the Public Works & Engineering Department  
S12-S23186

Category #  
4

Page 1 of 2

Agenda Item

**19**

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

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

**Origination Date**

August 17, 2009

**Agenda Date**

SEP 02 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 Altivia Corporation on its best value bid in an amount not to exceed \$1,745,592.07 for caustic soda and approve payment to Altivia Corporation in the amount not to exceed \$4,746,889.03 for the emergency purchase of caustic soda for the Public Works & Engineering Department.

Estimated Spending Authority: \$6,492,481.10

**Finance Budget**

\$6,492,481.10 - Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Altivia Corporation on its best value bid in an amount not to exceed \$1,745,592.07 for caustic soda for the Public Works & Engineering Department. It is further requested that authorization be given to issue purchase orders, as needed, for a 6-month period with one 6-month option. This award, consisting of approximately 7,027 tons of caustic soda, in 25% and 50% concentrations, will be utilized on a daily basis by the Department's Drinking Water Operations and Wastewater Branches to stabilize and purify potable drinking water, and to adjust the pH levels of wastewater. Caustic soda inhibits the deterioration of the City's sewer mains and prevents customer red water complaints. In addition, caustic soda is used in the chlorine scrubber systems to prevent the catastrophic effects of an accidental chlorine release.

The City Purchasing Agent also recommends that City Council approve payment to Altivia Corporation, Inc. in the amount of \$4,746,889.03 for the emergency purchase of 5,805 tons of caustic soda. In July 2008, the City's previous caustic soda supplier, DX Terminals, Ltd., gave notice that it would no longer continue to supply the chemical, claiming force majeure conditions that caused volatile market pricing of caustic soda components. Because of our critical need, Strategic Purchasing Division issued informal bids for a "take or pay" purchase, based on a guaranteed payment regardless of quantity actually purchased. Altivia Corporation offered extremely favorable pricing, and the emergency purchase has been sufficient to last longer than anticipated and tide us over until market conditions stabilized.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eleven prospective bidders downloaded the solicitation document from SPD's e-bidding website and three bids were received. The bids were evaluated based upon the following criteria:

- Bid price
- Past performance participation with the City
- Conformance to the invitation to bid requirements and technical specifications
- M/WBE subcontracting

Altivia Corporation received the highest overall score.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*[Signature]*

Date: 8/17/2009	Subject: Best Value Bids Received for Chemical, Caustic Soda for the Public Works & Engineering Department S12-S23186	Originator's Initials MK	Page 2 of 2
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**M/WBE Subcontracting:**

This bid was issued with a 11% goal for M/WBE participation. **Altivia Corporation** has designated the below named company as its certified M/WBE subcontractor:

<b><u>Name</u></b>	<b><u>Type of Work</u></b>	<b><u>Amount</u></b>
Pretty Quick Delivery Services	Delivery Services	\$192,015.12

This award will be monitored by the Affirmative Action Division.

Buyer: Martin L. King



Administration &  
Regulatory Affairs

# Memorandum

**To:** Marty Stein, Agenda Director  
Mayor's Office

**From:** Calvin D. Wells, Deputy Director  
City Purchasing Agent  
Strategic Purchasing Division

**Date:** August 24, 2009

**Subject:** RCA8394 - Agreement to Purchase and Payment for  
Emergency Chemical Caustic Soda for the Public Works &  
Engineering Department

On July 1, 2008, DX Terminals, Ltd. notified the City that only 15% of the City's daily requirement of caustic soda could be delivered, unless a substantial price increase is approved outside of the agreement's price adjustment methodology. After DX Terminals, Ltd. was informed that the City could not honor its requested price increase, DX Terminals, Ltd. informed the Public Works & Engineering Department that it would no longer supply the City with caustic soda due to force majeure supplier allocations and volatile chlor-alkali market conditions.

In view of the above notification and in order to secure and maintain the Department's daily caustic soda requirements and provide potable water to the citizens of Houston, the Strategic Purchasing Division (SPD) solicited informal bids. Altivia Corporation was the low bidder. Therefore, SPD issued an emergency "Take or Pay" purchase order to Altivia Corporation.

Even though the purchase order was issued as a "Take or Pay" for the price bid, Altivia Corporation voluntarily reduced the City's caustic soda costs in response to the declines in the caustic market from an initial \$800.00 (50% concentration NaOH) and \$847.00 (25% concentration NaOH) per ton to the current \$327.00 (50% concentration NaOH) and \$382.00 (25% concentration NaOH) per ton. The estimated cost savings, as a result of Altivia Corporation's voluntary cost reductions, is approximately **\$186,219.00**.

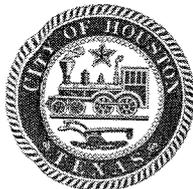
**M/WBE INFORMATION:** This informal invitation to bid was issued without an MBE participation goal due to the short duration required to bid. However, Altivia Corporation did utilize the below named company as its certified M/WBE contractor for emergency caustic delivery: The below amount approximates 7% of the EPO amount.

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Pretty Quick Delivery Services	Delivery Services	\$332,282.23

With regards to the current award recommendation, a longer term agreement is not being entered into during this volatile chlor-alkali market. Due to the worldwide economic downturn and extreme caustic soda price fluctuations, potential suppliers will not commit to a long-term agreement. Therefore, we are only recommending a 6-month term with an option to extend an additional 6 months.

Calvin D. Wells, Deputy Director  
City Purchasing Agent

CDW:SRD:mlk



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Purchase of a Modular Office Building from the State of Texas Procurement and Support Services Contract for the Public Works & Engineering Department	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  20
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<b>From: (Department or other point of origin):</b> Michael S. Marcotte, P.E. D. WRE, BCEE, Director Public Works and Engineering Department	<b>Origination Date</b>	<b>Agenda Date</b>  SEP 02 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> David Guernsey Phone: (713) 238-5241 Dannelle Belhateche Phone: (713) 641-9182	<b>Date and identification of prior authorizing Council action:</b> 2008-0014, dated 1-3-08
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**Recommendation: (Summary)**  
Approve the purchase of a modular office building in the total amount of \$229,474.40 from the State of Texas Procurement and Support Services Contract for the Public Works & Engineering Department.

<b>Award Amount:</b> \$229,474.40	<b>Finance Department</b>
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\$229,474.40 Combined Utility System General Purpose Fund (8305) *8/26/09*

**SPECIFIC EXPLANATION:**

The Director of Public Works & Engineering recommends that City Council approve the purchase of a modular office building in the total amount of \$229,474.40 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Public Works & Engineering Department and that authorization be given to issue a purchase order to the State Contract supplier, Nortex Modular Space. This modular office building will be used to centralize the Wastewater Operations Branch 7i Project Management System, administrative and maintenance department.

On January 3, 2008, City Council Motion 2008-0014 authorized the lease of the modular office building while the Cullen Service Center, located at 7440 Cullen Boulevard was under renovation. During that time the decision was made to centralize all Wastewater administrative and maintenance activities. The Wastewater Operations Support Section conducted a market survey of modular building providers and found that the price is fair and reasonable

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.

PR 10075160

<b>REQUIRED AUTHORIZATION</b>		CUIC ID 20JBR03
Finance Department	Other Authorization:	Other Authorization:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8063**

**Subject:** Formal Bids Received for Electrical Lighting Parts and Fixtures for Various Departments  
S32-S22731

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**

July 23, 2009

**Agenda Date**

SEP 08 2009

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an award to Turtle and Hughes, Inc. on its low bid meeting specifications in an amount not to exceed \$1,090,786.54 for electrical lighting parts and fixtures for various departments.

Estimated Spending Authority: \$1,090,786.54

**Finance Budget**

- \$ 843,993.14 - General Fund (1000)
- \$ 225,793.40 - PWE - W & S System Operating Fund (8300)
- \$ 21,000.00 - HAS Revenue Fund (8001)

**\$1,090,786.54 - Total**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Turtle and Hughes, Inc. on its low bid meeting specifications in an amount not to exceed \$1,090,786.54 for electrical lighting parts and fixtures for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of various types of electrical ballasts, lamp fixtures, and replacement kits to be used by the Houston Airport System and the General Services, Parks & Recreation, Fire, Solid Waste Management, and Public Works & Engineering Departments for a broad variety of electrical lighting equipment repairs and installations.

This is a line item and price list solicitation. Relative to a price list, 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 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. Twenty bidders downloaded the solicitation document from SPD's e-bidding website, and seven bids were received as outlined below:

**Turtle and Hughes, Inc:** Award on its low bid meeting specifications for Group No. 1, Hubbell Lighting Price List, which includes, but is not limited to lamp holders, emergency exit signs, and fluorescent lamps; award on its low bid for Group No. 2, Line Item Nos. 1 thru 5; award on its low bid meeting specifications for Group No. 3, Advanced Trade Price List HID 161CC; which includes, but is not limited to various ballasts; and Group No. 6, Advance Trade Price List FLB 161CC; which includes, but is not limited to, various ballasts and lamps in an amount not to exceed \$1,090,786.54.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*AM*

Date: 7/23/2009	Subject: Formal Bids Received for Electrical Lighting Parts and Fixtures for Various Departments S32-S22731	Originator's Initials VD	Page 2 of 2
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**COMPANY**

**SAMPLE PRICING AND LINE ITEM TOTAL**

1. The Tagos Group	\$ 64.96 (Partial Bid/Did Not Meet Specifications)
2. Voss Electric dba Voss Lighting	\$ 452.89 (Partial Bid/Did Not Meet Specifications)
3. Specialty Optical Systems, Inc.	\$ 9,815.79 (Partial Bid/Did Not Meet Specifications)
<b>4. Turtle and Hughes, Inc.</b>	<b>\$250,532.74</b>
5. Globe Electric Supply	\$403,127.07
6. Graybar	\$430,680.86
7. Astro CED	\$447,185.84

**M/WBE Subcontracting:**

This bid was issued with an 11% goal for M/WBE participation.

**Turtle and Hughes, Inc.** has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Rabbit Run Delivery Service	Delivery	\$119,986.52

The Affirmative Action Division will monitor this award.

Group Nos. 4 and 5 are not being awarded. They will be rebid at a later date.

Buyer: Veronica Douglas, CPPB

**Estimated Spending Authority:**

<u>Department</u>	<u>FY 2010</u>	<u>Out Years</u>	<u>Total</u>
General Services	\$ 68,000.00	\$ 222,000.00	\$ 290,000.00
Parks & Recreation	\$ 9,320.00	\$ 35,780.00	\$ 45,100.00
Houston Airport System	\$ 9,600.00	\$ 11,400.00	\$ 21,000.00
Fire	\$ 7,602.00	\$ 17,466.76	\$ 25,068.76
Public Works & Engineering	\$126,459.00	\$ 477,908.28	\$ 604,367.28
Solid Waste Management	\$ 21,050.10	\$ 84,200.40	\$ 105,250.50
<b>Total</b>	<b>\$242,031.10</b>	<b>\$ 848,755.44</b>	<b>\$1,090,786.54</b>

*Reso*  
# *22*

**SUBJECT:** Approval of a resolution designating 5 Landmarks in accordance with Chapter 33, Code of Ordinances

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

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

**Origination Date** 8-14-09  
**Agenda Date** SEP 02 2009

**DIRECTOR'S SIGNATURE:** *Marlene K. Gajewski*

**Council District affected:** D, 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 5 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. These applications for Landmark designation were initiated by the owners.

Public hearings were held by the Houston Archaeological and Historical Commission (HAHC) 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).

	<b>LANDMARK NAME/ADDRESS:</b>	<b>INITIATED BY:</b>	<b>COUNCIL DISTRICT:</b>	<b>HAHC HEARING:</b>	<b>PLANNING COMMISSION HEARING:</b>
1	Henderson-Scurlock House 3663 Del Monte Drive	Owner	G	5-21-09	5-28-09
2	T. J. and Ruth Bettes House 1059 Kirby Drive	Owner	G	4-23-09	5-28-09
3	James L. Autry House 5 Courtlandt Place	Owner	D	5-21-09	5-28-09
4	St. John Missionary Baptist Church 2222 Gray Avenue	Owner	I	4-23-09	5-28-09
5	Jones-Hunt House 24 Courtlandt Place	Owner	D	6-18-09	6-25-09

MG: rp

Attachments: Applications and Staff Reports

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**

**Finance Director:** \_\_\_\_\_

**Other Authorization:** \_\_\_\_\_

**Other Authorization:** \_\_\_\_\_

*MS*  
*MG*  
*HP*

## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Henderson-Scurlock House  
**OWNER:** Laura Sue Henderson McMurrey  
**APPLICANT:** Same  
**LOCATION:** 3663 Del Monte Drive – River Oaks  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** IV.c  
**HPO FILE NO:** 09L216  
**DATE ACCEPTED:** May-01-09  
**HAHC HEARING:** May-21-09  
**PC HEARING:** May-28-09

### SITE INFORMATION

Lot 3, Block 76, River Oaks Section 9, City of Houston, Harris County, Texas. The site includes a two-story brick residence.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The Henderson-Scurlock House, located at 3663 Del Monte Drive, was built in 1941 for Mr. and Mrs. Hugh G. Henderson. The house was designed by the notable Houston architect, Harry D. Payne, and was built by local builder, C. C. Rouse. Payne served as an architect for Houston Independent School District and several other local school districts, and designed many local school buildings, including River Oaks Elementary and Edgar Allen Poe Elementary schools and Robertson Stadium at the University of Houston.

In 1946, the house was purchased by Eddy and Elizabeth Scurlock. Eddy Clark Scurlock amassed a considerable fortune in the oil business, much of which the Scurlocks donated to further health and education causes. Many of their financial gifts flowed through the Scurlock Foundation, which was founded in 1958. The 21-story Scurlock Tower in the Texas Medical Center was named in honor of the support given by the Scurlocks.

The two-story brick Henderson-Scurlock house exhibits characteristics of the Colonial Revival style. Its most prominent features are two colossal Corinthian columns, a pedimented entry, and a second floor balconette featuring wrought iron railing.

The Henderson-Scurlock House meets Criteria 1, 3, 4, 5, and 6 for Landmark Designation.

### HISTORY AND SIGNIFICANCE

The Henderson-Scurlock House at 3663 Del Monte Drive was built in 1941 for Mr. and Mrs. Hugh G. Henderson. C. C. Rouse was awarded \$15,000 to build the house which was designed by notable Houston architect, Harry D. Payne. According to the *Houston Post*, the estimated sale price of the house was approximately \$15,000.

An article in the *River Oaks Magazine* described the house as:

“...a beautiful version of the Southern Colonial style. The architect’s interpretation in this instance took a more classical turn than is usual with this type and the result is pleasing and interesting. A deep rosy-red brick is used, white trim is used lavishly in the window framings, the broad entrance feature, the columns and pediment and the wrought iron railings. The house sits back in a fine wooded lot...”

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Hugh Henderson owned the Hugh G. Henderson Company, which manufactured and sold laundry machinery. Mr. and Mrs. Henderson resided in the house for approximately five years. In 1946, the house was purchased by Eddy and Elizabeth Scurlock. The Scurlocks owned the house for 18 years, until 1964, when the current owner, Sue McMurrey, purchased the house.

## *Eddy Clark Scurlock*

Eddy Clark Scurlock was described by the *Houston Chronicle* as a “philanthropist” and “oil industry giant.” He was born in 1905 in Newton, Texas, and was raised in Tenaha, East Texas. In 1922, he earned a high school diploma and acquired a job as a kitchen assistant on a Standard Oil pipeline construction site. In 1926, he moved to Houston and worked in the sales department of Magnolia Oil. Later, he purchased his own gas service station at the corner of Louisiana and Webster. Subsequent jobs included commission agent for Humble Oil (Seguin) and oil broker for Cooper Petroleum, where he was named manager of the Minneapolis office in 1933. In 1936, Scurlock formed Scurlock Oil Company, a petroleum product marketing firm. The firm grew dramatically over the years and was sold in 1982 to Ashland Oil. As a second venture, in 1946, Scurlock founded Eddy Refining Company. According to the *Houston Chronicle*, the firm became an “important refiner of independent gasolines and, through an affiliated company, a distributor and retailer.”

Eddy and Elizabeth Scurlock left a significant imprint on Houston. Upon his death, the *Houston Chronicle* stated, “Eddy Scurlock made a fortune in the oil business. That’s not his life story, though. Eddy Scurlock also gave away a fortune to further health and education.” Many of his gifts flowed through the Scurlock Foundation, which was founded thirty years before his death. Most notable is the 21-story building located at 6500 Fannin in the Texas Medical Center named Scurlock Tower in honor of the support given by the couple. According to the *Houston Chronicle*, the Scurlocks’ main charities included “schools, medical and health institutions, with an emphasis on churches, schools and hospitals associated with the Methodist Church.” In particular, they provided funding for a large number of buildings at Lon Morris College, a training school for Methodist ministers, in Jacksonville, Texas, and Holly Hall Christian Retirement Community in Houston. On January 17, 1988, Eddy Scurlock passed away in Methodist Hospital at the age of 83.

## *Harry Daniel Payne*

Harry Daniel Payne, the architect of the Henderson-Scurlock House, was born in St. Louis, Missouri, in 1891 and earned a degree in architecture from Washington University of St. Louis. He served in World War I after training at Fort Sheridan Officers Training School. He began his armed forces career as a commissioned 1st Lieutenant and worked his way up to Captain through a battlefield promotion.

Payne came to Houston around 1925, at the age of 35, from the office of the St. Louis architect William B. Ittner, the foremost school design expert in the Midwest. Payne served as architect for the Houston Independent School District from 1927, and was responsible for the design of numerous school buildings, including River Oaks Elementary and Edgar Allen Poe Elementary schools. Payne also designed Robertson Stadium on the University of Houston campus, which was built in 1941-42 as the Houston Public School Stadium, a joint project between HISD and

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the Works Progress Administration (WPA), a federal agency created by Franklin D. Roosevelt's New Deal.

Among his notable domestic works is the William P. Hobby house in Braeswood (1928). His architectural commissions in Texas, however, concentrated on schools, and during his career, he served as a consultant to Anahuac ISD, Beaumont ISD, Corpus Christi ISD, Houston ISD, and Huntsville ISD.

Payne was active in the American Institute of Architects and received the Edward C. Kemper Award in 1962. According to AIA, the award is “conferred by the national Board of Directors on an architect member who has contributed significantly to the profession through service to the American Institute of Architects.”

Some of the buildings designed by Harry D. Payne are listed below:

- Robert E. Lee High School, Baytown, 1928.
- Eastwood Elementary (Dora Lantrip Elementary), 1927 addition, with James Ruskin Bailey.
- Edgar Allen Poe Elementary School, 1929.
- River Oaks Elementary School, 1929.
- Charles Bender High School, Humble, c. 1929.
- Eugene Field Elementary School, 1920s.
- E. W. Griffey House, 2218 Troon Road, 1930-31.
- H. F. Estill House, 1614 University Avenue, Huntsville, 1931.
- 2420 Brentwood Drive, 1936.
- Mirabeau B. Lamar High School, 1937, with John F. Staub, Kenneth Franzheim, Louis A. Glover, and Lamar Q. Cato.
- Sam Houston Memorial Museum, Huntsville, 1937.
- Robertson Stadium, University of Houston, 1941-42.
- Phyllis Wheatley High School, 1949.
- Deer Park School Center

## *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 house-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,

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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 housesites, 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 house 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 house 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

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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.

## **ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY**

The two-story brick Henderson-Scurlock House exhibits characteristics of the Colonial Revival style. Its most prominent features are two colossal Corinthian columns, a pediment entry, and a second floor balconette featuring wrought iron railing. The house is of frame construction with brick veneer and features a symmetrical, rectangular plan. The front façade features a central entrance and four symmetrically balanced double hung windows flanked by shutters. A full-height entry with triangular pediment features an oval leaded window. The central entrance is contained within a frame enclosing a leaded glass transom and six-paneled wood door. Above the doorway, on the second floor, is a balconette flanked by an arrow-patterned iron railing. A central, fixed Palladian window looks out onto this balconette. The foundation is brick and the roof is of wood shingles. The house also features a brick fireplace on the gable wall. Below the two first-story windows are two rows of patterned brick.

The current owner purchased the house in 1964. The owner hired architect Hugo V. Neuhaus, Jr., to remodel and slightly expand the house. These changes included removing the existing glass front door and revising the door head to include a glass transom, extending a "living porch" and adding paneling to the walls, combining the breakfast room with the kitchen, and other interior changes. With the exception of the front door replacement and addition of the transom, the façade has not changed from its original 1941 appearance.

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## BIBLIOGRAPHY

Fox, Stephen, Houston Architectural Guide, 2<sup>nd</sup> Edition, American Institute of Architects Houston, 1999.

Houston Architectural Survey, 1980.

Houston Chronicle, "Eddy Scurlock, philanthropist, oil industry giant, dies," January 18, 1988.

Houston Chronicle, Obituary of Harry D. Payne, June 11, 1987.

Houston Post, "\$15,000 Residence Contract Awarded," June 29, 1941.

Letter to Marvin McMurrey from Hugo V. Neuhaus, Jr. dated June 19, 1964.

River Oaks Magazine, New Neighbors, 1941.

University of Houston Athletics, <http://www.uhcougars.com/facilities/hou-robertson.html>

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

## APPROVAL CRITERIA FOR LANDMARK DESIGNATION

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

**S    NA**

**S - satisfies    NA - not applicable**

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

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

## **STAFF RECOMMENDATION**

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Henderson-Scurlock House at 3663 Del Monte Drive.

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Archaeological & Historical Commission

Planning and Development Department

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HENDERSON-SCURLOCK HOUSE  
3663 DEL MONTE DRIVE

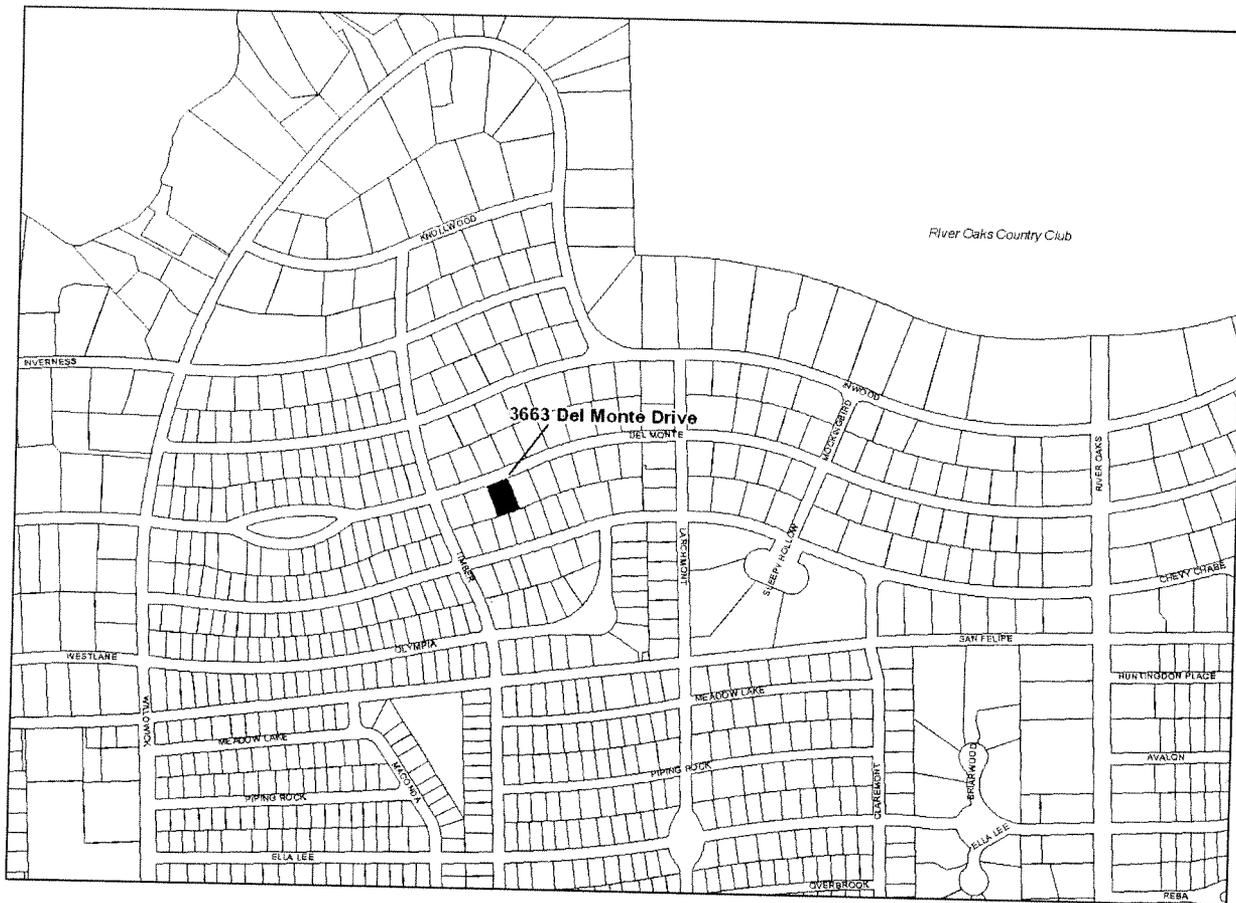


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SITE LOCATION MAP  
HENDERSON-SCURLOCK HOUSE  
3663 DEL MONTE DRIVE  
NOT TO SCALE



## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** T. J. and Ruth Bettes House  
**OWNERS:** Vesta and Pedro Frommer  
**APPLICANTS:** Vesta and Pedro Frommer  
**LOCATION:** 1059 Kirby Drive – River Oaks  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** IV.b  
**HPO FILE NO:** 09L215  
**DATE ACCEPTED:** Mar-30-09  
**HAHC HEARING:** Apr-23-09  
**PC HEARING:** May-28-09

### SITE INFORMATION

Lot 7, the southerly 10 feet of Lot 8, and part of Lot 6, Block 34, River Oaks Section 3, City of Houston, Harris County, Texas. The building on the site is a two-story residence.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The T. J. and Ruth Bettes House, located at 1059 Kirby Drive, was built in 1928 and was designed in the Southern Colonial style by noted Houston architect, Charles Oliver. Oliver was the in-house architect for the River Oaks Corporation from 1926 to 1931. Eventually, Oliver designed 75 houses in the upscale River Oaks neighborhood in many styles including Georgian, Tudor, Dutch Colonial, Mediterranean and Norman. The T. J. and Ruth Bettes House was featured in publications including *"American Country Houses of Today: 1930"* and the River Oaks Corporation's hardcover brochure, *River Oaks, A Pictorial Presentation of Houston's Residential Park* (1929).

Notable residents of the house were T. J. Bettes and 'Judge' Roy Hofheinz. In 1928, T. J. Bettes moved to Houston and organized a mortgage company named the Trust Company of Texas, later named the T. J. Bettes Company. By 1945, an advertisement in the Houston City Directory referred to the T. J. Bettes Company as "The South's Largest Mortgagee with Loans on Real Estate, Investments and Securities."

Roy Hofheinz was a prominent Houston politician, businessman, and developer. He served from 1934 to 1936 in the Texas House of Representatives and from 1936 to 1944 as a Harris County judge. In 1952, he was elected to the first of two terms as mayor of Houston. Along with his partners in the Houston Sports Association, Hofheinz was instrumental in bringing Major League Baseball to Houston in 1962. He was also the driving force behind the development of the Astrodome, the world's first domed stadium, in 1965.

The T. J. and Ruth Bettes House meets Criteria 1, 3, 4, 5, and 6 for Landmark Designation.

### HISTORY AND SIGNIFICANCE

The T. J. and Ruth Bettes House at 1059 Kirby Drive was designed as a speculative house by Charles Oliver for the River Oaks Corporation. Built in 1928, it was the third house completed on Kirby Drive. Only two other Oliver houses (1528 and 1827 Kirby) existed on the street in 1929, when the Bettes family purchased the house. On November 18, 1929, the Houston Post

Dispatch featured an advertisement indicating that the pricing of the house was in the \$25,000 to \$50,000 range. On November 21, 1928, the Houston Post Dispatch ran the following notice:

“The beautiful walls and woodwork, the interesting floors of oak boards of uneven width put together with pegs, the heavy colonial entrance door and inside doors of beautifully rubbed walnut are striking features of the home... The mantel is a careful copy of one in an old Virginia home, and the furnishings in this room, as in all others, have been chosen with skill and rare taste.”

The Houston Post Dispatch’s marketing efforts included fully furnishing the house and hosting three tea parties there, as described in the Houston Press article excerpt below:

“Old Virginia is Brought to Houston – Here are five photographs of the old style Colonial home at 1059 Kirby Drive River Oaks, where a series of colonial teas were held this week. The teas were attended by many Houston social leaders.... The home was furnished and draped in a style appropriate to the period it represents.”

The following excerpt appeared in an article in the Houston Post Dispatch on February 10, 1929:

“Presented today are three heretofore unpublished views of the beautiful old style colonial home at 1059 Kirby Drive, purchased this week by T. J. Bettes, President of Trust Company of Texas.... The home according to Mrs. R.H. Thomas, Richmond, Virginia, nationally known home decorator who is in Houston this week, is ‘one of the most beautiful residences in America.’ Mrs. Thomas has visited and carefully studied every known high class residential community in the country.”

### *Torrey James Bettes*

Torrey James Bettes (“T. J.”) was born in 1888 in Lisbon, Michigan and spent his childhood in Grand Rapids. After graduating from Michigan State College in Lansing, he spent time in Georgia and Dallas, where he was involved in the mortgage insurance and banking business. In 1928, he moved to Houston and organized a mortgage company named the Trust Company of Texas, which was “the largest individually owned company of its kind.” Trust Company of Texas was later renamed ‘T. J. Bettes Company.’ By 1945, the Houston City Directory listed T. J. Bettes Company as “The South’s Largest Mortgagee with Loans on Real Estate, Investments and Securities” with offices at 616 Fannin. A later location of T. J. Bettes Company was known as the Bettes Building and is now the Corinthian.

Throughout his lifetime, T. J. Bettes was actively involved in many related business entities. In 1949, he was vice president of the Paramount Fire Insurance Company of New York and also a director of St. Louis Marine and Fire Insurance Company. He was active in the community and belonged to the downtown Rotary Club, the Houston Chamber of Commerce, Houston Country Club, and the Matagorda Club.

Bettes died at his home at 1059 Kirby in 1949. The accidental death made the front page of the Houston Post Dispatch on April 27, 1949 with the following headline, “Mortgage Banker Dies in Fall Down Stairs” and the article described how Mr. Bettes fell down his basement stairs at 4:00 a.m. He liked to wander about at night; investigators deduced that he opened the basement door by accident and fell before he was aware of his mistake. His wife heard the clamor and was

quickly aided by River Oaks Patrol and neighbor, Dr. Thomas Burke, of 3402 Wickersham (City of Houston Landmark).

The funeral was held at Bettes' home at 1059 Kirby. Several neighbors and prominent Houstonians served as pallbearers, including: Harry C. Hanszen (resident of Lazy Lane), Haywood Nelms (resident of Sleepy Hollow Circle) and W. T. Carter. After his death, the T. J. Bettes Company carried on with T. J.'s wife, Ruth Bettes, serving as Chairman of the Board. Ruth Bettes continued to reside at 1059 Kirby until her death in June 1980.

#### *Roy Hofheinz*

In 1980, the Bettes' estate sold the house to Roy Mark Hofheinz. Hofheinz was born in Beaumont, Texas, on April 10, 1912. He attended Rice University and the University of Houston and graduated from the Houston Law School at age nineteen. Hofheinz married Irene Cafcalas in 1933; they had three children. He served from 1934 to 1936 in the Texas House of Representatives and from 1936 to 1944 as a Harris County judge. After losing the election for his third term as county judge, Hofheinz turned to advancing his career in private-sector law and business. He returned to public life in 1952, when he was elected to the first of two terms as mayor of Houston.

Hofheinz was also a driving force behind the Astrodome. He and his partner, Robert (Bob) Everett Smith, created the Houston Sports Association. Hofheinz was heavily criticized for his plan to build a gigantic sports stadium under a roof, but the Houston Sports Association received a major-league franchise on the promise of building a new stadium, and in 1965 the world's first domed stadium, the Astrodome, was completed. Hofheinz claimed the Astrodome was the "the Eighth Wonder of the World." Building on the success of the Astrodome, Hofheinz developed the South Loop by adding Astroworld, the Ringling Brothers and Barnum and Bailey Circus, and the four "Astrodomain" hotels. Hofheinz's empire, however, soon began to decline. In 1970 he suffered a stroke that left him confined to a wheelchair, and in 1975 his empire, burdened by high interest rates, came to an end. Hofheinz's first wife died in 1966, and he married Mary Frances Gougenheim in 1969. He died of a heart attack at his home in Houston on November 22, 1982, and was survived by his wife Mary Frances and three children.

Hofheinz also lived in another City of Houston Landmark, Cochran-Hofheinz House and Garage, located at 3900 Milam Street (aka 3918 Brandt Street) in the James Bute Addition. The Cochran-Hofheinz House, most likely constructed in 1912, may be the work of Russell Brown Company. The home was built for Owen L. Cochran, who was president of First National Bank, one of Houston's largest banks. In 1956 the home was purchased by Roy M. Hofheinz from one of the Cochran heirs. With Robert "Bob" Smith, Hofheinz, who had moved his offices to the house at 3918 Brandt Street, now known as 3900 Milam, created the Houston Sports Association for the purpose of obtaining a major league baseball team in Houston. It was in the offices of Hofheinz on Brandt Street (3900 Milam) where the idea of a covered sports stadium was first discussed, which resulted in the eventual construction of the Astrodome.

#### *Charles Oliver, architect*

The T. J. and Ruth Bettes House, at 1059 Kirby Drive, was designed by noted Houston architect, Charles Oliver. Oliver was the in-house architect for the River Oaks Corporation from 1926 to

1931. According to notes from Stephen Fox, Oliver was a native of Dallas and had previously worked in the architectural/construction firm of the Russell Brown Company, which constructed many stylish houses in Dallas and Houston during the first quarter of the 20<sup>th</sup> century. Oliver worked for the Russell Brown Company from 1916 until 1926, when he was hired by the River Oaks Corporation. Eventually, Oliver designed 75 houses in the upscale River Oaks neighborhood in many styles including Georgian, Tudor, Dutch Colonial, Mediterranean and Norman. Some of his most distinctive houses are in the Mediterranean style, of which approximately six are still standing in River Oaks. According to Stephen Fox, houses in Houston designed by Charles Oliver include:

- 2203 Brentwood, 1925 (Mediterranean)
- 1903 Bellmeade, 1926 (Mediterranean)
- 2508 Pelham Drive, 1927 (Charles Oliver's family house)
- 1528 Kirby Drive, 1927-28
- 1827 Kirby Drive, 1927-28 (River Oaks Scrapbook)
- 3394 Chevy Chase, c. 1928 (Georgian)
- 1915 Bellmeade, 1929 (City of Houston Landmark)
- 2007 River Oaks Boulevard, 1929 (home of Mike Hogg, developer of River Oaks)
- 3015 Del Monte, c. 1929 (Tudor)
- 2504 Pelham Drive, c. 1929 (Norman)
- 2141 Pine Valley, c. 1930 (Tudor)
- 3223 Chevy Chase, c. 1934 (Mediterranean)
- 3358 Inwood Drive, 1930
- 1407 Kirby Drive, 1930 (Manorial)
- 2970 Lazy Lane, 1934 (as consulting architect to James C. Mackenzie with Birdsall Briscoe)

### *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 house 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.

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.

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

The T. J. and Ruth Bettes House, located at 1059 Kirby, was designed by Charles Oliver and was built in 1928 by the River Oaks Corporation. It was prominently featured in *River Oaks, A Pictorial Presentation of Houston's Residential Park* in 1929. The house retains a high degree of architectural integrity when compared to the 1929 photos of the house that were featured in *American Country Houses of Today: 1930*.

The house was designed in the Southern Colonial style. It is two stories in height, with a side-gable roof and prominent two-story front portico. The exterior is clad in painted brick veneer. The front portico spans much of the front of the house, save for an addition located to the north side of the house. The portico is supported by six columns and matching pilasters. The front entry retains its original Southern Colonial design. The second floor features double-hung 6/6 lite wood sash windows. In 1992, a one story wing on the northeast side of the house was enlarged into two-stories. At the same time, a two-story garage was attached to the new two-story wing. The garage is set back from main façade. Both additions are compatible and do not compete with the classic symmetry of the main façade. The additions could also be reversed and would leave the original integrity of the house intact.

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*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.*

**APPROVAL CRITERIA FOR LANDMARK DESIGNATION**

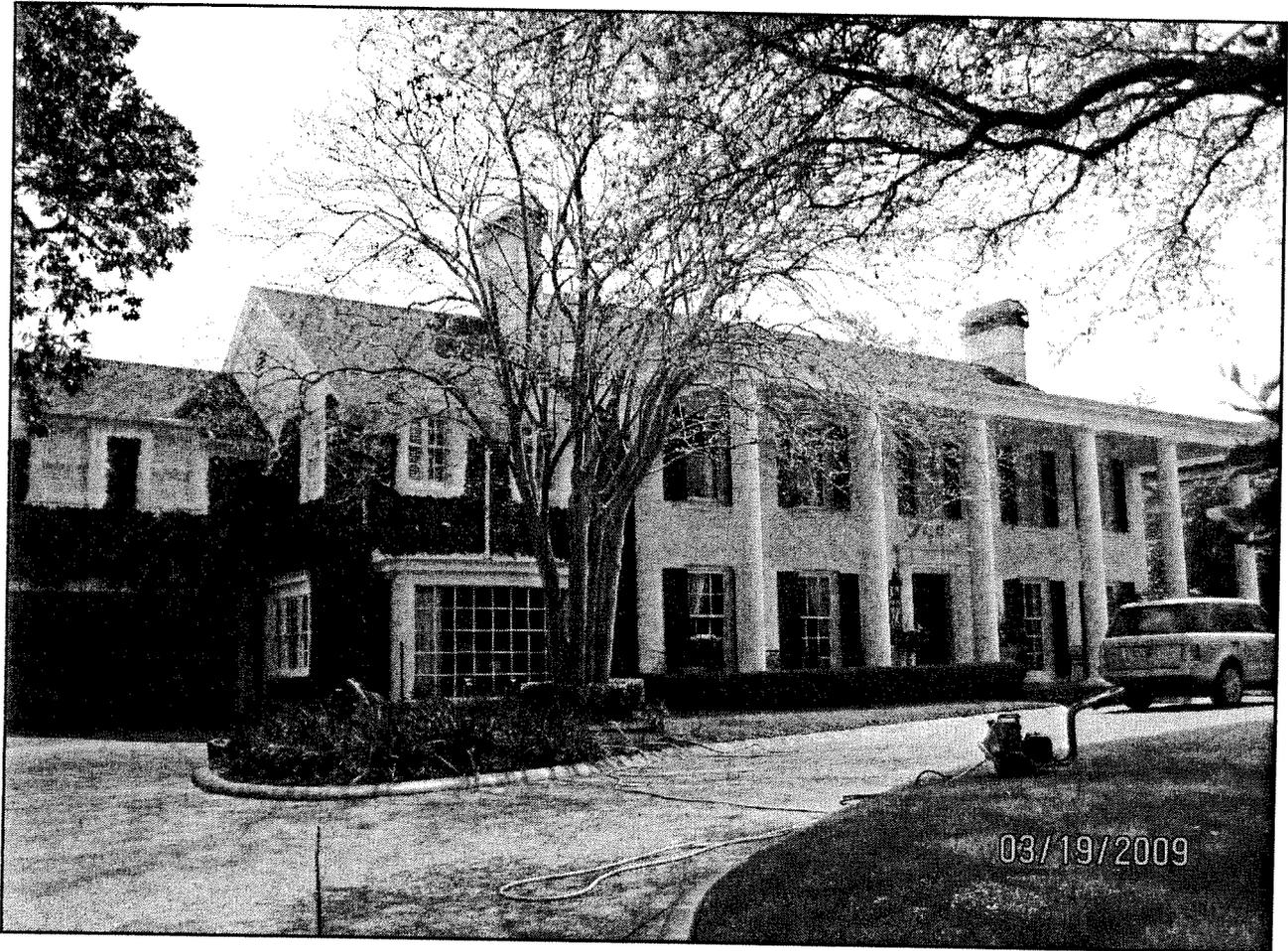
The HAHC and the Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

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

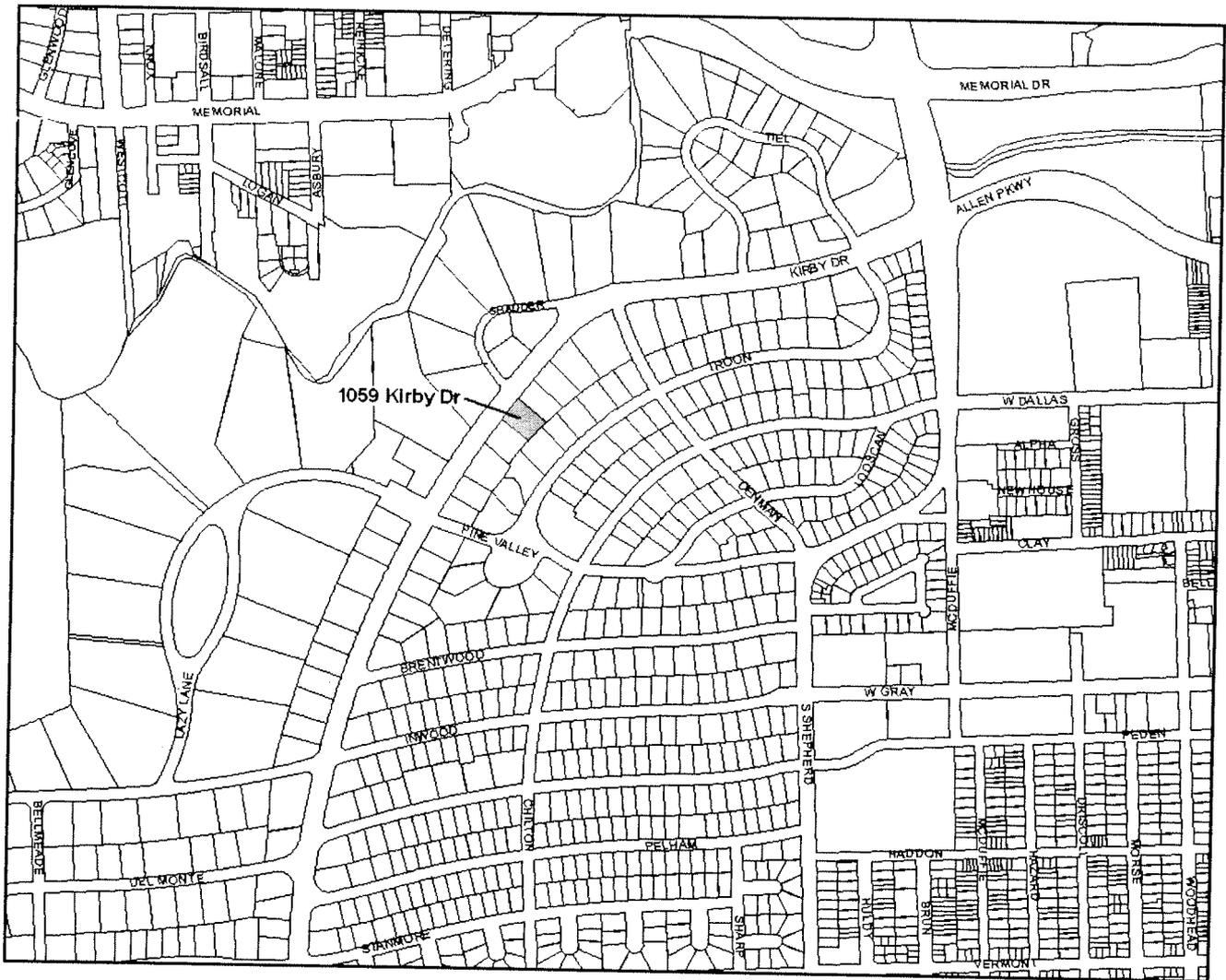
**STAFF RECOMMENDATION:**

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 T. J. and Ruth Bettes House at 1059 Kirby Drive.

T. J. AND RUTH BETTES HOUSE  
1059 KIRBY DRIVE



SITE LOCATION MAP  
T. J. AND RUTH BETTES HOUSE  
1059 KIRBY DRIVE  
NOT TO SCALE



## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** James L. Autry House

**OWNERS:** W. Murray Air and Mary B. Air

**APPLICANTS:** Same

**LOCATION:** 5 Courtlandt Place – Courtlandt Place Historic District

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

**AGENDA ITEM:** IV.d

**HPO FILE NO:** 09L217

**DATE ACCEPTED:** Mar-26-09

**HAHC HEARING:** May-21-09

**PC HEARING:** May-28-09

### SITE INFORMATION

The East 50 feet of Lot 23 and West 75 feet of Lot 24, Courtlandt Place subdivision, City of Houston, Harris County, Texas. The site includes a wood-frame and brick two-story residence.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The James L. Autry House was designed by Sanguinet and Staats in 1912. It is an excellent example of Neo-Classical Revival architecture and reflects the elegance and architectural quality common along Courtlandt Place, one of Houston's earliest and most exclusive subdivisions. Established in 1906, Courtlandt Place, a tree-lined, divided boulevard, has maintained its residential integrity despite surrounding commercialism in adjacent blocks, and is designated as both a City of Houston and National Register historic district.

James Lockhart Autry was a significant figure in the early days of the Texas oil industry. As an attorney and judge, Autry was a pioneer in the field of oil and gas law. After the discovery of the Spindletop oil field in 1901, Autry helped Joseph Cullinan organize the Texas Fuel Company, now known as Texaco. In partnership with Cullinan and Will Hogg, Autry later formed several other oil companies. The Autry family was also community philanthropists, funding the children's wing of the Houston Tuberculosis Hospital among other endeavors. The Autry House Episcopal student center at Palmer Memorial Church adjacent to the Rice University campus was named in memory of James Autry.

The James L. Autry House at 5 Courtlandt Place is a contributing structure to the Courtlandt Place National Register and City of Houston Historic Districts. The James L. Autry House meets Criteria 1, 3, 4, 5, and 6 for Landmark Designation.

### HISTORY AND SIGNIFICANCE

The James L. Autry House, designed by Sanguinet and Staats in 1912, is an excellent example of Neo-Classical Revival architecture and reflects the elegance and architectural quality common along Courtlandt Place, one of Houston's earliest and most exclusive subdivisions. The Autry House is one of eighteen prominent residences facing Courtlandt Place Boulevard, a tree-lined, divided boulevard, which still retains the ambiance of its early 20th Century origins. Established as an exclusive neighborhood in 1906, Courtlandt Place has maintained its residential integrity despite surrounding commercialism in adjacent blocks. Six restrictive covenants, established in perpetuity and enforced by the owner-residents, form the basis for the neighborhood's continued survival. Courtlandt Place is a designated City of Houston and National Register Historic District.

*James Lockhart Autry*

James Lockhart Autry was a significant figure in the early days of the Texas oil industry and his house on Courtlandt Place represents a period of personal professional and financial success. Autry was born in Holly Springs, Mississippi, on November 4, 1859. In 1873, at the age of 15, he moved to Tennessee and enrolled in the college preparatory program at Sewanee University. In 1876, he left Tennessee and moved to Corsicana, in Navarro County, Texas, to oversee a land grant bequeathed to his family by his grandfather, Micajah Autry, who died in the battle of the Alamo on March 6, 1836. While in Corsicana, Autry apprenticed to study law under Judges Richard Channing Beale and Samuel R. Frost, and was subsequently admitted to the Texas Bar in 1880. In 1883, Judge Richard Beale's declining health led him to resign as judge in Navarro County, and Autry succeeded him as judge. In addition to serving as county judge, Autry was also director and president of the Texas Petroleum Oil Association in Corsicana.

In partnership with W. J. McKie, Autry served as counsel to Joseph S. Cullinan, a Pennsylvania oil entrepreneur who moved to Corsicana with the oil boom of the 1890s. With the discovery of oil at Spindletop in 1901, Cullinan moved to Beaumont and Autry followed in 1904 to help Cullinan organize the Texas Fuel Company. In 1905 the company reorganized and expanded into the Texas Company (later known as Texaco) in which Autry was elected a director and became general counsel. Autry moved to Houston in 1908 when the Texas Company corporate offices moved to take advantage of other oil fields down the Gulf Coast, and within a few years Autry had built his home on Courtlandt Place. In 1913, Autry joined Cullinan and Hogg in resigning from the Texas Company to form several new companies including the Farmers Petroleum Company, the Fidelity Trust Company, America Petroleum Company, and Republic Production Company. Autry served as president of the Farmers Petroleum Company, president of Fidelity Trust Company, and vice-president and general counsel of the last two under the combined name of American Republic Company. Autry is considered a pioneer in the field of oil and gas law.

Autry and his wife, Allie Belle Kinsloe Autry, had two children, Allie "Sally" May Autry (1903-1998) and James "Jimmy" Lockhart Autry III (1899-1922). Jimmy Autry was president of the Houston Radio Club and held a General Amateur License 5ED. He was also a member of the Amateur American Relay League. Jimmy Autry's wireless 'plant' was located in the garden house attached to the greenhouse on the property to the east of the main house. This was the largest and strongest radio 'plant' in Houston. He was responsible for Route E Station 5 communicating between Chicago and the Gulf region by way of St. Louis, Little Rock, Dallas, and Houston. Autry was just a teen in 1916 when he alerted his neighbors on Courtlandt Place of the outbreak of World War I by firing his pistol into the air in the early morning hours of April 6 after being informed of this news via his wireless radio. He told the neighbors in advance he would use that signal so they knew what it meant. It is said that neighbors emerged from their homes, some in their nightclothes, and many of them in tears. Jimmy Autry died a few years later due to complications from surgery, and unfortunately was not around for the development of broadcasting.

James L. Autry, like so many of the wealthy Houstonians of the time, was involved in social clubs and philanthropic endeavors. He was a director of the Houston Chamber of Commerce and served on the Vestry of Christ Church. The Autry family funded the children's wing of the Houston Tuberculosis Hospital and were supporters of Rice University. Allie Belle Kinsloe Autry, James Autry's widow, gave a substantial sum of money toward the construction of Autry House, the

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Episcopal student center at Palmer Memorial Church adjacent to the Rice campus, in Houston in memory of her deceased husband. Autry Court arena at Rice University was dedicated to the memory of Allie Belle Autry by her daughter, Allie Mae Autry Kelley. The facility was renamed Tudor Fieldhouse in 2008.

Autry suffered a massive stroke in 1915 and spent the last five years of his life a semi-invalid. He died on September 29, 1920 in his Courtlandt Place home. His family remained in the house until selling it in 1938.

## *Sanguinet and Staats*

Marshall R. Sanguinet and Carl G. Staats founded the architectural firm of Sanguinet and Staats in 1903 in Fort Worth, Texas. The firm rapidly expanded into one of the state's largest architectural practices and specialized in the design of early 20<sup>th</sup> century steel-framed skyscrapers. They designed a number of significant buildings in the area, including the Wilson Building in Dallas, the first eight-story building in Texas. The firm designed many of Texas' early skyscrapers, among them the tallest buildings in Fort Worth, Beaumont, Houston, Midland, and San Antonio, until their work was eclipsed by taller structures. The firm had branch offices in Dallas, Wichita Falls, San Antonio, Waco, and Houston and was among the first Texas architectural enterprises to have a statewide practice. In 1922, Wyatt C. Hedrick bought a partial interest in the firm and the name was changed to Sanguniet, Staats and Hedrick, with the Houston branch known as Sanguniet, Staats, Hedrick and Gottlieb, under the direction of R. D. Gottlieb, a limited partner. In 1926, the two founding partners retired and sold their share of the firm to Hedrick who continued to practice in Fort Worth and in limited partnerships in Houston and later in Dallas.

## *Courtlandt Place*

Courtlandt Place was established as an exclusive neighborhood in 1906 by the Courtlandt Improvement Company. It was modeled on the "private place" suburban plan concept developed in St. Louis, Missouri. Eighteen houses, most built between 1910 and 1930 along the tree-lined, divided boulevard, provide excellent examples of early 20<sup>th</sup> century architectural styles, designed by well-known architects. One of the few old Houston subdivisions still intact, Courtlandt Place is protected by the supervision of the Courtlandt Association and its Board of Trustees, backed by six restrictive covenants established in perpetuity. Courtlandt Place is the oldest subdivision in Houston with its deed restrictions still in force, protecting it from the fate of surrounding areas now dotted with commercial enterprises. In addition to the architectural significance of the district, Courtlandt Place was the home of some of Houston's most prominent leaders – doctors, lawyers, oil men, lumbermen, and people who founded companies still prospering today.

Courtlandt Place was a development of the south 1/3 of Lot 23 containing 15, 474 acres and the adjoining fractional Lot 9 of Block 24 of the Fairgrounds addition. Before the turn of the century, the land surrounding and including Courtlandt Place was prairie and used primarily for farming. After the city annexed the land in 1903, developers began several subdivisions in this area including Avondale, Westmoreland, Montrose, and finally Courtlandt Place. Of these early 20<sup>th</sup> century developments, only Courtlandt Place remains intact. The neighborhood's urban-country origins are still evident in the stables behind many of the big houses and by the hitching posts in the front yards.

The boundaries of the Courtlandt Place Historic District are the alleys behind the houses on the north and south, Garrott Street on the west, and the access road of the Southwest Freeway on the east. The original property lines for the Courtlandt Place addition followed these same boundaries with the exception of the east end, which was shortened in 1963 due to the expansion of the Southwest Freeway. Half of the vacant lot in the southeast corner was condemned and the landscaped, crescent-shaped entrance to Courtlandt Place at the east was destroyed in 1969 by an extension of the Southwest Freeway. However, the stones from the pillars and the wrought iron fences were saved. In 1974, with the city's approval, the Courtlandt Association landscaped the present east entrance to the Boulevard using some of the original stones and fencing.

Among the prominent residents who built homes on Courtlandt Place was the W. T. Carter family, members of which were successful lumbermen, real estate developers, and politicians. Another prominent family was the Clevelands. Other original residents included Sterling Myer, prominent attorney; C. L. Meuhaus, land investor; Underwood Nazro, head of the Houston office of Gulf Oil; Murray Jones, attorney and judge; J. M. Dorrance, cotton broker and shipper; E. L. Neville, partner in cotton with Dorrance, later the Board of Directors of the First National Bank of Houston; T. J. Donoghue, vice president of the Texas Company (now Texaco); and John W. Garrow and W. C. Hunt, who were both in the cotton business.

## **ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY**

Designed in 1912 by Sanguinet & Staats, the James L. Autry House is a two-and-a-half story, wood frame Neo-Classical Revival House. The shape of the house is basically square with a one-story, balustraded porte cochere to the east, balanced on the west by a small one-story, balustraded sun room. Dominating the main façade is a double balustraded gallery across the entire front, supported on four massive two-story, fluted Doric columns. From the central bay, a one-story, semi-circular Doric entrance porch projects, accentuating the entrance. This main façade retains a strict symmetry displaying a central door with sidelights and transom on both floors, flanked by wide single-pane sash windows on each side. Corresponding French doors and plate glass windows are also incorporated into the second floor. The elevation is also classically framed by two-story fluted corner pilasters. A distinctive feature of the roofline is the wide eaves with coupled modillions spaced above the columns on the front and singly spaced at intervals on the rear. A hipped roof, broken by gables, dormers and exterior brick chimneys at the east and west sides, crowns the structure.

Distinctive interior elements include the 15-foot by 37-foot entry hall and receiving room. Oak wainscoting, oak ceiling beams whose central beam is arched, original brass sconces, an oak staircase lighted by an ornate leaded and beveled glass arched window, all embellish the formal reception area. The first floor also features a formal parlor, a carriage hall, a large wainscoted living room (originally serving as Mr. Autry's home office and library) with box beamed ceiling, an oak wainscoted dining room with box beamed ceiling and butler's pantry, a fernery/solarium with mullioned windows on three sides, a bedroom, kitchen, and breakfast room featuring French doors and transoms on the west and south sides. On the second floor at the top of the stairs is another receiving room, 18-foot by 27-foot. An original brass ceiling fan with tulip lights hangs from the center of the room. Bedrooms and bathrooms are on the second floor as well as a windowed sleeping porch which spans the entire width of the house at the rear. All main rooms on the first and second floors have pocket doors for privacy.

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The Autry house has a full utilitarian basement with a concrete floor which, when constructed, had specially designed waterproofing for the walls and drainage. Such construction is considered very unusual for Houston. The basement contained a laundry room and coal room and a large coal burning furnace which delivered forced air heating through duct work built into the home.

To the rear of the house is a two-story garage with space for three cars, a chauffeur's room, a workroom, and a storage closet. There is a 'pit' in the floor so that the chauffeur could work under the cars. The second floor served as a quarters.

To the east of the house is an adjacent lot that originally contained tennis courts and a long rectangular greenhouse with an onion-shaped roof. In the late 1990s, the adjacent lot was sold, the greenhouse and tennis court were razed, and a new home (suitable to the character of the street) was constructed. A swimming pool was added to the east perimeter in the rear of the property. Routine maintenance, painting and landscaping have taken place over the years. The external structure of the home remains true to its 1912 origins with the exception of a balustraded widow's walk on the top-most flat portion of the roof, which has not been reconstructed as of this submission.

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*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.*



**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 James L. Autry House at 5 Courtlandt Place.

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JAMES L. AUTRY HOUSE  
5 COURTLANDT PLACE

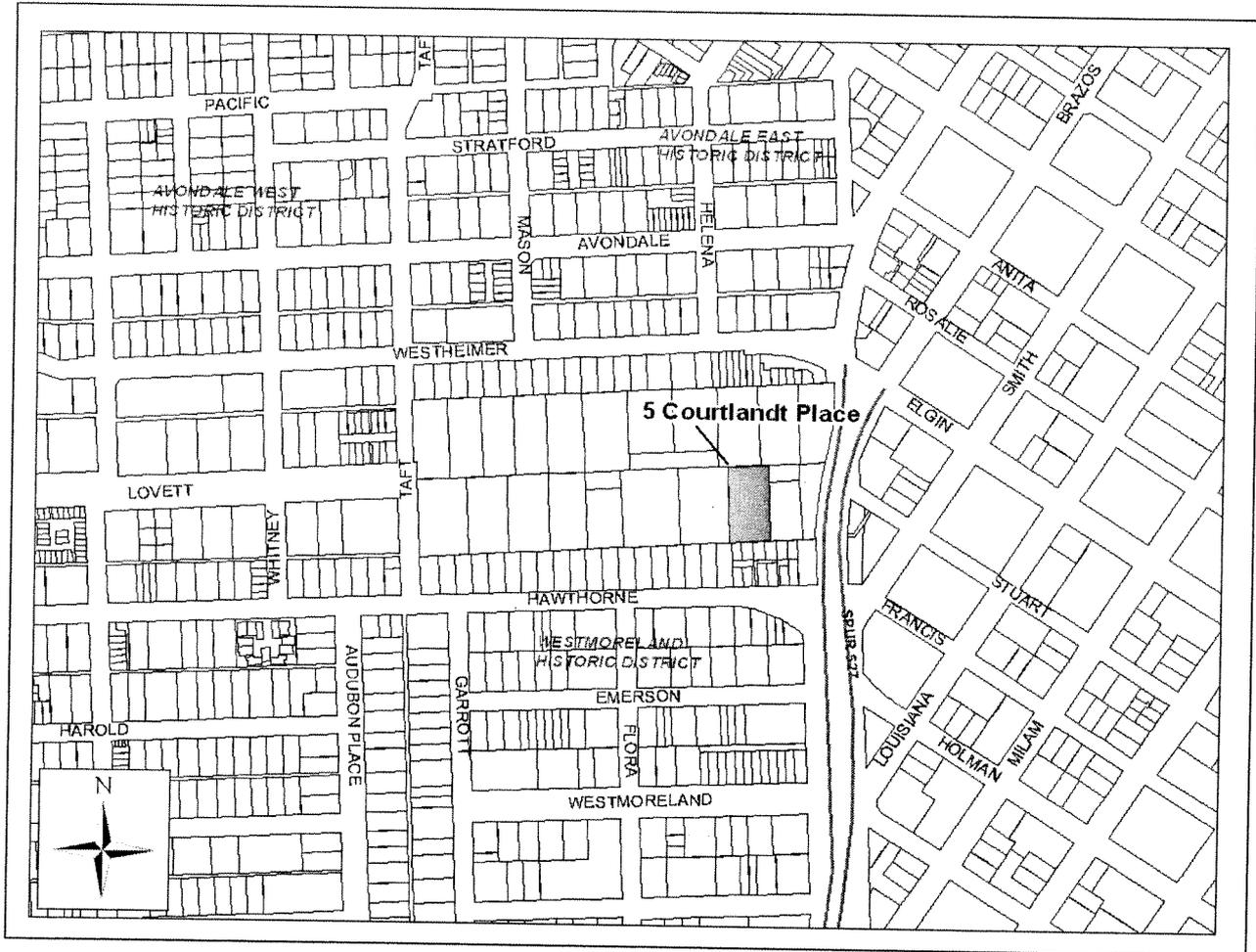


# CITY OF HOUSTON

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SITE LOCATION MAP  
JAMES L. AUTRY HOUSE  
5 COURTLANDT PLACE  
NOT TO SCALE



# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** St. John Missionary Baptist Church  
**OWNER:** St. John Missionary Baptist Church  
**APPLICANT:** Brenda Columbus, Church Secretary  
**LOCATION:** 2222 Gray Avenue  
**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** IV.a  
**HPO FILE NO:** 09L214  
**DATE ACCEPTED:** Feb-24-09  
**HAHC HEARING:** Apr-23-09  
**PC HEARING:** May 28-09

### SITE INFORMATION

Lots 3, 4, and 5, Block 429, SSBB. The building on site is a three-story masonry church building with attached parsonage and offices.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

St. John Missionary Baptist Church was founded in Houston's Third Ward in 1899 by Rev. H. R. Johnson. Today with a congregation at 110 years old, St. John has a long history as an influential African-American institution in the community. Over the years, several different church buildings have been built to house the growing congregation. The current three-story brick Gothic Revival church building was constructed in 1946 under the leadership of Rev. N. C. Crain. Rev. Crain was pastor of St. John for over 40 years and left a lasting mark on the church. He was a notable preacher and traveled widely to lead revivals all over the country.

St John's 1946 church building was designed and built by James M. Thomas, a black contractor who specialized in building churches and became Houston's most active architect for African American congregations. Thomas began building churches in 1937, at a time when Houston had no black architects, and designed over 55 churches in his lifetime. He got his start as a designer while attending Prairie View College. In 1930, he began teaching mechanical drawing at Phillis Wheatley High School in Houston, where he taught for 42 years before retiring in 1972. Thomas died in 1994, leaving an important architectural legacy in the city.

Most of Thomas's churches share two prominent corner towers with pyramidal or hipped roofs and large gable roofs over the primary sanctuary. In many examples, wide steps lead up to an entrance above a raised first floor. Another notable and unusual feature of many Thomas designs is the use of glass block as a decorative feature, often used in place of brick between window openings. Thomas's design for St John incorporates many of the stylistic characteristics for which he is noted.

Today, Thomas's impressive brick church for St John Missionary Baptist Church remains a highly visible landmark in its location on Gray Avenue just off of I-45. St. John Missionary Baptist Church meets Criteria 1, 3, 4, 5 and 6 for Landmark designation.

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

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## HISTORY AND SIGNIFICANCE

*James M. Thomas*

St John Missionary Baptist Church was designed and built in 1946 by James M. Thomas, a black contractor who specialized in building churches. Thomas started building churches in Houston in 1937, and became Houston's most active architect for African American congregations. Most of Thomas' churches share two prominent corner towers with pyramidal or hipped roofs and large gable roofs over the primary sanctuary. In many examples, wide steps lead up to double or multiple entry doors above a raised first floor. Another notable and unusual feature of many Thomas designs is the use of glass block as a decorative feature, often used in place of brick between window openings. Thomas designed over 55 churches in his lifetime.

Thomas was born in Pelham, Navarro County, Texas, and attended school in Navarro County. He later graduated from Prairie View College where he worked with the prominent African American architect, Louis E. Fry (later of Washington, DC), on several buildings on the Prairie View campus. In 1930, Thomas began teaching mechanical drawing at Phillis Wheatley High School in Houston, and in 1937, near the end of the Great Depression, he began working as a contractor building churches. He operated his own construction business and in many projects prepared a design and then supervised construction.

Through his lifetime, Thomas designed over 55 churches. The following churches are attributed to him:

- Damascus Baptist Church (1937, demolished);
- Rose of Sharon, 1106 Valentine Street (1945);
- Fourth Missionary Baptist Church, 2708 Webster Street (1945);
- St John Missionary Baptist Church, 2222 Gray Avenue (1946);
- Olivet Missionary Baptist Church, 3115 Lyons Avenue (1947, fire in 1983 and some alterations);
- Bethel Baptist Church, 801 Andrews (1950 addition, damaged by fire; COH Landmark);
- Concord Baptist Church, 7506 North Main (1951);
- Miles Chapel C.M.E., 4315 Lyons Avenue (1952);
- Greater Zion Baptist Church (3203 Trulley, 1955);
- Greens Chapel A.M.E. Church, 3318 Link Road (1961);
- Fifth Ward Baptist Church, 4300 Noble Street (date unknown, demolished);
- Church of the Living God (date unknown);
- Church of God, 2509 Burkett (date unknown);
- Mt Ararat Baptist, 5801 W Montgomery (date unknown);
- Greater Northside Antioch, 2500 Campbell (date unknown);

New Hope Missionary Baptist Church at 1221 Crockett may also be a Thomas design. Thomas said his largest project was for Greater Zion Baptist Church at 3203 Trulley in the Third Ward and his most unusual was Greater Northside Antioch at 2500 Campbell.

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James Thomas commented in a 1980 *Houston Chronicle* article: "Back then there were no black architects in Houston. Colored people didn't think plans were needed to build a church. They wouldn't give a nickel or a dime for a plan." So Thomas devised his own plans. Beginning with Damascus Baptist Church on Center Street, Thomas said he designed churches to "look like churches. You look at the last four or five churches I've done, and you'll see what the next five will look like. The style stays essentially the same."

Thomas developed an interest in church construction from attending his childhood Methodist church in Irene, Texas, that his grandfather, Jake Thomas, helped build. James Thomas taught mechanical drawing at Phyllis Wheatley High School for 42 years before retiring in 1972. He died in 1994, leaving an important architectural legacy in the city.

### *History of St John Missionary Baptist Church*

Throughout its existence, St. John Missionary Baptist Church has been an influential institution in Houston. The first social institutions fully controlled by African-Americans in the United States were the black churches, of which the Baptist denomination was the largest. The black church has been and continues to be a strong force in the life of the community.

On August 11, 1899, Reverend Hillard Rueben (H. R.) Johnson met with Reverend Gilbert Green, then pastor of the Little Zion Missionary Baptist Church on Velasco Street, to make plans for a new church. Also in attendance were James Bullock and wife Terry Bullock, Henry Stockin, Nettie Johnson, Francis Ford and her daughter, Amanda Foster, Phoebe Perkins, Eliza Bozeman and family, Tom Willis, Sister Evan, Callie Elcober, and Paul Taylor. James Bullock and Paul Taylor are credited with naming the new church St. John Missionary Baptist Church. The church had many struggles and grew slowly. The first meeting place was in a small building near the corner of Live Oak Street and Calhoun Avenue, facing Calhoun.

Reverend H. R. Johnson remained pastor only a short while before being called to Mt. Zion Baptist Church in Second Ward on Canal Street. St. John Baptist then called Reverend J. B. Bolden as its pastor. Two years passed, and Rev. Bolden, together with the small membership, bought a lot on 2200 Broadway Street, now known as Bastrop Street, the second lot from the corner between Hadley and Webster Avenues, and a small frame building was erected. As fate would have it, a storm came and demolished the first building. Throughout the difficulties, the congregation remained steadfast. Negotiations were made to purchase land and construct a church in the 2100 block of Bastrop Street at Gray Avenue. Until the new sanctuary was completed, a tent was erected in the middle of the block for conducting worship services, and the Rev. H. R. Johnson returned from Rockdale, Texas, to serve as minister.

The church experienced rapid growth while housed in the tent and during its early years in the new sanctuary. Not only was there reorganization within the church, but also worshipers included large numbers of blacks as well as whites. St. John Missionary Baptist Church was the first Baptist church in Houston to have morning and eleven o'clock services. Rev. H. R. Johnson started this morning hour of worship among black churches in the city.

Since there were no available facilities for conducting baptismal services until the new sanctuary was completed, arrangements were made to use the pool of Brady Brick Yard by Buffalo Bayou in the Second Ward. Baptismal services were held on Sunday afternoon following eleven o'clock services. Rev. Johnson would order enough streetcars to take the congregation to Brady Brick Yard. The

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congregation would walk one block north to Pierce Avenue to the streetcars. As many as one hundred people were baptized at one time. When the number grew so large that Brady Brick Yard could no longer accommodate the group, arrangements were then made to conduct baptismal services in Brays Bayou, at the present site at North MacGregor Way and Ennis Street. On May 15, 1915, Rev. H. R. Johnson and Rev. Williams baptized more than a hundred candidates in Brays Bayou. Upon completion on the new white framed, stained glass window sanctuary with its front entrance on Bastrop Street, there was a baptismal pool located beneath the surface of the pulpit. When the baptismal pool was open for use, a reflection mirror permitted the congregation to observe the activities in the pool.

In addition to the baptismal pool in the new sanctuary, there was a main auditorium, partial balcony, elevated choir stand, room for pastor's study, and additional room for other official activities. In the left tower was a bell that continues to be used today. This original bell was moved to the right tower in 1946, when the current structure was built. Over the years, the bell has tolled to signal the start of Sunday school and church services, and when funeral processions depart the church.

From the period of 1901 to 1915, Reverend H. R. Johnson resumed his work in preaching and organizing St. John Missionary Baptist Church. The Deacon Board and other officers of the church were influential in the growth of the church and served in dual capacities. Some of the deacons and officers who can be credited with continuous efforts for maintaining the church were Hal Judkins, Paul Taylor, James Bullock, Austin Burney, Clem Bolden, John Bonner Sr., O. B. Stinson, Marion Stinson, Nat Black, Reverend Griffin, and George James.

The order of Sunday services in the past was quite similar to that of the present day. Several annual church activities were planned. The church picnic was held each year in Dickerson, Texas. An Easter exercise was held each year, and a Christmas tree was presented annually with gifts, fruits, and toys that were given to the children. December 31 was known as Watch Meeting Night; the fifth Sunday was General Mission Day; Prayer meeting was held Tuesday night; and choir practice was every Friday night.

There were Sunday school, eleven o'clock worship services, and an evening service. In addition, there were other services, such as BYPU, Star Light Band, scheduled church meetings to keep the congregation informed of church affairs, revivals, and church rallies. For shepherding the flock, the minister received approximately eighty dollars per month.

In 1915, because of various misunderstandings and in spite of the efforts of the Moderator of Lincoln District Association, Rev. H. M. Williams, to settle the difference, the church decided to split. Seven hundred members followed Rev. H. R. Johnson to McGowan and Dowling Street, next to the corner in a small building owned by the East Trinity Methodist Church. Because the building, which faced McGowan Avenue, was too small to house the congregation, the members immediately started to raise money to purchase property on Dowling Street for their new church. Today, there are two St. John Baptist churches, one on Dowling Street and the other on Gray Street.

In 1915, Rev. W. M. Johnson was called from Louisiana as the third minister of St. John Missionary Baptist Church. He was familiar with religious as well as the financial needs of the church and worked diligently to reduce the debt of the church. At the time, St. John had become an important local church. Its seating capacity was practically 1000, and standing room was often at a premium. The church was noted for its attitude toward both civic and benevolent movements in the city and state. The personnel of the congregation was particularly unique in that its membership was representative of practically every vocation from housekeeper to lawyer, and members worshiped side by side without friction.

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Dr. W. M. Johnson was an ex-president of the Mobile Baptist College and one of the foremost preachers of his age. He was regarded as a deep theologian, versatile writer, and brilliant orator. He had filled some of the most popular pulpits of the Baptist denomination, prominent among which were Mount Olive Baptist Church of Opelousas, Louisiana, and Franklin Street Baptist Church of Mobile, Alabama. He accepted the St. John pastorate, finding when he took charge a membership of 79, which he increased in four months to 450. He was one among that rapidly increasing number of pastors who believed in "at least owning a chicken coop on earth before expecting a mansion in heaven." He owned taxable property in Louisiana, Texas, and Alabama. His tenure ended when members of the church became disenchanted that his wife was Methodist and held membership at Wesley Chapel African Methodist Episcopal Church. In 1918, Rev. Johnson and his family moved to Pittsburgh, Pennsylvania.

Between 1918 and 1919, two ministers were appointed. Each served a relatively short period of time. Rev. William Clark from Orange, Texas, remained at the church for several months before moving to Dallas, Texas. Rev. E. W. Hawthorne became the fifth minister of St. John Missionary Baptist Church after Rev. Clark. Rev. Hawthorne was a highly educated individual whose preaching methods were thirty years ahead of the times. He allegedly attended Princeton University with former President Woodrow Wilson, although this can not be documented. According to past sources, Rev. Hawthorne had only one arm, which did not inhibit him from performing his duties. Seemingly, there was conflict among members of the congregation; and while they were involved in conflict, it is alleged that Rev. Hawthorne collected all moneys and left the city to return to the East Coast.

During this time period, there was some reorganization of officers in the church. Inez Stinson was the chorister; James Bullock was the Chairman of Deacons; O. B. Stenson and Roxie Clarkson worked cooperatively with the BYPU Department; Terrie Bullock was the treasurer; Hattie Shelton and Hattie Williams were with the Missionary Society; and Rev. A. Kemper was superintendent of Sunday school.

In 1920, Rev. William Wyatt was assigned the role of pastor. Between 1918 and 1920, a church parsonage was constructed on the north side of the church with its front entrance facing Gray Avenue. Rev. Wyatt and his family occupied the church parsonage, which provided them with availability to church members as well as members of the community.

In an attempt to improve the financial status of the church, the members under Rev. Wyatt were assessed church dues of fifty cents weekly and fifteen cents weekly for Sunday School. Upon establishing a roll call of members for their dues, it was revealed that the church had forty financial members. However, under the leadership of Rev. Wyatt, the congregation became so large that the church could not accommodate all worshippers during Sunday worship services. Rev. Wyatt died in 1924 while still serving as pastor of St. John Missionary Baptist Church. The parsonage was never occupied by another minister and was eventually demolished.

The general feeling among the congregation appeared to have been one of mutual respect and commitment towards Rev. Wyatt and his family. His family also worked cooperatively with church activities. He had two daughters. Ruby left Houston to reside in New York during World War II, and Thelma Wyatt Young remained at St. John until her health failed during the 1960s. She was the organist in the church for many years and the director of the famous male choir that had the distinction of being spiritual singers with outstanding harmony. When she became ill, Thelma Wyatt Young moved to New York to live with her sister, Ruby.

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*Reverend N. C. Crain*

During the search for the next assigned minister, various ministers conducted worship services. In June 1925, Rev. N. C. Crain, from Sweet Home Baptist Church in DeRidder, Louisiana, became the seventh pastor of St. John Missionary Baptist Church.

Nathaniel Carroll Crain was born in Madisonville, Louisiana, on March 12, 1886, to Ed and Mary Crain. He lived in a log cabin with dirt floors, no ceiling, no cooking stove, but a fireplace, homemade furniture, and a moss mattress. At the age of five, he attended a private school where he learned his alphabets, and at six years of age, he began attending a parish school. As a boy, he walked ten miles each day to a one-room school in a small church house that conducted school three months each year. He became a Christian in 1898 at the age of twelve, was ordained at fifteen years of age, and began his preaching career in 1903 at the age of seventeen. In addition, at thirteen years of age, he also became employed to help his father support the family and his sick mother. He studied at Ideal Bible College in Chicago, Illinois. Graduating with a Bachelor of Theology degree, he continued studies at Easonia Bible College, from which he received the Honorary Doctorate of Divinity Degree. He also studied at Hughes Business College and Friendship Bible College.

Rev. Crain pastored several churches in Louisiana prior to moving to Houston - the Baptist Church of Ruseville, Mount Calver, Fulton, and the Evergreen Baptist Church in DeRidder. Under Rev. Crain's leadership, Sweet Home Baptist Church in DeRidder made great strides. The church was housed in a shed that was badly deteriorated. Parishioners used umbrellas in services during hot or rainy days. Rev. Crain was called as the minister one day and tore the shed down the next day, later building a completely new church.

Rev. N.C. Crain was a humble, sincere, dedicated preacher who promoted harmony and respect within his congregation. He had an intuitive ability to adapt the style of the old-fashioned black Baptist preacher as well as articulate the aspiration of the congregation. With a membership at St John of approximately fifty financial members and the debt from the small wooden frame building, Rev. Crain's immediate concern was to increase the membership and pay off lingering debts. Under his supervision and guidance, there was growth within the Sunday school and Baptist Training Union, increased development of the usher board and missionary societies, the creation of various singing and/or musical organizations, and the establishment of a kindergarten. Prospective deacons and deaconesses were taught and observed for two or more years to see if they qualified for the roles they were expected to fulfill. Anyone who could not fill a position as required was relieved of that position.

With the impact of World War II, many people moved to the city from rural areas. The congregation grew, and once again, there was need for a larger church building. Because of a shortage of essential materials as well as manpower, construction of the new sanctuary was delayed until 1945. Between 1945 and 1952, church membership increased to nearly five thousand, and approximately \$213,000 was spent on construction for the new sanctuary with its front entrance on Gray Avenue. The new construction included an education building, a nursery, a lounge area, an office space, Sunday school classrooms, a kitchen, and dining room facilities.

Along with the internal development of the church, Rev. Crain influenced active participation and representation in numerous official local, state, national, and international organizations. Rev. Crain also traveled widely to lead revivals all over the country. During his more than forty years as the pastor of St. John Missionary Baptist Church, he ordained many ministers and baptized over twelve thousand

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individuals. When his tenure ended in 1973, Rev. Crain had served longer than any other minister at St. John Missionary Baptist Church.

For six months in 1973, various ministers within the church as well as guest ministers conducted worship services until an official minister could be elected.

### *Starlight Band*

The earliest documentation of the Starlight Band is October 23, 1925, with A. J. Bonner as matron; Odessa Taylor, president; and Maggie Neyland, secretary. Although minutes from only 1925 through May 7, 1929, are available, Starlight Band was perhaps organized even earlier than this. It was held at four o'clock each Tuesday. Mrs. Bonner would drive around to the homes of various members and pick up each child as well as return that child home when Starlight Band ended for the day. She started blowing her car horn one block from the home as notification of her arrival. As youth became older and no longer wanted to attend Starlight Band, parenting skills included gathering the children together from closets, under beds, and sending them to practice. Children from three or four years of age (pre-school) to pre-adolescence were included in the Starlight Band. Parents were supportive of Starlight Band, and there was an annual day each year for Starlight Band activities. If there was a child at St. John's church who did not attend Starlight Band while it existed, it was the exception. Children were taught to follow the organization of worship services by acting as president, teachers, secretary, and conducting prayer sessions. The matron assigned participants for these roles, and all children were included. On special events, Mrs. Bonner would conduct Starlight Band at her home.

In church, children did not sit in the pews; they sat up front in small red chairs and around the pulpit. On some occasions when a child became sleepy, he or she would lie down on the pulpit to go to sleep. Parents would get up to get the child at which time Rev. Crain would tell the parent, "Leave the child alone; he is not hurting a thing."

In 1925, Rev. N.C. Crain organized Usher Board No. 1. George James was designated president and Isaiah Williams, first vice president. George James served as president for forty years. Bernwick Williams served as second vice president after the death of Isaiah Williams and functioned as president during the illness of George James and Joshua Parks. Williams became president of Usher Board No. 1 after the demise of James. Members of Usher Board No. 1 were highly organized and very cooperative as a group. They respected leadership, faithfully working together.

In 1942, Rev. N. C. Crain organized the Junior Usher Board with Irene Whitfield and Nezzie Spriggs as matrons. In 1963, Rev. Crain had a vision to create Usher Board No. 2 with all new members. Again, he requested Nezzie Spriggs to serve as president. Many years ago through state association, the Usher Board supported Mary Allen College.

The Usher Board and Nurse Board were organized simultaneously with Ruby Powell as president of the Nurse Board and continued to serve until illness forced her to curtail physical activities. The Christian nurse came out from the early church, for it realized that a nurse assumes responsibility for creating a spiritual environment conducive to the recovery of the victim. Clothing attire for a church nurse was an all-white uniform and cap, and white shoes with a closed heel and toe.

Bible school was held at St. John each summer for two consecutive weeks following the close of the public school year. A large group of children and youth always participated, as did adults. Closing of Bible School was always an important event and as many as twenty children might be baptized.

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The congregation nurtured numerous musical organizations as well. The choir was a significant feature of church worship services from the time the church was founded in 1899. The WMA Singers were organized in May 1947 to convey the gospel. The group's first public appearance was in a revival at Providence Baptist Church. The WMA singers had its first radio broadcast over K.A.T.L. St. John has one recording, "What Jesus is to Me" and a souvenir program dated Sunday June 13, 1948, for a performance of the WMA Singers at the City Auditorium. Other singing groups were the Aeolean Glee Club, organized in the 1940s; the Gospel Chorus, also organized in the 1940s; the St. John Choral Club during the 1940s and 50s; the Family Singing Group; the Revelation Choir in the late 50s and early 60s; and the Crainettes, organized in 1962 for female youth. In addition to the singing groups, many notable soloists sang at St. John Church over the years.

Other important church organizations and activities were a vibrant Sunday school for all ages, a Missionary Society, a Baptist Young People Union on Sunday evenings, and Children's "Rhythm Band" and the St. John Band, which traveled both in and out of the state for conventions, parades, and other special occasions.

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

St. John Missionary Baptist Church at 2222 Gray Street is a three-story, masonry building designed in the Gothic Revival style by James M. Thomas. Gothic Revival first became popular in Europe and was inspired by medieval architecture such as castles and cathedrals. Identifying features of this style include pointed, arched windows; turrets and battlements; a steeply pitched roof; and often asymmetrical design.

St. John's nave, elevated above a raised basement, and its twin towers exemplify a church building type favored by local African-American congregations in the 1930s, '40s, and '50s. Vertical strips of glass block are used here as architectural decoration. The building's designer, James M. Thomas, was a contractor who specialized in building churches for African-American congregations.

St. John Missionary Baptist Church features an asymmetrical, L-shape floor plan. It has a steeply pitched, parapet roof with a single cross gable and a centered gable over the main entrance, which is set behind two turrets and a covered entrance. The main elevation is five bays wide and includes a covered entryway. The main entrance has a symmetrical, double-entryway staircase that converges into a single staircase and leads parishioners through three, flattened Gothic arches to the front doors. The arches are adorned with polychrome patterns of contrasting brick. The staircases are flanked by symmetrical turrets which incorporate diaper-latticed lancet windows. Decorative polychrome patterns of glass block and contrasting stone insets run the vertical length of the turrets and provide a sense of great height. The turrets feature crenellation. The bell from the original church building on Bastrop Street was placed in the right tower when the current structure was built in 1946. The building also features lancet, tracery windows and rectangular, double hung windows. The windows are ornamented with polychrome patterns of contrasting brick.

*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 and Diana DuCroz, Planning and Development Department, City of Houston.*

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## 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:

- | S                                   | NA                                  |  |
|-------------------------------------|-------------------------------------|--|
| <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 checked="" type="checkbox"/> | <input type="checkbox"/>            | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;   |
| <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.   |

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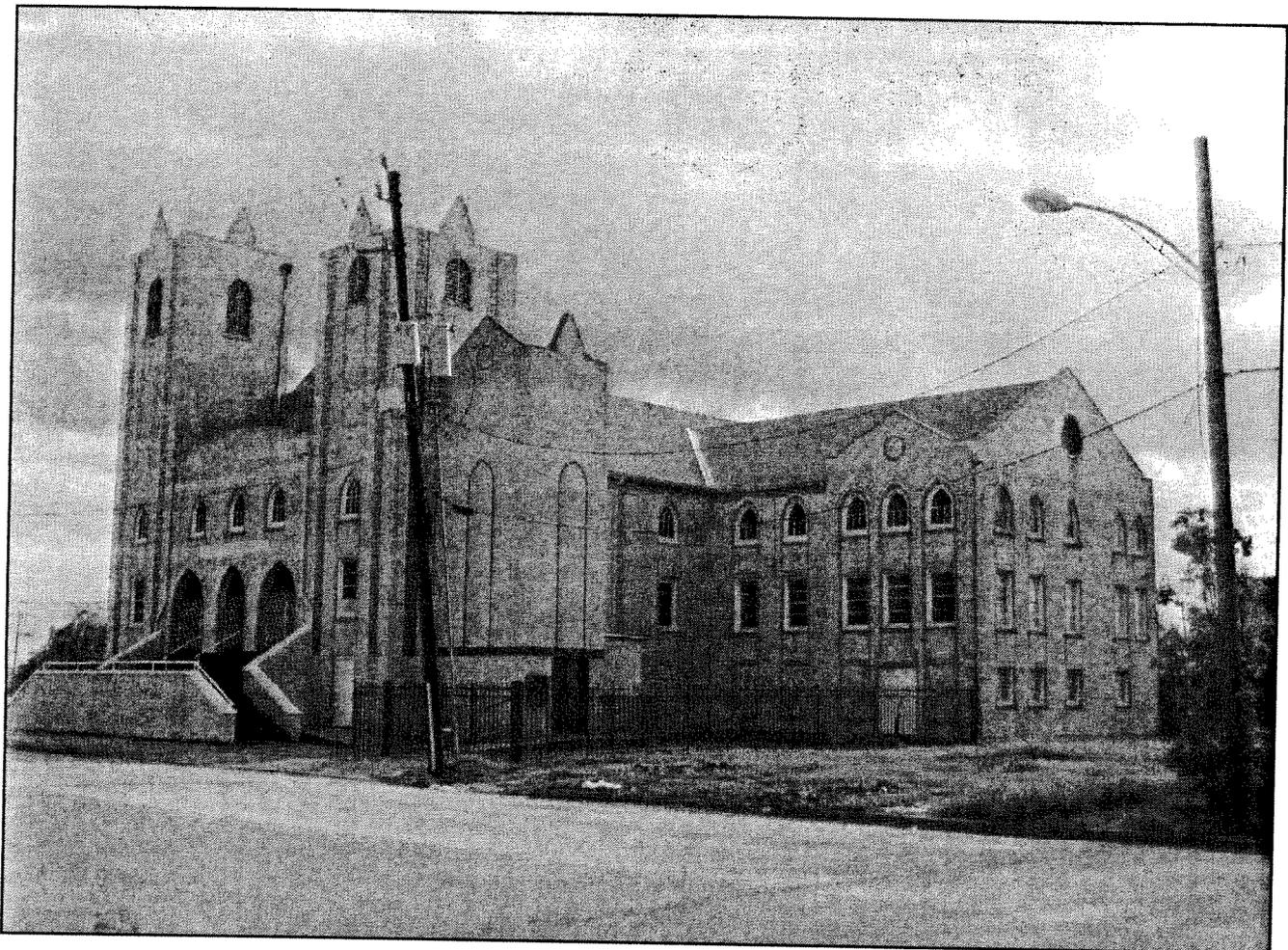
Archaeological & Historical Commission

Planning and Development Department

## STAFF RECOMMENDATION

Staff recommends that the Houston Archaeological and Historical Commission recommend to the Houston Planning Commission the Protected Landmark Designation of St. John Missionary Baptist Church as 2222 Gray Avenue.

EXHIBIT A  
ST. JOHN MISSIONARY BAPTIST CHURCH  
2222 GRAY AVENUE





## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Jones-Hunt House

**OWNERS:** Michael and Patricia Heim

**APPLICANTS:** Same

**LOCATION:** 24 Courtlandt Place – Courtlandt Place Historic District

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

**AGENDA ITEM:** III

**HPO FILE NO:** 09L218

**DATE ACCEPTED:** May-21-09

**HAHC HEARING:** Jun-18-09

**PC HEARING:** Jun-25-09

### SITE INFORMATION

Lot 13, Courtlandt Place Subdivision, City of Houston, Harris County, Texas. The site includes a two-story brick residence and a two-story carriage house.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY

The Jones-Hunt House, designed by Alfred C. Finn and built between 1919-21, reflects the elegance and architectural quality characteristic of Courtlandt Place, one of Houston's earliest and most exclusive subdivisions. The house was built by Sarah Brashear Jones, whose parents were early Houston settlers. Sarah Brashear and her husband, Col. James Warren Jones, who served in the Texas State Senate, were prominent in political and social affairs in Houston in the late 19th and early 20th centuries. James and Sarah's daughter, Irene Jones Hunt, inherited the house in 1925. Her husband, W. C. Hunt, was prominent in the shipping business, and the couple was active in Houston's community and social life. Their daughter, Effie Hunt Heald, inherited the house at her mother's death in 1973 and owned the house until 1989.

Alfred C. Finn, the architect for the house, is one of the most significant architects of Houston's past. Some of Finn's works include the San Jacinto Monument and Museum (1939), the Gulf Building (1929), the Metropolitan Theater (1926), and the Sam Houston Coliseum and Music Hall (1937). The Jones-Hunt House was Finn's only design in Courtlandt Place for which he was solely responsible.

The Jones-Hunt house is a two-story brick house, rectangular in form with a two-story off-center entrance portico and a wide central gable facing the street. A porte cochere extending from the west forms the only wing. Before building the house on Courtlandt Place, Sarah and Col. Jones lived in an 1890 Victorian house at Main and Dallas streets downtown. When the new Courtlandt Place house was being built, the downtown house was dismantled and much of its Victorian woodwork – paneling, doors, and a beautiful open staircase – was incorporated into the new house.

The Jones-Hunt House is individually listed on the National Register, is a contributing structure to the Courtlandt Place National Register and City of Houston Historic Districts, and meets Criteria 1, 3, 4, 5, and 6 for Landmark Designation.

**HISTORY AND SIGNIFICANCE**

The Jones-Hunt House, designed by Alfred C. Finn and built between 1919-21, reflects the elegance and architectural quality characteristic of Courtlandt Place, one of Houston's earliest and most exclusive subdivisions. Architect Finn worked as an associate with Sanguinet and Staats in 1912 when they designed the James L. Autry House at 5 Courtlandt Place (COH Landmark, pending), but the Jones-Hunt House was the only design in the neighborhood for which Finn was solely responsible. The house has a unique importance to the neighborhood as the only residence to be owned and occupied continuously by the same family for over 70 years.

The house at 24 Courtlandt Place was built by Sarah Brashear Jones. Sarah Brashear and her parents were among the earliest Houston settlers moving from North Carolina and Tennessee in 1839 to Houston. Her father, Isaac Brashear, became an extensive land owner, at one time owning most of the large tract of downtown property that became known as Houston Heights. In 1875, Sarah Brashear married Col. James Warren Jones of Clarksville, Tennessee, a lawyer who had moved to Houston in 1870. Col. and Mrs. Jones were prominent in political and social affairs in Houston in the late 19th and early 20th centuries. Col. Jones served for six years as a member of the Texas State Senate and was on the committee in the late 1890s that went to Washington to secure an appropriation for the construction of the Houston Ship Channel.

Col. and Mrs. Jones built a Victorian residence downtown at Main and Dallas (later the site of Sakowitz Department Store) in 1890. By 1919, however, this land had become prime commercial real estate and residences were being torn down to accommodate new businesses. Sarah Jones decided to build a new house on Courtlandt Place, and was particularly interested in the site because in 1917, she had constructed a house next door at 22 Courtlandt Place (1917, Birdsall Briscoe) for her son, Murray B. Jones, whose wife was a daughter of the illustrious lawyer, James A. Baker. Sarah Jones had most of the interior woodwork removed from the old Main Street house before its demolition to incorporate into her new house at 24 Courtlandt Place. The paneling, the doors and the beautiful open staircase in the new house were all originally part of the Victorian residence. The open straight stair, which features three half-turns and landings, is beautifully spotlighted in the side entrance hall.

In 1925, Irene Jones Hunt, James and Sarah's daughter, inherited the house. Her husband, W. C. Hunt, was prominent in the shipping business as the manager for a European shipping company. The couple was active in Houston's community and social life. Their daughter, Effie Hunt Heald, who lived in the house for most of her life, inherited the house at her mother's death in 1973 and owned the house until 1989.

*Alfred Finn*

Alfred Charles Finn, the architect of the house at 24 Courtlandt Place, was born in Bellville, Texas, on July 2, 1883, the son of Edwin E. and Bertha Rogge Finn. He grew up in Hempstead, Texas, where he attended public schools. In 1900, he moved to Houston and worked for the Southern Pacific Railroad as a carpenter, then as a draftsman. Between 1904 and 1913, Finn was employed by the architects Sanguinet and Staats, first in Dallas (1904-07), then in the firm's head office in Fort Worth (1907-12), and finally in its Houston office (1912-13). Finn began independent practice in Houston in 1913. His first job was to supervise construction of the Rice Hotel, designed by the St. Louis architects Mauran, Russell, and Crowell, for the Houston

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entrepreneur, Jesse H. Jones. This began his life-long association with Jones, Houston's foremost real estate developer and builder. During the first years of his practice, Finn designed a variety of building types. These included the ten-story Foster Building (1914) for newspaper publisher Marcellus E. Foster, and the adjoining Rusk Building (1916) for Jesse Jones; large houses for Sid Westheimer (1920) and Walter W. Fondren (1923) in Montrose, Earl K. Wharton in Shadyside (1920), and Sarah Brashear Jones at 24 Courtlandt Place (1921); the Humble Oil and Refining Company's first retail service station (1918, demolished); the Melba Theater in Dallas (with W. Scott Dunne, 1921, demolished) for Jesse H. Jones and John T. Jones, and buildings in Shreveport, Wharton, Bellville, and Sealy.

By the mid-1920s Finn had become Houston's leading commercial architect, producing skyscraper office buildings, hotels, retail stores, and theaters in the downtown business district. For Jesse Jones, he designed a seventeen-story addition to the Rice Hotel (1926), the sixteen-story Lamar Hotel and adjoining Metropolitan Theater (1926; demolished), the Loew's State Theater (1927; demolished), and the tallest building constructed in Texas in the 1920s, the thirty-seven-story Gulf Building (1929, with Kenneth Franzheim and J. E. R. Carpenter). Finn's office produced the eleven-story Kirby Building (1927) for John H. Kirby; large houses for William L. Moody III in Galveston (1927) and Ross S. Sterling at Bay Ridge (1928), and such institutional buildings as the Houston Light Guard Armory (1925), the Pilgrim Building (c. 1928, demolished), and St. Paul's Methodist Church (1930). His firm collaborated with the Fort Worth architect Wyatt C. Hedrick on the Worth Hotel and Worth Theater (1928), the eighteen-story Electric Building and Hollywood Theater (1929), and the nineteen-story Fair Building (1930) in downtown Fort Worth. Finn's office designed major buildings in Galveston and Brenham. During the early years of the Great Depression, Finn was able to secure such substantial commissions as the Forest Hill Abbey mausoleum in Kansas City, Missouri (1931), and the fifteen-story Peoples National Bank Building in Tyler (1932).

Coinciding with Jesse Jones's move from business into government in the 1930s, Finn obtained some of the most prominent publicly financed building commissions in Texas. Under the auspices of the Public Works Administration, his office designed the Sam Houston Coliseum and Music Hall (1937), the twelve-story Jefferson Davis Hospital (1937, with Joseph Finger), the United States Post Office, Courthouse, and Customhouse in Galveston (1937, with Andrew Fraser), a twelve-building dormitory complex at Texas A&M College (1940), and the 570-foot tall San Jacinto Monument (1939). He was appointed to the board of Reconstruction Finance Corporation and went on to serve as FRA's secretary of commerce from 1940 to 1945. Subsequently, Finn became an architectural supervisor for the Federal Housing Administration. During World War II, Finn designed the 1,000-bed, 37-building U.S. Naval Hospital complex in Houston (1945, subsequently the Veterans Administration Hospital, demolished). Finn's office participated in the postwar building boom that occurred in Houston, designing the twenty-four-story City National Bank Building for Judge James A. Elkins (1947), the Ezekiel W. Cullen Building at the University of Houston (1950), the downtown specialty store of Sakowitz Brothers (1951), and the suburban headquarters building of the Great Southern Life Insurance Company (1952). It also produced the ten-story First National Bank Building in Longview (1956). Finn designed two hospitals in the Texas Medical Center, the Arabia Temple Crippled Children's Hospital (1952) and Ben Taub Hospital (1963, with H. E. Maddox and C. A. Johnson). Controversy in 1953 over an earlier version of what became Ben Taub Hospital led to serious

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financial reversals for Finn, after he was unable to collect fees for preparing a full set of construction documents. This was followed by a stroke he suffered in December 1953 that left him partially paralyzed. Finn maintained his practice until his death, but his participation in its day-to-day operations was limited.

Finn's architecture was stylistically conservative. It was abreast of current trends, but never at the forefront. After the late 1910s Finn seems to have delegated design responsibility to his associates, notably H. Jordan MacKenzie, who had a significant independent career in New Orleans between 1904 and 1916. MacKenzie worked with Finn between 1920 and 1940. Victor E. Johnson, who was with Finn between 1928 and 1952, also did design work, as did Robert C. Smallwood, who was in the office between 1923 and 1928. Other longtime associates were Milton R. Scholl, J. Russ Baty, and Ernest L. Shult. Finn's eldest son, Alfred C. Finn, Jr., joined the firm in 1934. Finn served twice as a trustee of the Houston Independent School District. He was also a member of the first City of Houston Planning Commission. Finn belonged to the Gray Lodge No. 329, the York and Scottish Rite bodies, the Arabia Temple Shrine, the Rotary Club, and the Houston Club. He joined the American Institute of Architects in 1920 and was elected to fellowship in the institute in 1949. Finn was a member of St. Paul's Methodist Church. In 1909, he married Mary Elizabeth Riley, and they had two sons. Alfred C. Finn died in Houston on June 26, 1964, and is buried in Forest Park Cemetery. His papers are deposited at the Houston Metropolitan Research Center of the Houston Public Library.

## *Courtlandt Place Historic District*

Courtlandt Place, established as an exclusive neighborhood in 1906, maintains its unique early 20th century elegance and continuity. Eighteen houses built mainly in the 1910s and 1920s along a tree-lined, divided boulevard, reflect excellent examples of early 20th century architectural styles, designed by some of the most prominent Texas architects of the early twentieth century, including Birdsall P. Briscoe, Alfred Finn, John Staub, Sanguinet and Staats, and Olle J. Lorehn. The eighteen houses built between 1909 and 1937 represent the popular architectural styles of the period – Classical Revival, Mediterranean, Tudor Revival, Georgian Revival, Colonial Revival, and Prairie Style.

Before 1900, the land surrounding and including Courtlandt Place was prairie and used primarily for farming. After the city annexed the land in 1903, developers began several subdivisions in this area – Westmoreland (1902), Courtlandt Place (1906), Avondale (1907), and Montrose (1911). Of these early 20th century housing developments, Courtlandt Place was the most exclusive. The neighborhood's urban/country origins are still evident in the stables behind many of the large houses and by the hitching posts in the front yards. None of the houses have been destroyed or significantly altered and the street retains a rare and remarkable early 20th century ambience.

One of the few old Houston subdivisions still intact, Courtlandt Place is protected by the supervision of the Courtlandt Association and its Board of Trustees, backed by six restrictive covenants established in perpetuity. Courtlandt Place is the oldest subdivision in Houston with its deed restrictions still in force, protecting it from the fate of surrounding areas now dotted with commercial enterprises. In addition to the architectural significance of the district, Courtlandt Place was the home of some of Houston's most prominent leaders – doctors, lawyers, oil men,

lumbermen and people who founded companies still prospering today. Among the prominent residents who built homes on Courtlandt Place were the W. T. Carter family - W. T. Carter, Sr., W. T. Carter, Jr., Jim and Lena Carter Carrol, Dr. and Jesse Carter Taylor, R. D. Randolph and Frankie Carter Randolph; the A. S. Cleveland family - A. S. Cleveland, and Cleveland's daughter and son-in-law, Mr. and Mrs. William A. Kirkland; James Lockhart Autry; Sterling Myer; C. L. Neuhaus; Underwood Nazro; Murray Jones; J. M. Dorrance; E. L. Neville; T. J. Donoghue; John W. Garrow; and W. C. Hunt.

The landscaped, crescent-shaped entrance to Courtlandt Place at the east was destroyed in 1969 by an extension of the Southwest Freeway, although stones from the pillars and the wrought iron fences were saved and reused in the present east entrance. With encroaching commercial development in the surrounding neighborhoods, Courtlandt Place has become a quiet residential island surrounded by the freeway, busy thoroughfares, and businesses. Courtlandt Place was listed on the National Register of Historic Places in 1980, and was designated as a City of Houston Historic District on June 12, 1996.

## **ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY**

Designed in 1919 by Alfred C. Finn, the Jones-Hunt House was planned to incorporate portions of an 1890 Victorian house into its interior. The two-story brick residence is basically rectangular in form with a two-story, off-center entrance portico on the south (front) and a wide central gable facing the street. A porte cochere extending from the west forms the only wing. The stepped plan of the house, which exhibits nominal Tudor detail, enables the principal living areas to have access to the prevailing southwest breeze.

The south facade consists of a three-bay composition with an off-center entrance on the west. Extending from the west bay is a two-story brick portico supported by massive, unadorned, two-story square columns. The brick gallery openings at both the first and second floors are linteled, but on the first floor, wooden molded spandrels, springing from pilasters engaged to the inside of the piers, form elliptical arches on all three sides of the portico. Surrounding the second-floor balcony is a brick balustrade with an open cross design and a coping defined by the vertical arrangement of brick stretchers. The vertical stretchers also form a stringcourse between the first and second floor. A three-part window with wide central panes pierces each floor of the central bay, the first-floor window being slightly larger in scale than the second-floor window. The east bay, enclosing a sunroom on the first floor, displays French doors with sidelights and transom, while a triple window provides light to the second-floor room. The roofline consists of wide eaves, a large central gable extending within a few feet of each side of the main facade, and a brick parapet surrounding the remainder of the south roof and part of the sides.

The east side also has a three-bay composition, the central portion of which is set back slightly. As on the main facade and throughout the house, the design features a variety of openings, corresponding to interior room use, rather than exterior arrangement. Within the recessed bay are double French doors with sidelights that lead from the dining room to the landscaped brick courtyard.

On the west extends a two-story brick wing with the porte cochere on the first level and an enclosed room on the second. The details of the porte cochere, with massive brick supports and elliptical arches formed by wooden spandrels, are similar to the front portico. The driveway of

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the Jones-Hunt House is unique on the boulevard, for the entrance begins to the west on a side street (Taft Street), rather than on Courtlandt Place. To the rear (north) of the house is a large two-story brick garage with room for three cars and servants quarters on the second floor.

Most of the interior woodwork from the 1890 house on Main and Dallas was removed from the old house before its demolition in 1919 and incorporated into the Courtlandt Place house. The paneling, the doors, and the beautiful open staircase were all part of the Victorian residence. The open straight stair, which features three half-turns and landings, is beautifully spotlighted in the side entrance hall.

A Certificate of Appropriateness was approved in July 17, 1997, for restoration work to the house, including restoration of the roof from composition shingles back to the original slate; repair or replacement of wood trim; removal of brick infill to reopen original window openings; restoration of glass transoms; repair of the foundation; and replacement of broken veranda tiles with stone pavers. A two-story 'library' addition to the rear of the house was also approved, but was never built.

## **BIBLIOGRAPHY**

Fox, Stephen. Houston Architectural Guide, 2<sup>nd</sup> Edition, AIA Houston, p. 71.

Handbook of Texas Online, 'Finn, Alfred Charles',  
<http://www.tshaonline.org/handbook/online/articles/FF/ffi32.html>, accessed June 15, 2009.

Houston Architectural Survey, 1984.

National Register nomination, Jones-Hunt House.

National Register nomination, Courtlandt Place Historic District.

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

## **APPROVAL CRITERIA FOR LANDMARK DESIGNATION**

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

**S    NA**

**S - satisfies    NA - not applicable**

- (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));

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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 (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)).
- (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 Jones-Hunt House at 24 Courtlandt Place.

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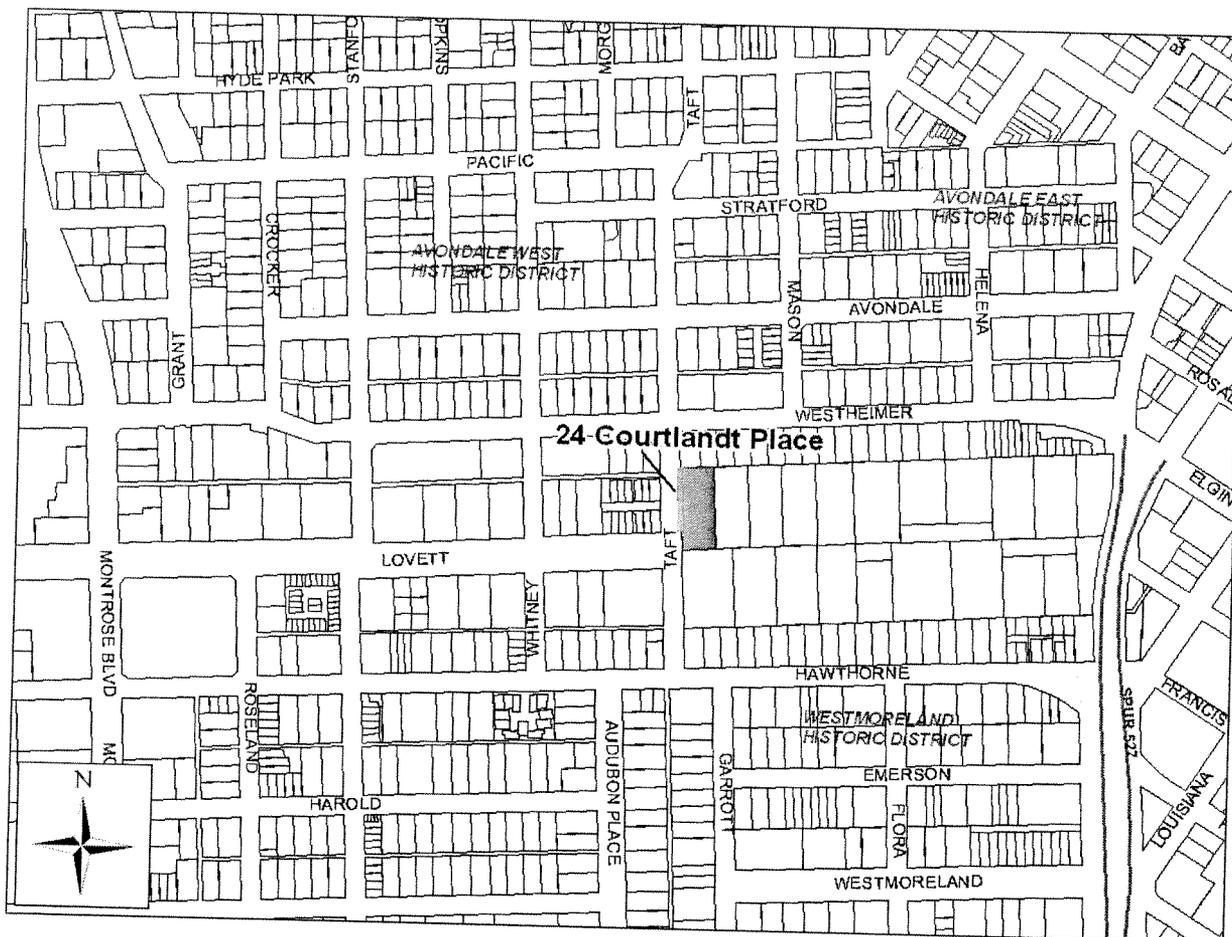
Archaeological & Historical Commission

Planning and Development Department

JONES-HUNT HOUSE  
24 COURTLANDT PLACE



SITE LOCATION MAP  
JONES-HUNT HOUSE  
24 COURTLANDT PLACE  
NOT TO SCALE



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

*Reso*

<b>SUBJECT:</b> Approval of a resolution designating the Francois and Marie Tajan House at 1801 Lubbock Street as a Landmark and Protected Landmark in accordance with Chapter 33, Code of Ordinances	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <i>23</i>
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> 8-14-09	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>M/S</i> <i>Maureen R. Spillane</i>	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Courtney Spillane Phone: (713) 837-7894	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of a resolution designating the Francois and Marie Tajan House at 1801 Lubbock Street 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 by the planning official. This application for Landmark and Protected Landmark designation of the Francois and Marie Tajan House at 1801 Lubbock Street was initiated by the owner.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on February 12, 2009 and February 19, 2009 respectively. 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.

Photos of the proposed landmark 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)

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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*23*

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Planning and Development Department

## PROTECTED LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Francois and Marie Tajan House

**OWNERS:** Salvador and Ann Guercio

**APPLICANTS:** Charles Stava for Salvador and Ann Guercio

**LOCATION:** 1801 Lubbock (aka 615-617 Sabine Street) – Old Sixth Ward Historic District

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

**AGENDA ITEM:** IV. b

**HPO FILE NO:** 09PL77

**DATE ACCEPTED:** Jan-20-09

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

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

### SITE INFORMATION

Tracts 9 and 17, Block 441 (615 Sabine) and Tracts 9A and 17A, Block 441 (617 Sabine), W. R. Baker Subdivision, NSBB, City of Houston, Harris County, Texas. The house was moved to this site from its original location across Sabine Street at 1717 Lubbock Street, Lot 18 and Tract 17A, Block 454, W. R. Baker Subdivision, City of Houston, Harris County, Texas, in 2006. The building on the site is a one-story, wood frame L-plan residence.

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

### HISTORY AND SIGNIFICANCE SUMMARY

The Francois and Marie Tajan House, at 1801 Lubbock Street, is located within the Old Sixth Ward Protected Historic District. The neighborhood was listed in the National Register of Historic Places on January 23, 1978 and was designated as a city historic district on June 25, 1998. The Old Sixth Ward Historic District has the largest concentration of Victorian-era buildings in Houston, the majority of which were built in the 1870s through 1890s.

Built in 1887, the Francois and Marie Tajan House was considered unusual for its time, because it featured a progressive floor plan which includes features more commonly found in homes built a decade later, such as wainscoting, integral closets, and beveled, wood siding that was not used on houses constructed during the same time. After its relocation across the street, to 1801 Lubbock Street, in 2006, the Tajan House was intensively restored.

The Francois and Marie Tajan House at 1801 Lubbock Street meets Criteria 1, 3, 4, and 5, and was built before 1905 and is listed as a “contributing structure” in an historic district listed in the National Register of Historic Places, all considerations for Landmark and Protected Landmark Designation.

### HISTORY AND SIGNIFICANCE

#### *Old Sixth Ward*

Home to approximately 2,000 Houstonians, the area now called Old Sixth Ward was originally part of a two-league Mexican land grant made in 1824 to Stephen F. Austin’s son, John. On July 6, 1838, two years after John K., Augustus C. and Charlotte B. Allen founded the town of Houston, S.P. Hollingsworth filed a survey of the area in which he divided the land into large, narrow tracts that ran northward from Buffalo Bayou. By January 1839, portions of the Hollingsworth survey that lay in the future Old Sixth Ward had been conveyed to several prominent Houstonians, including: W. R. Baker, James S. Holman, Nathan Kempton and Henry Allen. By 1858, W. R. Baker and his friends owned or

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held mortgages on most of the land in this area. Baker engaged the County Surveyor, Samuel West, to restructure his holdings by converting the whole area into a lot and block system. The new survey was laid out to true north, varying from downtown, which was platted at a 45-degree angle to true north. The first Salvadore after the re-platting took place on January 31, 1859, when Baker transferred several blocks to W.W. Leeland. Subsequent lot and block Salvadores followed Baker's plat, which remains in use today. For many years, W.R. Baker served as President of the Houston and Texas Central Railroad whose route approached Houston from the northwest. The railroad's success greatly influenced the growth of the neighborhood, which attracted immigrants seeking employment. Long noted for its ethnic and economic diversity, the neighborhood has at various times been home to Swedish, German, English, Irish, French, Swiss, Italian, Polish, Eastern European, Jewish, African, Chinese, Vietnamese, Mexican, Latin American, and Scottish immigrants. The 1870 census indicates that everyone who lived in this area worked either for the railroad or in a related enterprise such as construction or retail services.

In 1871, Glenwood Cemetery opened at the western edge of the area. It provided a natural, protective boundary that continues in force today. In 1872, Washington Avenue was graded and the number of businesses located there increased. By 1878, the Houston Street Railway (trolley) extended to Washington Avenue where the business district was known as "Uptown" in contrast to the Market Square area, which was known as "Downtown." A bird's eye view of the area drawn in the early 1890s shows the neighborhood to have been fully developed with a structure on almost every lot. By the early 1900s, the Sixth Ward was a fully developed community complete with a fire station, a public school, stores, Salvadoroons, churches and industrial establishments.

The Houston Chronicle newspaper lauded Fourth Ward North, as Sixth Ward was originally called, as one of the finest and 'healthful' places to live in Houston. The area enjoyed the highest elevation in Houston and abundant artesian water, fed by the Beauchamp Springs. Its residents enjoyed proximity to downtown and other attractions such as the popular Highland Park resort at the corner of Houston Avenue and White Oak Drive that had excellent swimming and boating facilities. So popular was Fourth Ward North, the Chronicle ran a weekly section on it for several years.

The majority of the houses standing in Old Sixth Ward today were built in the 1870s through 1890s as modest, one-story frame cottages occupied by single families. During the 1880s, the majority of the families living in the neighborhood were of German descent. Many of those families lived on farms in the country in northwest Houston where the Spring Branch, Rosslyn, Timbergrove, and Oak Forest subdivision now stand and in keeping with German tradition, they built houses in Sixth Ward as "town homes". They would use these houses while selling their farm produce at the city market downtown, their annual shopping, socializing, and/or attending theatres or opera houses downtown. They used timber from their farms to build these houses. During the late 19th Century, more than half of the houses were owner-occupied. The distinctive Victorian character of these dwellings was enhanced by decorative millwork usually applied to the front porches. As the 20th Century progressed, new housing reflected changes in architectural styles. Bungalows were built among the Victorian cottages, but the essential character of the neighborhood did not change. During World War II, many of the original owners had moved on and their houses were converted from single to multi-family tenant dwellings, often owned by absentee landlords. Since achieving recognition as both a nationally and a locally designated historic district, the Old Sixth Ward has witnessed the restoration of many homes to single-family occupancy. Today's Sixth Ward is often described by visiting Historians as a small village in the

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shadow of downtown Houston. The Old Sixth Ward is a complete community with historic churches, corner stores, and even a school and cemetery.

### *Francois and Marie Tajan*

The Frank and Marie Tajan House was built in 1887 at its original location, 1717 Lubbock Street, by Francois and Marie Tajan after they relocated to Houston from Galveston. Francois Tajan was a native of Pont-a-Mousson, France. His wife, Marie Louise, was the daughter of Marie and Louis Varenne who emigrated to Galveston from Montmerie, France. Beginning in 1885, Louis Varenne purchased several lots on Blocks 454, 455, 440, and 441 of the W. R. Baker, NSBB Survey, for speculative purposes and worked with his son-in-law, Francois Tajan, to improve upon them for investment income. Francois Tajan listed his profession both as a real estate manager and/or dealer. He suffered a serious illness while living in Galveston which resulted in the amputation of one of his legs.

Francois and Marie Tajan had five children – Louis Varenne (born 1874), Joseph (born 1875), Marie (born 1878), Eugene Henry (born 1881), and Louise Jeanne (born 1899). After the death of Marie Tajan in 1918, the oldest Tajan daughter, Marie Railey, moved back into the house with her family, presumably to care for her ailing father. After Francois Tajan's death in 1922, the house was sold to settle his estate and the majority of the children were living in Eastwood. Son, Joseph Tajan, lived at 4619 Walker Street with his family and his brother, Eugene Henry, lived at 4417 Walker Street.

The house was later sold to William Hutton, of 1920 Kane Street. Mr. Hutton was a landowner who owned several rental properties in the neighborhood. During the Hutton's tenure, the house was converted into a duplex and leased to a succession of tenants until 2004 when Mr. Hutton's grandson, Richard, passed away. The house was then sold to Mr. David Loftus who intended to demolish the home and use the land as a parking lot to service the municipal courthouse three blocks away. He agreed to donate the house to Bart Truxillo with the agreement that it be relocated to another site. A descendant of the Crappito and Santopolo families, Salvadorador Guercio and his wife Ann, purchased the home after it was relocated to 1801 Lubbock Street. The Guercios currently live on State Street directly behind the original site of the Tajan House at 1717 Lubbock Street..

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

The Frank Tajan House was built in 1887 and is classified as an L-plan, Italianate style cottage. The house was deemed as "contributing" on the Old Sixth Ward Historic District inventory. The house was considered unusual for its time because it featured a progressive floor plan with elements more commonly found in homes built a decade later such as wainscoting, integral closets, and beveled, wood siding that was not used on many historic houses. An unusual characteristic of the floor plan is a large parlor located in the rear wing as opposed to the front, like most of the houses in the Old Sixth Ward. After the turn of the last century, the attic was finished to feature an additional bedroom, perhaps to accommodate the elder Tajan sons.

The house was relocated to 1801 Lubbock Street, at the Southwest corner of Sabine and Lubbock Streets, in March 2007. A certificate of appropriateness to move the historic house in order to prevent its demolition was granted by the HAHC on July 13, 2006. Prior to the move, the roof structure was dismantled in order to clear low lying telecommunication and power wires. The house was moved to the vacant lot at the southwest corner of Lubbock and Sabine Street, where it was placed on a raised pier and beam foundation.

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After its relocation, Salvador and Ann Guercio intensively restored The Tajan House. On April 25, 2007, a certificate of appropriateness was granted by the HAHC and the following work was completed:

- Reconstructed the original cross gabled roof as original to front of house; Front portion of roof is the same height and pitch as original; Roof gables facing Lubbock and Sabine streets were reconstructed as original.
- Reconstructed rear roof at point of intersecting roof ridges; Roof ridge south of intersecting roof ridge was raised to facilitate the construction of additional living space in the former attic area to the rear of the house; New roof ridge, which is parallel to Sabine Street was raised an additional 3'-9 3/8" higher than the historic roof ridge beginning at the point of intersection with perpendicular roof ridge at point of intersection, but which blends with the original portion of roof via a hipped roof connection of the same pitch as the original; Roof ridge was extended southward toward State Street to encompass an early 20<sup>th</sup> century bathroom addition which was appended on to the rear of the house and which formerly had a hipped roof which abutted the wood siding of the rear of the structure below the roof eaves.
- North Elevation: North Elevation, which is the historic primary façade, was restored to original. Door and window configuration remained unchanged; Restored porch floor, door, windows, columns, siding, balustrade, and trim board; North elevation remains unchanged with exception of intersecting roof ridge which now ties into historic roof at central axis and which was raised an additional 3'-9 3/8" higher than the roof ridge which is parallel to Lubbock Street. The raised portion of the roof ridge behind the ridge parallel to Lubbock now incorporates within it additional second floor living space.
- East Elevation: The roof ridge, which is parallel to Sabine Street, was raised at the southern point of intersection with the cross gabled roof ridge which is parallel to Lubbock Street. Constructed a new gable end over original side facing porch which formerly featured one dormer window. Side facing gable addition now intersects with raised roof ridge located behind it at the same height; Gable now features paired two over two light wood sash windows with trim and cap rail to match those found elsewhere on the historic house; Gable was clad in horizontal Hardie simulated 105 siding and trim board to match historic house; Removed two windows on first floor which face side porch and replaced with two pairs of paneled wood doors with glass transom above each door opening.
- South Elevation: Raised and extended roof ridge which is oriented north to south towards State Street. Roof ridge was raised 3'-9 3/8" and was extended south to cover an early 20<sup>th</sup> century bathroom addition at the southernmost end of the house; The historic dormer window, which was dismantled when the entire roof structure was removed was rebuilt/relocated to face south from rear of roof ridge which faces Lubbock Street; Added new window opening to south side of original first floor bedroom which is an original location; Replaced existing small window in east "L" with matching two over two pane wood sash window as used elsewhere in historic house; Extended existing gable roof over east facing porch to allow for more living space; All siding on the south facing surfaces was carefully removed to allow for replacement on street facing north and west elevations.



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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 Francois and Marie Tajan House at 1801 Lubbock Street.

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## EXHIBIT A

FRANCOIS AND MARIE TAJAN HOUSE

1801 LUBBOCK STREET



# CITY OF HOUSTON

Archaeological & Historical Commission      Planning and Development Department

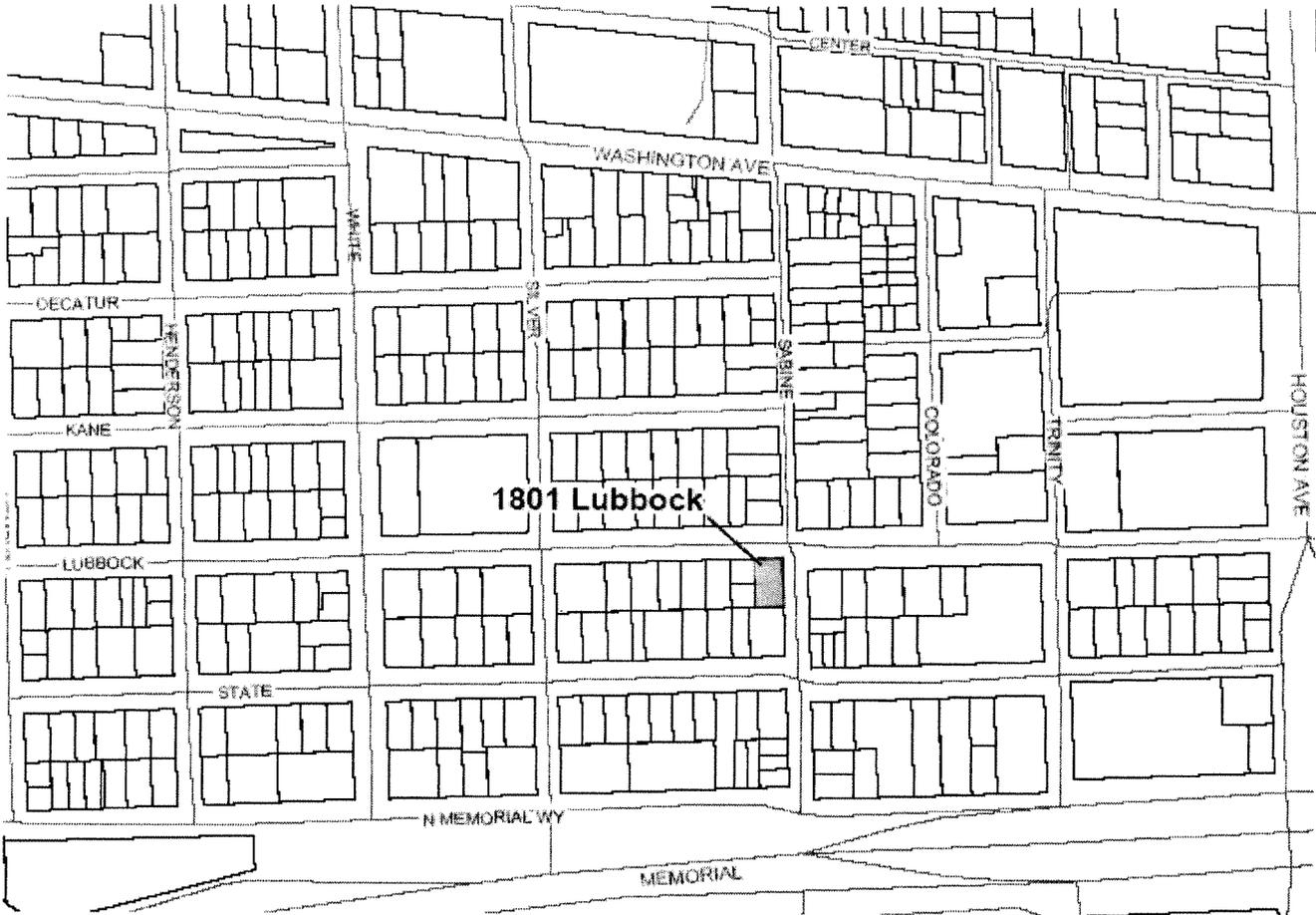
## EXHIBIT B

### SITE LOCATION MAP

FRANCOIS AND MARIE TAJAN HOUSE

1801 LUBBOCK STREET

NOT TO SCALE



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendments to the Houston Police Department Classified Personnel Ordinance.		Page 1 of 1	Agenda Item # <b>24</b>
<b>FROM: (Department or other point of origin):</b> Houston Police Department		<b>Origination Date:</b>	<b>Agenda Date:</b> SEP 02 2009
<b>DIRECTOR'S SIGNATURE:</b> Harold L. Hurtt, Chief of Police 		<b>Council District affected:</b> All	
<b>For additional information contact:</b> Joseph A. Fenninger  Phone: 713-308-1770 CFO and Deputy Director		<b>Date and identification of prior authorizing Council action:</b>	

**RECOMMENDATION: (Summary)** Pass an Ordinance approving the following changes to the Police Department Classified Personnel Ordinance: (1) Delete three Police Communications Specialist III Positions, (2) Add four Master Identification Officer Positions, (3) Add one Assistant Police Chief Position.

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

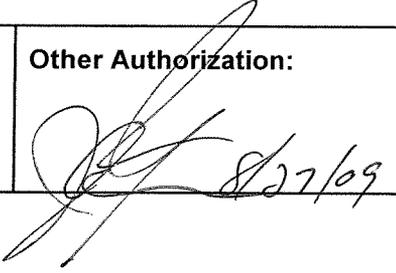
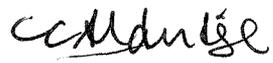
The Houston Police Department recommends the following amendments to the current Police Department Classified Personnel Ordinance:

Classification	Current No. of Positions	Change	Proposed No. of Positions
Police Communications Specialist III	5	(3)	2
Master Identification Officer	8	4	12
Assistant Police Chief	9	1	10

Per the Meet and Confer agreement, as Police Communications Specialists retire, they are being replaced with civilians. For each Police Communications Specialist position replaced, an annual budget savings of approximately \$37,270 is realized.

Three classified employees currently at the Identification Officer position level currently qualify, or shortly will qualify, for reclassification into Master Identification Officer positions. These Master Identification Officer positions do not currently exist and must be created by City Ordinance in accordance with the Meet and Confer Agreement. HPD is requesting a total of four positions be created, three for the afore-mentioned officers plus one additional for future use. There is no incremental budgetary impact since the three Master Identification Officer positions were already included in HPD's adopted FY10 budget, and the fourth position will remain unfilled.

An Assistant Chief position must be created to direct and manage the HPD Neighborhood Protection Corps (NPC). This will provide the appropriate level of management seniority and help ensure the required high level functioning of NPC in its efforts to improve the safety and esthetics of Houston communities. Along with HPD's ongoing Community Oriented Policing efforts, the NPC's application of the "Broken Window" approach will contribute to lowered criminal activity and the associated communities' fear of crime. Creation of this Assistant Chief position will also resolve current salary inequities and management structure issues. The incremental budgetary impact is estimated to be \$34,453 for FY10 and will be absorbed into the existing FY10 HPD budget.

<b>REQUIRED AUTHORIZATION</b>		10JAF002
<b>Finance:</b>	<b>Other Authorization:</b>  8/27/09	<b>Other Authorization:</b> 

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD09-88

<b>SUBJECT:</b> The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Projected Use of Funds Budget for the Thirty-First Program Year for the Community Development Block Grant (CDBG) under the 2005 Consolidated Plan (Plan) to decrease funds allocated to Public Facilities and Improvements in the amount of \$71,283.12; decrease Public Services by \$118,361.85; decrease Planning by \$7,180.17; decrease Program Administration by \$335,940.77; decrease Clearance by \$222,934.50 for a total decrease of \$755,700.41 and to increase Housing by \$755,700.41 under the same budget.	<b>Category #</b>	<b>Page</b>	<b>Agenda Item #</b>
	1,2	1	25

<b>FROM (Department or other point of origin):</b> Richard S. Celli, Housing and Community Development Department	<b>Origination Date</b> May 7, 2009	<b>Agenda Date</b> SEP 0 2 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Richard S. Celli</i>	<b>Council District affected:</b> All
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<b>For additional information contact:</b>  Brenda Scott Phone: 713-868-8484	<b>Date and identification of prior authorizing</b> Ordinance No. 2005 – 607, May 11, 2005 Ordinance No. 2005 – 1240, November 16, 2005 Ordinance No. 2006 – 243, March 8, 2006 Ordinance No. 2006 – 898, August 30, 2006 Ordinance No. 2007 – 423, March 28, 2007 Ordinance No. 2007 – 474, April 11, 2007 Ordinance No. 2008 – 1065, December 3, 2008
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**RECOMMENDATION: (Summary)** The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Projected Use of Funds Budget for the Thirty-First Program Year for the Community Development Block Grant (CDBG) under the 2005 Consolidated Plan (Plan) to decrease funds allocated to Public Facilities and Improvements in the amount of \$71,283.12; decrease Public Services by \$118,361.85; decrease Planning by \$7,180.17; decrease Program Administration by \$335,940.77; decrease Clearance by \$222,934.50 for a total decrease of \$755,700.41 and to increase Housing by \$755,700.41 under the same budget.

<b>Amount of Funding:</b> N/A	<b>F&amp;A Budget:</b>
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**SOURCE OF FUNDING**      [ ] General Fund      [X] Grant Fund      [ ] Enterprise Fund

[ ] Other (Specify)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the Projected Use of Funds Budget for the Thirty-First Program Year of the Community Development Block Grant (CDBG) Program under the 2005 Consolidated Plan (Plan) as amended.

The 2005 Consolidated Annual Plan for the CDBG Grant for the 31<sup>st</sup> program year is amended as follows:

- Decrease funds allocated to the Public Facilities and Improvements by \$71,283.12
- Decrease Public Services by \$118,361.85
- Decrease Planning by \$7,180.17
- Decrease Program Administration \$335,940.77
- Decrease Clearance \$222,934.50

Total Decrease of \$755,700.41

- Increase Housing by \$755,700.41

In accordance with HUD regulations, the City is required to amend components of the Grant Agreement when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) when there is a change in the purpose, location or beneficiaries of an activity.

By this amendment fund reallocations are decreased and others increased by more than 25%

Through a Notice published in the Houston Chronicle on Thursday, May 7, 2009 the public was notified of these proposed changes to the CDBG Grant. The public has thirty days to comment on these proposed changes. The comment period extends from Thursday, May 7, 2009 through Monday, June 8, 2009

Therefore, approval of an ordinance is recommended.

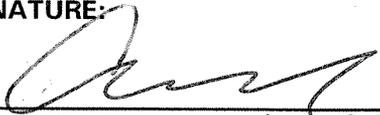
RC: GV/BS

cc: City Secretary  
Legal Department  
Mayor's Office  
Finance and Administration

MS

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25

<b>SUBJECT:</b> Amending City of Houston Ordinance No. 2008-1053 relating to land use regulations at the City's airports to correct a scrivener's error		<b>Page</b> 1 of 1	<b>Agenda Item</b> # <b>26</b>
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> July 30, 2009	<b>Agenda Date</b> SEP 02 2009
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All	
<b>For additional information contact:</b> Larry Schenk Phone: 832.393.6447		<b>Date and identification of prior authorizing Council action:</b> Ords. 2008-1053, 2003-1239, 2001-1154	
<b>RECOMMENDATION: (Summary)</b>  Pass the subject Ordinance to correct a scrivener's error.			
<b>Amount and Source of Funding:</b>  N/A			
<b>SPECIFIC EXPLANATION:</b>  On December 19, 2001, City Council enacted Ordinance No. 2001-1154, adopting the Table of Houston Amendments to the International Residential Code, which Code, as provided by Subchapter G of Chapter 214 of the Texas Local Government Code, was declared applicable within the City of Houston. In the original adoption of the Table of Houston Amendments to the International Residential Code, Appendices A, B, C, H, and L were adopted as part of the Code by Section R102.5.  Subsequently, on December 10, 2003, City Council enacted Ordinance No. 2003-1239 relating to visitability of residential structures for persons with disabilities. As part of that Ordinance, Section R102.5 was amended to add Appendix V to the list of adopted Appendices.  On December 3, 2008, City Council enacted Ordinance No. 2008-1053, relating to land use regulations at the City's airports. Section 2 of that Ordinance set forth an amendment to Section R102.5 of the Houston Amendments to the 2000 International Residential Code for One- and Two-Family Dwellings. The intended amendment was to add Appendix M to the list of adopted Appendices.  Unfortunately, during the drafting of Ordinance 2008-1053, Appendix V was accidentally left out of the list of adopted Appendices in Section R102.5. This Ordinance would amend Ordinance No. 2008-1053 so that Section R102.5 sets forth the correct list of adopted Appendices.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

REDLINE of amendment to Ord. No. 2008-1053

**Section 2.** That the Table of Houston Amendments to the 2000 International Residential Code for One- and Two-Family Dwellings, as adopted in Section 3 of Ordinance 2001-1154, as previously amended, is hereby further amended by amending Section R102.5 thereof to read as follows:

**"R102.5 Appendices.** Provisions in the appendices shall not apply unless specifically referenced in this section. Appendix A, Appendix B, Appendix C, Appendix H, Appendix L, ~~and Appendix M~~ and Appendix V are hereby adopted and made part of this code."

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Evaluation, Repairs and Clean-up Services Contract with Texas Drain Technologies, Inc. for Sanitary Sewer System in all the Terminals at George Bush Intercontinental Airport/Houston (IAH). Project No. 642 (WBS # A-000586-0001-3-01)	<b>Category #9</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b>  27
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> August 19, 2009	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b>  B
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<b>For additional information contact:</b> John Silva Phone: 281/233-1925 Robert Bielek Phone: 281/233-1941	<b>Date and identification of prior authorizing Council action:</b>  N/A
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0586.04 \$1,100,000.00 Arpt R & R Fd (8010)	<b>Prior appropriations:</b>  N/A
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**RECOMMENDATION: (Summary)**  
Enact an ordinance to approve an Evaluation, Repairs and Clean-up Services Contract with Texas Drain Technologies, Inc. and appropriate the necessary funds to finance the cost of these services.

**PROJECT LOCATION:** Terminals "A", "B", "C", "D" and FIS at George Bush Intercontinental Airport/Houston (IAH)

**SPECIFIC EXPLANATION:** On March 24, 2009, the Houston Airport System (HAS) solicited Request for Qualifications (RFQs) for a firm to provide sanitary sewer cleaning and television inspection in support of rehabilitation services for the sanitary sewer system in all the terminals at IAH. Three (3) firms responded to the RFQ. A six (6) member selection committee was formed to evaluate and interview all three (3) firms. Based on the selection criteria (firm/team characteristics, assigned personnel project experience, project organization and management, project schedule, and presentation and interviews), the committee recommended that a contract be awarded to Texas Drain Technologies, Inc.

This project will be handled in two Phases. Phase I will be the evaluation and identification of problem areas, minor repairs, clean-up and providing general maintenance services. Phase II of the project will be major repairs and rehabilitation of the areas identified in the first phase for all Terminals.

- Phase I scope of work includes the following:
1. Cleaning of several sewer lines ranging in size from 4 to 12 inches in diameter and Television inspection of all the sewer lines in Terminal A, B, C, D and FIS for potential blockage areas. The as-build drawings will aid in the location of the shut off valves and their operational impacts.
  2. Flow studies will be performed to detect blockages and other restrictions, like improper bends (elbows, tee's, etc.) and curves, as well as if the lines have adequate carrying capacity. This will identify which lines will need to be replaced immediately.
  3. An in-depth evaluation of our existing sanitary sewer plumbing infrastructure will be performed. This will be accomplished by utilizing non-destructive testing, remote sensing, and pipe mapping. The techniques will include a system to detect pipe leaks, erosion beneath concrete paving, integrity of underground pipe joints, voids in

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

✓

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<b>Date</b> August 19, 2009	<b>Subject:</b> Evaluation, Repairs and Clean-up Services Contract with Texas Drain Technologies, Inc. for Sanitary Sewer System in all the Terminals at George Bush Intercontinental Airport/Houston (IAH). Project No. 642 (WBS # A-000586-0001-3-01)	<b>Originator's Initials</b> BS	<b>Page</b> 2 of 2
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surrounding support soil, deterioration and cracks in the underground pipes, as needed. Other techniques that may be used include CCTV, sonar, dyes, and ultrasonics.

4. Provide remote sensing and non-destructive detection and mapping of sewer lines using infrared thermography, ground penetrating microwave radar and other leak or blockage detection technology (GIS).

**PROJECT COST:** A maximum budget of \$1,100,000.00 is requested for Phase I.

Upon completion of Phase I, a second request for appropriation will be presented to City Council for Phase II (major repairs and rehabilitation work).

**ENGINEERING SERVICES TESTING CONTRACT:** There are no engineering and testing services required for this Contract; HAS inspectors will provide general quality control inspections during work progress.

**M/WBE PARTICIPATION:** Because of the nature of the work and the urgency of the required services, there is no M/WBE goal for this contract.

On August 24, 2009, this item was presented before the Council Committee on M/WBE, Small Contractor Development and Contract Compliance resulting in a recommendation that it be forwarded to the full Council for consideration.

Attachment:

Waiver Letter from the Office of Affirmative Action and Small Business Development Office.

# CITY OF HOUSTON

## INTEROFFICE CORRESPONDENCE

**TO:** Velma Laws  
Director  
Mayors Office Of Affirmative Action

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

**DATE:** August 21, 2009

**SUBJECT:** Approval of 0% Goal Project 642  
Evaluation, Cleanup Sanitary  
sewer for the Houston Airport  
System

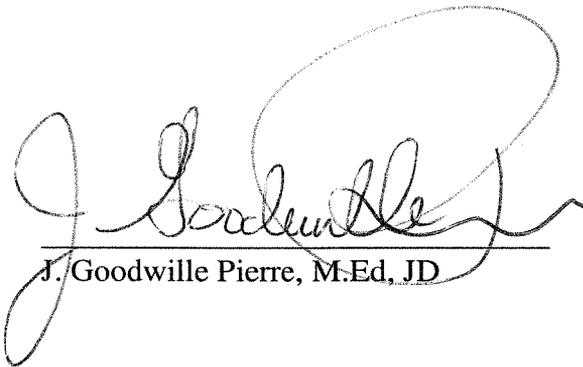
The Houston Airport System (HAS) seeks the approval from The Mayor's Office of Affirmative Action and Contract Compliance to apply a zero (0%) goal for Project 642-Evaluation and Cleanup Sanitary sewer for the Houston Airport System. The total value of this request is \$1,100,000.00

Over the past years, IAH has experienced a progression of water leaks from pipes underground and on the runways. The impact to the airport has significantly inconvenienced our tenants and passengers. As a result it has become an issue of grave urgency.

There is no consistent correlation between the leaks and ground stability, installation procedures, or material degradation, yet each of these can be a contributing factor to the infrastructure failure. The area that needs immediate attention is the sanitary sewer system in the terminal buildings and including areas around the buildings.

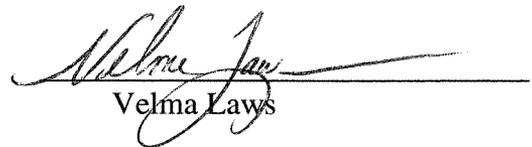
This professional services contract is a specialized cleaning and plumbing contract that requires the utilization of heavy duty equipment.

Because this project is an emergency project and highly specialized, the Houston Airport System is requesting from the Mayor's Office of Affirmative Action and Contract Compliance approval of a Zero (0%) goal for the above project. However, HAS will work with the prime to extend contracts to certified MWBE where opportunities exist.



J. Goodwille Pierre, M.Ed, JD

Read and Approved



Velma Laws

JGP:jgp

cc: Ian Wadsworth  
John Silva  
Shittu, Beecroft

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> De-appropriate \$71,857,659.00 of Airports Improvement Fund (8011) for WBS# A-000141-0004-4-01 and appropriate \$71,857,659.00 of HAS-Consolidated 2004 AMT Construction Fund (8203) for WBS# A-000141-0004-4-02 for Project No. 417F (Contract Nos. 4600004538 and 4600006070)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 28
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> August 24, 2009	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i>	<b>Council District affected:</b> I
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<b>For additional information contact:</b> Ian Wadsworth Phone: 281/233-1682 Ellen Erenbaum 281/233-1981	<b>Date and identification of prior authorizing Council action:</b> 04/29/2009 (O) 2009-0365
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP A-0141 (\$71,857,659.00) Airports Improvement Fund (8011) CIP A-0141 <u>71,857,659.00</u> HAS Consolidated 2004 AMT Const.Fd (8203) 0.00	<b>Prior appropriations:</b> CIP No. A-0141.46 \$77,318,085.00 (8011) CIP No. A-0141.21 2,500,000.00 (8010) CIP No. A-0422.28 1,336,000.00 (8011)
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**RECOMMENDATION: (Summary)**  
 Approve an ordinance de-appropriating \$71,857,659.00 of the original Airports Improvement Fund (8011) appropriation for Amendment No. 3 to the Construction Management at Risk Contract with Clark Construction Group – Texas, LP (Project 417F), and appropriating \$71,857,659.00 from the HAS Consolidated 2004 AMT Const.Fd (8203) in lieu thereof.

**SPECIFIC EXPLANATION:**

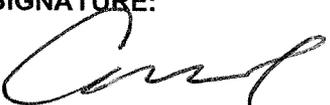
On April 29, 2009, City Council appropriated \$81,154,685.00 from Airports Improvement Fund (8011) (“AIF”) and approved Amendment No. 3 to Construction Management at Risk Contract with Clark Construction Group – Texas, LP and the associated Engineering Services Testing Contract with Terracon Consultants, Inc. for the final stage of Terminal and Central Concourse Expansion at William P. Hobby Airport (Project 417F). It was anticipated that once the City would sell the Revenue and Refunding Bonds, Series 2009A ("the Bonds"), the appropriation for this project would be changed from AIF funding to Bonds funding.

On August 20, 2009, the City closed on the sale of \$449,660,000 of City of Houston, Texas Airport System Senior Lien Revenue and Refunding Bonds, Series 2009A ("the Bonds"). Therefore, the Houston Airport System ("HAS") requests approval to change the remaining appropriations associated with this amendment by de-appropriating \$71,857,659.00 of the original allocation from the Airports Improvement Fund (8011) and appropriating \$71,857,659.00 from HAS Consolidated 2004 AMT Const.Fd (8203) in lieu thereof.

Project 417F may be eligible for federal funding through the PFC Program. Appropriate fund source adjustments will be made in the future if PFC funding becomes available.

<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> Ordinance making findings relating to the proposed permanent and temporary takings of Hermann Park land for the realignment of the paving of a portion of North MacGregor Drive and the erection of a bridge over Brays Bayou.		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <i>29</i>
<b>FROM (Department or other point of origin):</b> Legal Department		<b>Origination Date</b> 8/26/09	<b>Agenda Date</b> SEP 02 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> 		<b>Council District affected:</b> District D		
<b>For additional information contact:</b> Michael A. Jacobs Phone: (832) 393 – 6279		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2007- 303, dated 3/21/07.		
<b>RECOMMENDATION: (Summary)</b> That an ordinance be passed making certain findings and authorizing the use and permanent and temporary taking of portions of Hermann Park by the City of Houston Department of Public Works and Engineering for the proposed realignment of the paving of a portion of North MacGregor Drive and the erection of a bridge over Brays Bayou.				
Amount of Funding: N/A		FIN Budget:		
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
By Ordinance No. 2007-303, passed March 21, 2007, City Council called a public hearing, pursuant to the requirements of Chapter 26, Texas Parks and Wildlife Code, to consider (a) the realignment of the paving of a portion of North MacGregor Drive from 743.63 feet west of Almeda Rd. to the eastern terminus of South Braeswood Blvd. (the "Paving Realignment of North MacGregor Drive Project") and (b) the erection of a bridge over Brays Bayou between South MacGregor Drive and Holcombe Boulevard corresponding with the intersection of Cambridge Drive and Holcombe Boulevard (the "Cambridge Street Bridge Project") through Hermann Park which requires the permanent taking of park land in the Park and temporary use of the park land for associated temporary construction sites (collectively, the "Projects") in order for access to the Park to be enhanced and consistent with park use. The Projects involve the permanent taking of 4.0341 acres (175,728 square feet) of land and the temporary taking of 12.4525 acres (542,424 square feet) of land for the temporary construction sites, all located in Hermann Park, as described on the attached Summary Chart and the Parcel Map for N. MacGregor Paving Realignment WBS No. N-000-720-001-4, Attachment A and B, respectively. Because the property to be used for the Projects is park property and is currently used as a public park, a public hearing was scheduled in the City Council Chambers on May 9, 2007 in order to allow the public to comment on the Projects. In order to authorize the use of a portion of Hermann Park for the Projects to the extent that park use is not involved, City Council is required to make certain findings, namely, that there is no feasible or prudent alternative to the proposed use and taking of a portion of Hermann Park for the Projects; and that the Projects include all reasonable planning to minimize harm to Hermann Park as a park, recreation area, scientific area, wildlife refuge or historic site which would otherwise result from the proposed use and taking of a portion of Hermann Park for the Projects. The written consent of the Trustees of the Estate of George Hermann, Deceased, as a holder of a reverter interest in Hermann Park, consenting to the use of portions of Hermann Park for the Projects has been obtained.				
		<b>REQUIRED AUTHORIZATION</b>		
<b>FIN Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>		



**Attachment A**  
**Permanent Takings**

**Pavement Parcels**

<b>C.O.H. Parcel No.</b>	<b>Acreage</b>
AY8-160	4,231 Square feet or 0.0971 Acres
AY8-161	3,977 Square feet or 0.0913 Acres
AY8-162	1,398 Square feet or 0.0321 Acres
AY8-163	2,252 Square feet or 0.0517 Acres
AY8-164	3,439 Square feet or 0.0789 Acres
AY8-165	1,564 Square feet or 0.0359 Acres
AY7-376	14,374 Square feet or 0.3300 Acres
AY7-377	2,422 Square feet or 0.0556 Acres
AY7-378	233 Square feet or 0.0054 Acres
AY7-379	42,053 Square feet or 0.9654 Acres
AY7-380	43,446 Square feet or 0.9974 Acres
AY7-381	10,196 Square feet or 0.2341 Acres

**Cambridge Rd. Bridge Parcel**

<b>C.O.H. Parcel No.</b>	<b>Acreage</b>
AY7-373	21,756 Square feet or 0.4994 Acres

**Fill Parcel**

<b>C.O.H. Parcel No.</b>	<b>Acreage</b>
AY7-383	8,491 Square feet or 0.1949 Acres
AY7-384	15,896 Square feet or 0.3649 Acres

**Total Permanent Takings: 175,728 Square feet or 4.0341 Acres**

## Temporary Takings

### Construction Easement Parcels

C.O.H. Parcel No.	Acreage
AY8-158	90,294 Square feet or 2.0729 Acres
AY8-159	85,289 Square feet or 1.9580 Acres
AY8-276	3,086 Square feet or 0.0709 Acres
AY8-277	9,272 Square feet or 0.2129 Acres
AY8-278	14,650 Square feet or 0.3363 Acres
AY8-279	253,000 Square feet or 5.8081 Acres
AY8-280	6,004 Square feet or 0.1378 Acres
AY7-385	2,689 Square feet or 0.0617 Acres
AY7-386	9,290 Square feet or 0.2133 Acres
AY7-387	29,510 Square feet or 0.6775 Acres
AY7-388	39,340 Square feet or 0.9031 Acres

**Total Temporary Takings: 542,424 Square feet or 12.4525 Acres**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Ordinance approving an Agreement to Accept Donation of Sculpture, *Great Confucius*, International Sculpture Garden at the Houston Garden Center in Hermann Park

Category #

Page 1 of 1

Agenda Item

**30**

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

Houston Parks and Recreation Department

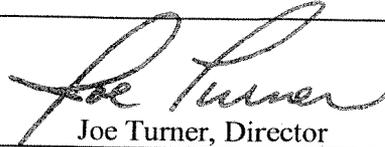
**Origination Date:**

July 1, 2009

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE:**

  
Joe Turner, Director

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

**For additional information contact:** Daniel Pederson, 713-865-4507  
Minnette Boesel, 832-393-1097

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

**RECOMMENDATION: (Summary):**

Adopt Ordinance approving an Agreement to accept art donation, *Great Confucius*, a bronze sculpture to be sited in the International Sculpture Garden at the Houston Garden Center at Hermann Park

**Amount of Funding:**

**No Funding Required**

**Finance Budget:**

**SPECIFIC EXPLANATION:**

City Council is asked to accept the donation of a bronze sculpture of *Great Confucius* by the Consul General of China, the People's Republic of China and the Houston Chinese Community in celebration of the 30<sup>th</sup> anniversary of China-US diplomatic relations and in furthering and strengthening the relations between the local Chinese community and the City of Houston.

Funding for the creation and installation of the statue is being raised locally. Local internationally renowned artist Willie Wang is creating the statue, which will be approximately 7' 6" tall including the bronze base. Confucius was over 7' tall. The base will be approximately 4' x 4'. A granite tablet will surround and be affixed to the base with donor names and historical information about Confucius.

Mr. Wang created the statue of George Brown in Discovery Green and the bas-relief panels of former President George H. W. Bush's life behind the statue of him overlooking downtown. Mr. Wang works in many media and is an accomplished wood and stone artist as well as portrait artist.

Design and placement of the statue has been reviewed by the Houston Arts Alliance (HAA), the Houston Garden Center Advisory Board, the Parks & Recreation Department and the Houston International Protocol Alliance. In compliance with policy established by HAA, local sponsors also will donate to the Houston Arts Foundation funding in the amount of 10% of the value of the artwork for future maintenance.

Confucius (551-479 BCE), according to Chinese tradition, was a thinker, political figure, educator, and founder of the *Ru* School of Chinese thought. His teachings form the foundation of much of subsequent Chinese speculation on the education and comportment of the ideal man, how such an individual should live his life and interact with others, and the forms of society and government in which he should participate.

**REQUIRED AUTHORIZATION**

Finance Director:

Other Authorization:

**CONSULATE GENERAL OF THE PEOPLE'S REPUBLIC OF CHINA**

3417 MONTROSE BOULEVARD, HOUSTON, TEXAS 77006

Tel: (713)5201462 Fax:(713)5210759

March 5, 2009

Honorable Mayor Bill White

City of Houston

901 Bagby

Houston, TX 77002

Dear Honorable Mayor Bill White,

It has always been a great pleasure writing to you. First of all, I would like to take this opportunity to thank you for your great and generous support to the Chinese community in Houston during the Spring Festival season. Also, I would like to extend my heartfelt appreciation for your personal involvement and dedication to the photo exhibition in celebrating the 30 years' anniversary of the establishment of China-US relations. Your kind presence and significant remark show us how you value the China-US friendship and how much you would like to further strengthen this mutual beneficial relationship.

I am writing this letter to you to let you know that in association with the local Chinese community, the Consulate General of the People's Republic of China in Houston would like to donate a Statue of Great Confucius to the City of Houston. The statue is crafted by the renowned sculptor Willy Wang and will be seated in Herman Park on September 26<sup>th</sup>, 2009.

Confucius, the worldwide known Chinese educator and philosopher living over 2000 years ago, has deeply influenced numerous persons through his teachings and philosophy for thousands of years, until today. He emphasized personal and governmental morality, correctness of social relationships, justice and sincerity. The idea of putting a Confucius Statue in Herman Park was initiated by a group of

---

Chinese community leaders, including Mr. Jun Yang, Mr. Charlie Foster, Mr. Leon Chen, Mr. Harry Sun, Ms. Elaine Zhang, Mr. David Tang, etc., who have dedicated themselves to promoting cultural understanding and communications between local communities, and raised funds for this project.

The year of 2009 marks the 2560<sup>th</sup> anniversary of Confucius' Birth and the 30<sup>th</sup> anniversary of the establishment of China-US diplomatic relationships. I truly believe that the Statue of Great Confucius will serve as a token of friendship between the Chinese and American people, and enrich cultural diversity of the City of Houston.

I am appreciative of your efforts in approving and seeing the project through its realization. Your wisdom and facilitation will result in a symbol of peace and harmony for Houstonians to enjoy for years to come.

Sincerely yours,



**Qiao, Hong**

**Consul General**

**Consulate General of P. R. China in Houston, TX**

**CC Minnette B. Boesel, Mayor's Assistant for Cultural Affairs; Joe Turner, Director of Parks & Recreation Department, City of Houston**

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### Statement of Value

The Confucius Statue, a full size Bronze statue is a gift from the People's Republic of China to the City of Houston, in collaboration with the local community. The statue will be installed at the International Sculpture Garden at Hermann Park in September 2009. The statue is crafted by Mr. Willy Wang, a renowned sculptor in Houston. *Friends of the Confucius Sculpture for Hermann Park* is the non-profit organization that raises funds and commissions Mr. Willy Wang to do the sculpture. It is the understanding of both the organization and Mr. Willy Wang that the value of the statue is eighty thousand dollars (\$80,000). This reflects the cost of materials, manufacturing, molding and the foundry work.

Artist

A handwritten signature in cursive script, appearing to read "Willy Wang", written over a horizontal line.

Friends of Confucius Sculpture for Hermann Park

A handwritten signature in cursive script, appearing to read "JWS", written over a horizontal line.

EXHIBIT "A"

WAIVER AND LICENSE

In connection with the donation of the Sculpture Confucius created by the Artist ("Work"), the Artist recognizes the existence of moral rights of artists set forth in the Visual Artists' Rights Act of 1990, as amended, and as codified in Title 17 of United States Code (the "Visual Artists' Rights Act"). **TO THE EXTENT THE WORK IS PROTECTED BY THE VISUAL ARTISTS' RIGHTS ACT AND THE ARTIST IS ENTITLED TO PROTECTION THEREUNDER, THE ARTIST EXPRESSLY WAIVES ANY AND ALL RIGHTS ARISING UNDER THE VISUAL ARTISTS' RIGHTS ACT, AND ANY RIGHTS ARISING UNDER FEDERAL OR STATE LAW OR UNDER THE LAWS OF ANY OTHER COUNTRY THAT CONVEYS RIGHTS OF THE SAME NATURE AS THOSE CONVEYED UNDER THE VISUAL ARTISTS' RIGHTS ACT OR ANY OTHER TYPE OF MORAL RIGHT OR DROIT MORAL WITH RESPECT TO THE WORK FOR ANY AND ALL USES IN WHICH EITHER THE ATTRIBUTION OR THE INTEGRITY RIGHT MAY BE IMPLICATED INCLUDING, WITHOUT LIMITATION, THE REMOVAL, RELOCATION, DESTRUCTION, DISTORTION, MUTILATION OR OTHER MODIFICATION OF ALL OR ANY PORTION OF THE WORK AS DEEMED NECESSARY BY THE CITY. THE ARTIST EXPRESSLY RECOGNIZES AND ACKNOWLEDGES THAT THE NATURE OF THE WORK MAY SUBJECT THE WORK TO DESTRUCTION, DISTORTION, MUTILATION OR OTHER MODIFICATION BY REASON OF REMOVAL OR RELCOATION OF ALL OR ANY PORTION OF THE WORK.**

Artist has no outstanding claims and knows of no outstanding claims against the Sculpture. Artist grants the City of Houston, Texas an irrevocable license to graphically reproduce (through photography, the internet or otherwise) the image of the Sculpture for municipal (e.g. education, public information, promotion of the arts, etc.), noncommercial purposes. Noncommercial purposes mean reproduction in exhibit catalogues, books, slides, photographs, postcards, the City's web sites, City promotional items, and calendars; in art magazines, art books and art and news sections of newspapers; in general books and magazines not primarily devoted to art but of an educational, historical or critical nature, slides and films not intended for mass audience; and television from stations operated for educational purpose or on programs for educational or informational purposes from all stations.

Artist





Clay Model "Confucius"  
by Willie Wang, Artist  
for International Sculpture  
Garden, Hermann Park

CP

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approval of an ordinance to approve the 2010 - 2014 5-Year CIP Budget and Fiscal Year 2010 Operating Budget for Uptown Development Authority (TIRZ Number Sixteen).

Category #

Page 1 of 1

Agenda Item#

31

FROM: (Department or other point of origin):

Michelle Mitchell, Director  
Finance Department

Origination Date  
August 28, 2009

Agenda Date  
SEP 02 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:  
G, C

For additional information contact:

Ralph DeLeon Phone: (713) 837-9573  
Julia Gee Phone: (713) 837-7828

Date and identification of prior authorizing Council Action:  
Ord. 2008-1222, 12/30/08

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the 2010-2014 5-Year CIP Budget and Fiscal Year 2010 Operating Budget for Uptown Development Authority (Tax Increment Reinvestment Zone Number Sixteen).

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 FY10 TIRZ budgets. The Finance Department recommends approval of the FY10 Operating Budget and the FY2010-2014 CIP for Uptown Development Authority (TIRZ Number Sixteen).

- Total Operating Budget for FY10 is \$79,607,827, which includes \$10,392,095 for required fund transfers and \$35,256,244 for Project Costs.
- The 2010 – 2014 CIP for Uptown Development Authority totals \$60,600,244. The majority of these expenditures are on mobility projects including reconstruction of portions of San Felipe, West Alabama, Chimney Rock and Richmond.
- The FY10 Operating Budget includes \$35,256,244 for capital expenditures and \$106,500 for administration and overhead. Uptown Management District will provide staff support to operate the TIRZ and the development authority. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.
- The budget includes a municipal services payment in FY10 of \$390,000.

Attachments: Fiscal Year 2010 Operating Budget and FY 2010-2014 CIP.

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

CITY OF HOUSTON  
DEPARTMENT OF FINANCE  
ECONOMIC DEVELOPMENT DIVISION  
FISCAL YEAR 2010 BUDGET PROFILE  
FOR TIRZ ADMINISTRATORS

Fund Summary  
Fund Name: **Uptown Redevelopment Authority**  
TIRZ: **16**  
Fund Number: **7564/64**

<b>P R O F I L E</b>	<b>Base Year:</b>		1999
	<b>Base Year Taxable Value:</b>	\$	1,936,195,235
	<b>Projected Taxable Value (TY2009):</b>	\$	4,208,446,467
	<b>Current Taxable Value (TY2008):</b>	\$	4,246,812,655
	<b>Acres:</b>		1045.87
	<b>Administrator (Contact):</b>		John Breeding
	<b>Contact Number:</b>		713-621-2011

<b>N A R R A T I V E</b>	<b>Zone Purpose:</b>
	The mission of TIRZ #16 is to preserve and enhance the City of Houston's tax base through investment in mobility improvements and congestion reduction in Uptown Houston.
	<b>Accomplishments in FY09 (Projects Underway):</b>
	In Fiscal Year 2009, the Uptown TIRZ accomplished:
	Purchased the Water Wall
	Completed the reconstruction of Garretson
	Completed the reconstruction of South Post Oak Lane, Ambassador Way and Skylark
	Contracted and began work on the reconstruction of San Felipe (approx. 40% complete)
	Converted a portion of Hidalgo to accommodate two way traffic which improves mobility

<b>P R O J E C T</b>	Creation Costs	Total Plan	Cumulative Expenses (to FY08)	Variance
		Improve Existing Streets	\$ 67,000,000	\$ 38,250,255
	Create Street Grid Network	38,500,000	5,986,797	32,513,203
	Improve Intersections	26,000,000	5,964,978	20,035,022
	Parking Management Program	50,000,000	-	50,000,000
	Pedestrian Network	53,000,000	608,913	52,391,087
	<b>Total Capital Projects</b>	<b>\$ 234,500,000</b>	<b>\$ 50,810,943</b>	<b>\$ 183,689,057</b>
<b>P L A N</b>	<b>Affordable Housing</b>	270,000,000	\$33,333,091	236,666,909
	<b>Education Facilities</b>	129,000,000	\$11,670,468	117,329,532
	<b>Financing Costs</b>			-
	<b>Administration Costs</b>	6,000,000	\$1,916,063	4,083,937
	<b>Creation Costs</b>			-
	<b>Total Project Plan</b>	<b>\$ 639,500,000</b>	<b>\$ 97,730,565</b>	<b>\$ 541,769,435</b>

<b>D E B T</b>	Additional Financial Data	FY2009 Budget	2009 Projection	FY2010 Budget
		<b>Debt Service</b>		
	Principal	\$ 3,765,171	\$ 3,720,663	\$ 3,615,397
	Interest	\$ 1,525,000	\$ 1,525,000	\$ 1,595,000
		\$ 2,240,171	\$ 2,195,663	\$ 2,020,397
		<b>Balance as of 6/30/08</b>	<b>Balance as of 6/30/09</b>	<b>Balance as of 6/30/10</b>
	<b>Year End Outstanding (Principal)</b>			
	Bond Debt	\$ 35,860,000	\$ 34,335,000	\$ 32,740,000
	Bank Loan	\$ 11,880,000	\$ 24,900,000	\$ 24,900,000
	Developer Agreement	\$ 1,144,377	\$ 1,144,377	\$ 1,144,377
	Other	\$ -	\$ -	\$ -

CITY OF HOUSTON  
DEPARTMENT OF FINANCE  
ECONOMIC DEVELOPMENT DIVISION  
FISCAL YEAR 2010 BUDGET SUMMARY  
FOR TIRZ ADMINISTRATORS

Fund Summary  
Fund Name: Uptown Redevelopment Authority  
TIRZ: 16  
Fund Number: 7564/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
<b>Available Resources</b>			
<b>Beginning Fund Balance</b>			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ 69,168	\$ 69,168	\$ 69,168
Restricted Funds - Bond Reserve	\$ 6,911,312	\$ 6,911,312	\$ 6,911,312
Unrestricted Fund Balance	\$ 10,633,450	\$ 10,633,450	\$ 6,761,771
<b>Total Beginning Fund Balance</b>	\$ 17,613,930	\$ 17,613,930	\$ 13,742,251
<b>TIRZ Revenue</b>			
City	\$ 14,466,120	\$ 14,509,544	\$ 14,283,262
ISD	\$ 7,915,166	\$ 8,101,905	\$ 8,460,466
County	\$ -	\$ -	\$ -
Community College	\$ -	\$ -	\$ -
<b>Total Revenues</b>	\$ 22,381,286	\$ 22,611,450	\$ 22,743,728
<b>Bond Proceeds</b>	\$ -	\$ -	\$ 39,851,256
<b>Loan Proceeds</b>	\$ 10,000,000	\$ 13,020,000	\$ -
<b>Grant Proceeds</b>	\$ 1,471,400	\$ -	\$ 10,617,200
<b>Other</b>	\$ 5,600,000	\$ 354,440	\$ 668,563
<b>Total Available Resources</b>	\$ 57,066,616	\$ 53,599,820	\$ 87,622,999
<b>Fund Transfers</b>			
<b>Affordable Housing</b>			
City of Houston	\$ 4,822,040	\$ 4,108,057	\$ 4,032,469
ISD Increment to Houston	\$ 2,638,389	\$ 2,290,877	\$ 2,410,308
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 2,638,389	\$ 2,709,242	\$ 2,820,155
Municipal Services	\$ 350,000	\$ 350,000	\$ 390,000
Administration Fee to General Fund			
COH Admin Fee (5%)	\$ 723,306	\$ 725,477	\$ 714,163
Harris County Admin	\$ -	\$ -	\$ -
ISD Admin	\$ 25,000	\$ 25,000	\$ 25,000
<b>Total Fund Transfers</b>	\$ 11,197,124	\$ 10,208,653	\$ 10,392,095
<b>Funds Available for Projects</b>	\$ 45,869,492	\$ 43,391,166	\$ 77,230,904
<b>Project Costs</b>			
Administrative Staff	\$ 45,000	\$ 45,000	\$ 45,000
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 30,000	\$ 47,638	\$ 48,500
Accounting/ Audit	\$ 28,500	\$ 30,400	\$ 30,500
Program / Project Consulting	\$ 6,000	\$ 6,000	\$ 6,000
Administrative Operating Expense	\$ 31,000	\$ 28,672	\$ 31,000
Capital Expenditures	\$ 34,080,000	\$ 25,436,495	\$ 35,256,244
Developer/ Project reimbursements	\$ 334,120	\$ 334,047	\$ 334,047
Debt Service			
Principal	\$ 1,525,000	\$ 1,525,000	\$ 1,595,000
Interest	\$ 2,240,171	\$ 2,195,663	\$ 2,020,397
Other debt items	\$ -	\$ -	\$ 29,849,044
<b>Total Project Costs</b>	\$ 38,319,791	\$ 29,648,915	\$ 69,215,732
<b>Total Budget</b>	\$ 49,516,915	\$ 39,857,568	\$ 79,607,827
<b>Resources Less Transfer and Expenses</b>	\$ 7,549,701	\$ 13,742,251	\$ 11,366,091
<b>Planned Ending Fund Balance:</b>			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ 69,168	\$ 69,168	\$ 69,168
Restricted Funds - Bond Reserve	\$ 6,911,312	\$ 6,911,312	\$ 10,262,231
<b>Unrestricted Fund Balance</b>	\$ 569,221	\$ 6,761,771	\$ 1,034,692

BACK TO INDEX

CITY OF HOUSTON  
 DEPARTMENT OF FINANCE  
 ECONOMIC DEVELOPMENT DIVISION  
 FISCAL YEAR 2010 BUDGET DETAIL  
 FOR TIRZ ADMINISTRATORS

Fund Summary  
 Fund Name: Uptown Redevelopment Authority  
 TIRZ: 16  
 Fund Number: 7564/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
<b>RESOURCES</b>			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ 69,168	\$ 69,168	\$ 69,168
RESTRICTED Funds - Bond Debt Service	\$ 6,911,312	\$ 6,911,312	\$ 6,911,312
UNRESTRICTED Funds	\$ 10,633,450	\$ 10,633,450	\$ 6,761,771
<b>Beginning Fund Balance</b>	<b>\$ 17,613,930</b>	<b>\$ 17,613,930</b>	<b>\$ 13,742,251</b>
City tax revenue	\$ 14,466,120	\$ 14,509,544	\$ 14,283,262
ISD tax revenue	\$ 7,915,166	\$ 8,101,905	\$ 8,460,466
County tax revenue	\$ -	\$ -	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
<b>Incremental property tax revenue</b>	<b>\$ 22,381,286</b>	<b>\$ 22,611,450</b>	<b>\$ 22,743,728</b>
COH Interest Income		\$ 258,117	\$ 21,510
<b>Miscellaneous revenue</b>	<b>\$ -</b>	<b>\$ 258,117</b>	<b>\$ 21,510</b>
Interest Income	\$ 100,000	\$ 96,323	\$ 47,053
<b>Other Interest Income</b>	<b>\$ 100,000</b>	<b>\$ 96,323</b>	<b>\$ 47,053</b>
Butler			\$ 600,000
N/S Wynden	\$ 5,500,000	\$ -	\$ -
<b>Developer Advances</b>	<b>\$ 5,500,000</b>	<b>\$ -</b>	<b>\$ 600,000</b>
CMAQ Grant - Intersection Improvements	\$ 1,471,400	\$ -	\$ 1,417,400
HGAC -Livable Centers			\$ 5,000,000
Grant - Westheimer Pedestrian	\$ -		\$ 4,199,800
<b>Grant Proceeds</b>	<b>\$ 1,471,400</b>	<b>\$ -</b>	<b>\$ 10,617,200</b>
New Bond Issuance*	\$ -	\$ -	\$ 39,851,256
<b>Special assessment bond proceeds</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 39,851,256</b>
Line of credit (BoA)	\$ 10,000,000	\$ 13,020,000	\$ -
Refinance	\$ -	\$ -	\$ -
<b>Proceeds from bank loan</b>	<b>\$ 10,000,000</b>	<b>\$ 13,020,000</b>	<b>\$ -</b>
<b>TOTAL AVAILABLE RESOURCES</b>	<b>\$ 57,066,616</b>	<b>\$ 53,599,820</b>	<b>\$ 87,622,999</b>

CITY OF HOUSTON  
DEPARTMENT OF FINANCE  
ECONOMIC DEVELOPMENT DIVISION  
FISCAL YEAR 2010 BUDGET DETAIL  
FOR TIRZ ADMINISTRATORS

Fund Summary  
Fund Name: Uptown Redevelopment Authority  
TIRZ: 16  
Fund Number: 7564/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
<b>EXPENSES</b>			
Accounting	\$ 15,000	\$ 15,000	\$ 15,000
Administration Consultant			
Administration Salaries & Benefits	\$ 45,000	\$ 45,000	\$ 45,000
Auditor	\$ 10,000	\$ 11,900	\$ 12,000
Financial Advisor	\$ 3,500	\$ 3,500	\$ 3,500
Insurance	\$ 21,000	\$ 18,664	\$ 21,000
Office Expenses	\$ 10,000	\$ 10,008	\$ 10,000
<b>TIRZ Administration and Overhead</b>	<b>\$ 104,500</b>	<b>\$ 104,072</b>	<b>\$ 106,500</b>
Engineering Consultants	\$ -	\$ -	\$ -
Legal	\$ 15,000	\$ 30,000	\$ 33,500
Construction Audit	\$ 6,000	\$ 6,000	\$ 6,000
Legal	\$ 15,000	\$ 17,638	\$ 15,000
<b>Program and Project Consultants</b>	<b>\$ 36,000</b>	<b>\$ 53,638</b>	<b>\$ 54,500</b>
<b>Management consulting services</b>	<b>\$ 140,500</b>	<b>\$ 157,710</b>	<b>\$ 161,000</b>
Capital Expenditures (See CIP Schedule)	\$ 34,080,000	\$ 25,436,495	\$ 35,256,244
<b>TIRZ Capital Expenditures</b>	<b>\$ 34,080,000</b>	<b>\$ 25,436,495</b>	<b>\$ 35,256,244</b>
South Post Oak Engineering			
Harris County Tollroad Authority (ROW)			
Principal	\$ 259,662	\$ 259,662	\$ 276,540
Interest	\$ 74,458	\$ 74,385	\$ 57,507
<b>Developer / Project Reimbursements</b>	<b>\$ 334,120</b>	<b>\$ 334,047</b>	<b>\$ 334,047</b>
Infrastructure Bond Debt Service (Series 2001 A-B, 2002 A-B, 2004 A-D)			
Infrastructure			
Principal	\$ 1,020,000	\$ 1,016,667	\$ 1,063,333
Interest	\$ 1,259,892	\$ 1,259,765	\$ 1,213,598
Affordable Housing			
Principal	\$ 505,000	\$ 508,333	\$ 531,667
Interest	\$ 630,279	\$ 629,882	\$ 606,799
Loan debt service - Line of Credit			
Principal			
Interest	\$ 350,000	\$ 306,016	\$ 200,000
Other Debt Items			
Line of Credit Repayment			\$ 25,000,000
Loan fees	\$ -	\$ -	\$ -
New Bond Issuance or CO			
Cost of Issuance			\$ 1,498,125
Debt Reserve			\$ 3,350,919
Principle			
Interest			
<b>System debt service</b>	<b>\$ 3,765,171</b>	<b>\$ 3,720,663</b>	<b>\$ 33,464,441</b>
<b>TOTAL PROJECT COSTS</b>	<b>\$ 38,319,791</b>	<b>\$ 29,648,915</b>	<b>\$ 69,215,732</b>

CITY OF HOUSTON  
DEPARTMENT OF FINANCE  
ECONOMIC DEVELOPMENT DIVISION  
FISCAL YEAR 2010 BUDGET DETAIL  
FOR TIRZ ADMINISTRATORS

Fund Summary  
Fund Name: Uptown Redevelopment Authority  
TIRZ: 16  
Fund Number: 7564/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Payment/transfer to ISD - educational facilities	\$ 2,638,389	\$ 2,709,242	\$ 2,820,155
Adminstration Fees:			
City	\$ 723,306	\$ 725,477	\$ 714,163
County			
ISD	\$ 25,000	\$ 25,000	\$ 25,000
Affordable Housing:			
City	\$ 4,822,040	\$ 4,108,057	\$ 4,032,469
ISD to City of Houston	\$ 2,638,389	\$ 2,290,877	\$ 2,410,308
Transfer to Harris County			
Municipal Services (Payable to COH)	\$ 350,000	\$ 350,000	\$ 390,000
<b>Total Transfers</b>	<b>\$ 11,197,124</b>	<b>\$ 10,208,653</b>	<b>\$ 10,392,095</b>
<b>Total Budget</b>	<b>\$ 49,516,915</b>	<b>\$ 39,857,568</b>	<b>\$ 79,607,827</b>
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ 69,168	\$ 69,168	\$ 69,168
RESTRICTED Funds - Bond Debt Service**	\$ 6,911,312	\$ 6,911,312	\$ 10,262,231
UNRESTRICTED Funds	\$ 569,221	\$ 6,761,771	\$ 1,034,692
<b>Total Ending Fund Balance</b>	<b>\$ 7,549,701</b>	<b>\$ 13,742,251</b>	<b>\$ 11,366,091</b>
<b>Total Budget &amp; Ending Fund Balance</b>	<b>\$ 57,066,616</b>	<b>\$ 53,599,820</b>	<b>\$ 90,973,918</b>

Notes:

Incremental property tax revenue and transfers -FY09 Projection are TY08 Actuals, FY10 Projection based on 5/23/09 HCAD preliminary values

\*Debt Issuance: FY10 contains \$3,350,918 debt reserve and \$1,498,125 in issuance costs making the net bond proceeds \$35 million

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

<b>SUBJECT:</b> Ordinance amending Ord. No. 2009-0031, passed January 28, 2009, that established the single member districts from which District Council members are elected	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <b>32</b>
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<b>FROM (Department or other point of origin):</b>  Planning & Development Department	<b>Origination Date</b> 8/27/2009	<b>Agenda Date</b>  SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b>  <i>Margaret Wallace</i>	<b>Council District affected:</b>  ALL
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<b>For additional information contact:</b> Margaret Wallace <b>Phone:</b> 713-837-7826	<b>Date and identification of prior authorizing Council action:</b> January 28, 2009; Ord. No. 2009-0031
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**RECOMMENDATION: (Summary)**  
That the City Council approve an ordinance amending Ordinance No. 2009-0031, that established the boundaries of the single member districts from which District Council Members are elected, to correct errors in Exhibit A to such ordinance.

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

**SPECIFIC EXPLANATION:**

On January 28, 2009, City Council passed Ordinance No. 2009-0031 establishing the single member districts from which District Council Members are elected (the "2009 Redistricting"), based upon the 2000 federal census. The nine (9) single-member Council districts established by such ordinance were based upon county voting precinct information provided to the City by Harris, Fort Bend, and Montgomery Counties. In working with Harris County to confirm district boundaries and streets in preparation for the City's November 2009 General Election, various errors in Exhibit A to Ordinance No. 2009-0031 were identified, including the omission of one or more voting precincts from certain Council district descriptions.

The proposed ordinance corrects the errors and omissions found in Exhibit A to Ordinance No. 2009-0031 and substitutes the attached corrected Exhibit A so that precincts comprising the single member districts are correctly identified.

The errors that are corrected in this ordinance are as follows:

The following precincts were omitted from the City's list of voting precincts:

District	Precinct	County
A	0082*	Harris (limited purpose annexation area)
A	0468*	Harris (limited purpose annexation area)
A	0671*	Harris (limited purpose annexation area)
A	0717*	Harris (limited purpose annexation area)
E	0353*	Harris (limited purpose annexation area)

**REQUIRED AUTHORIZATION**

<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b> 8/27/2009	<b>SUBJECT:</b> Ordinance amending Ord. No. 2009-0031, passed January 28, 2009, that established the single member districts from which District Council members are elected	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Additional corrections:

Precinct 0579 was listed as being in Districts A and H; however, it is only in District H.  
Precinct 0660\* was listed as being in District A; however, it is in District B.  
Precinct 0698\* was listed as being in Districts A and B; however, it is only in District A.

\*indicates precincts that are split, part inside and part outside the City limits.

Copy: Marty Stein, Agenda Director  
Arturo G. Michel, Legal  
Anna Russell, City Secretary

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** 2009-2010 Mayor's After-School Achievement Program

Category #

Page 1 of 2

Agenda Item

**33**

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

Houston Parks and Recreation Department

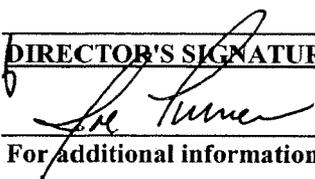
**Origination Date:**

August 24, 2009

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE:** Joe Turner, Director



**Council District(s) affected:**

F,G,I

**For additional information contact:** Doug Earle, 713-865-4519  
Twonda Thompson, 713-865-4546  
Dan Pederson, 713-865-4507

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

**RECOMMENDATION: (Summary):**

Approval of a contract for the implementation of after-school programming through the Mayor's 2009-2010 After-School Achievement Program with YMCA.

**Amount of Funding: \$85,000.00 General Fund (1000)**

**Finance Budget:**

**SPECIFIC EXPLANATION:**

HPARD recommends the approval of the YMCA contract for the operation of 3 after-school sites for the 2009-2010 Mayor's After-School Achievement Program (ASAP).

- Schools receiving funding through the U.S. Department of Education's 21<sup>st</sup> Century Community Learning Centers (CLC) Program, which provides schools with more than \$100,000 annually for enrichment programming, are not eligible to apply. Schools with limited carryover funds (less than \$50,000) from a prior year of 21<sup>st</sup> Century CLC funding were eligible to apply for ASAP funds.
- The funding schedule provides sites with sufficient funds to increase the quality of service in order to operate a safe and successful program, while requiring all sites to commit Cash and In-Kind matching funds:

<b>2009-2010 Maximum ASAP Grant Amounts, Cash and In-kind Match Requirements</b>			
	<b>ASAP Grant</b>	<b>Cash Match</b>	<b>In-Kind Match</b>
<b>Minimum Grant Amount</b>	\$20,000	\$10,000	\$10,000
<b>Maximum Grant Amount</b>	\$45,000	\$10,000	\$10,000
Funding is determined based upon a \$1,000 per child rate with a minimum average daily attendance of 25 to 45 youth participants per site.			

A request for proposal was posted on the Parks and Recreation Department's website, and mailed to area schools and non-profit organizations. Eight application workshops were conducted. Applications were due by 5:00 pm on April 24, 2009. A total of 91 applications were received. Staff reviewed proposals for compliance with minimum standards, and volunteer reviewers read and scored proposals based on review criteria included in the RFP. Council action to award additional sites will be forthcoming pending the availability of more funding.

F&A Director:

Other Authorization:

Other Authorization:

**33**

LIST OF PARTICIPATING AGENCIES:

Non-Profit Organization

YMCA Alief – Best Elementary School	F	\$25,000.00
YMCA Cossaboom – Tijerina Elementary School	I	\$30,000.00
YMCA International Center – Piney Point Elementary School	G	\$30,000.00

<b>SUBJECT:</b> Increase spending authority for the contract between the City of Houston and METRO		<b>Category</b>	<b>Page</b> 1 of 4	<b>Agenda Item</b> <i>34</i>
<b>FROM (Department or other point of origin):</b> Human Resources		<b>Origination Date</b> 8-18-2009	<b>Agenda Date</b> SEP 02 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>Caldridge</i>		<b>Council District affected:</b> ALL		
<b>For additional information contact:</b> Candy Clarke Aldridge Phone: (713) 837-9333 Gerri R. Walker <i>GRW</i> (713) 837-9360		<b>Date and identification of prior authorizing Council action:</b> 11-12-2008 (2008-1003)		
<b>RECOMMENDATION: (Summary)</b> Authorize an increase in contract authority for Metropolitan Transit Authority (METRO) to continue providing transit fare media for city employees.				
<b>Amount of Funding:</b> \$230,000 (Additional Spending Authority)			<b>Finance Budget:</b>	
<b>SOURCE OF FUNDING:</b> <input checked="" type="checkbox"/> General Fund \$160,628 <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input checked="" type="checkbox"/> Other Funds - \$69,372				

**SPECIFIC EXPLANATION:**  
Human Resources requests Council approve \$230,000 Supplemental Allocation to increase spending authority for the contract between the City and METRO for employees to take METRO mass transit to designated downtown worksites.

Program costs for the current year will exceed the \$990,000 budget by about \$230,000, a 23 percent overrun. Several key factors contribute to higher program costs.

- A seven percent increase in employees participating in the Program between November 2008 and July 2009, from 1,300 employees to more than 1,400. The Program has assumed an overall 57 percent increase in participation since its inception, from an average 800 employees in 1998 to the current 1,400+ participants.
- A 25 percent to 33 percent cost increase (based on ride zone as shown on page 4) to the total program. November 2008, the METRO board approved an increase to fares, the first fare increases since inception of the Program in 1998.
- METRO's Q-Card Loyalty Ride Program has yielded some cost savings, but not at the level projected when the original contract authority was developed. The Loyalty Ride Program provides 5 free rides for every 50 rides an employee takes; the free rides yield about a 10 percent discount, replacing the 25 percent discount off the prior program structure. The rate structure changed from a lower cost with a higher discount to a higher cost and lower discount.
- The variable cost of gasoline caused employees to abandon personal vehicular transportation to downtown worksites and resort to mass transportation.

The Employee Transportation Program was implemented in 1998 and continues to be beneficial to Houston's environment by contributing to elimination of dangerous air toxicants, vehicle emissions and traffic congestion, resulting from up to 1,400 vehicles having been taken off transportation corridors. The Program also provides commute solutions and value to employees working in downtown locations, including vehicular operational cost-savings. Employees park their cars at METRO's Park & Ride lots and take METRO buses or rail close to their downtown work locations.

<b>Finance Director:</b> <i>Douglas Becker</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Important features**

To encourage employees to continually use mass transit, the program includes two important incentives:

- If an employee experiences a mid-day emergency when METRO does not have an off-peak hour transportation or a Park & Ride lot, METRO arranges transportation to the lot. The employee receives 12 such rides before incurring a cost.
- If an employee occasionally drives a vehicle to work, the employee can park in a city-owned lot, without incurring cost to park.

**Audit**

Human Resources continually audits the METRO Transit Program to validate/document financial efficiency, ensure employees' compliance with established guidelines, and to remedy operational deficiencies, if any are noted.

**Recommendation**

Approve additional contract spending authority for the contract between the City of Houston and METRO.

CITY OF HOUSTON  
HUMAN RESOURCES  
METRO CONTRACT NOVEMBER 20, 2008 THRU NOVEMBER 19, 2009  
CONTRACT AMOUNT ALLOCATION BY FUND  
ADDITIONAL FUNDING FOR THE CURRENT CONTRACT

FUND	FUND NAME		FY2010
1000	GENERAL FUND	\$	160,628
1001	CIP Salary Recovery		23,626
1002	Central Service Revolving Fund		2,214
1004	Property & Casualty		466
1011	WorkersCompensation		1,748
2200	Auto Dealers		168
2201	Police Special Svcs		168
2206	MunicipalCrtSecurity		764
2207	Municipal Court Technology		622
2301	Building Inspection		4,767
2302	Stormwater Fund		531
2402	Greater Houston Trans & Emer Center		233
8001	HAS-Revenue		427
8300	Wtr&SwrSystOperating		28,082
8601	C&E FacilityRev		1,878
8700	Parking Management		984
9000	Health Benefits Fund		2,694
TOTAL OTHER FUNDS			69,372
Amount of Funding			\$230,000

**Eligible Downtown Work Locations:**

1200 Travis  
611 Walker  
900 and 901 Bagby  
1400 Lubbock  
1301 Travis  
61 Riesner  
319 St. Emanuel  
500 McKinney  
1415 Fannin  
1001 Avenida De Las Americas  
510 Preston  
500 Jefferson

## 2008-2009 METRO NEW FARE INCREASE COMPARISON EXAMPLE

Zones	Actual Trips per METRO in August 2008	Old Fare per Trip	New Fare INCREASE per Trip	Old Fare Costs - August Trips	New Fare Costs - August trips	Zone Increase in Costs
LOCAL -- 25% increase	9,945	\$1.00	<b>\$1.25</b>	\$9,945.00	\$12,431.25	\$2,486.25
ZONE 1 -- 33% increase	1,895	\$1.50	<b>\$2.00</b>	\$2,842.50	\$3,790.00	\$947.50
ZONE 2 -- 30% increase	7,659	\$2.50	<b>\$3.25</b>	\$19,147.50	\$24,891.75	\$5,744.25
ZONE 3 -- 25% increase	7,659	\$3.00	<b>\$3.75</b>	\$22,977.00	\$28,721.25	\$5,744.25
ZONE 4 -- 28% increase	5,001	\$3.50	<b>\$4.50</b>	\$17,503.50	\$22,504.50	\$5,001.00
Monthly Totals (rounded)	32,214			\$72,416	\$92,339	\$19,923

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8462

**Subject:** Approve an Amending Ordinance to Increase the Spending Authority to Contract No. 4600006948 for Landscaping Services for the Convention and Entertainment Facilities Department  
LC-R-0734-027-21038

Category #  
4

Page 1 of 1

Agenda Item  
**35**

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

**Origination Date**  
August 18, 2009

**Agenda Date**

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

**Council District(s) affected**  
1

**For additional information contact:**  
Stephen Lewis Phone: (713) 853-8888  
Ray DuRousseau Phone: (832) 393-8726

**Date and Identification of prior authorizing Council Action:**  
Ord. #2006-0976, Passed September 27, 2006

**RECOMMENDATION: (Summary)**

Approve an amending ordinance to increase the maximum contract amount of the contract between the City of Houston and Central Landscape & Maintenance from \$1,158,431.25 to \$1,403,431.25 for landscaping services for the Convention and Entertainment Facilities Department.

Maximum Contract Increased By: \$245,000.00

**Finance Budget**

\$245,000.00 - Civic Center Facility Revenue Fund (8601)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount of the contract between the City of Houston and Central Landscape & Maintenance from \$1,158,431.25 to \$1,403,431.25 for landscaping services for the Convention and Entertainment Facilities Department.

The contract was awarded on October 04, 2006, by Ordinance No. 2006-0976 for a three-year term, with two one-year options to extend, for a total five-year term in the amount of \$1,158,431.25. Expenditures as of August 13, 2009 totaled \$1,092,713.00. The addition of the Sabine to Bagby landscaping along Buffalo Bayou, plus extra clean up work from Hurricane Ike contributed to the contract funding out earlier than planned. The additional spending authority is needed to sustain the department until March 1, 2010. A best value selection process is currently underway to choose a contractor for the next contract period. To allow for the completion of the process and to start a new contract in the spring, City council is asked to increase the maximum contract amount by \$245,000.00.

The scope of work requires the contractor to provide all labor, materials, supplies, tools and equipment necessary to produce and maintain healthy and aesthetically-pleasing flower beds, lawns and trees by irrigating, weeding, mulching, mowing, trimming, pruning, fertilizing, and spraying the grounds at various locations.

This contract was awarded with a 20% M/WBE participation goal and the contractor has achieved 1.01%.

**Pay of Play Program**

This contract does not have the "Pay or Play" requirement therein as it was awarded prior to the effective date of the ordinance which established the "Pay or Play Program".

Attachment: Affirmative Action MWDBE Participation Verification

Buyer: Gloria Jordan-King

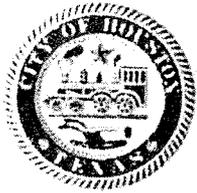
**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*Handwritten initials*



**CITY OF HOUSTON**  
**Affirmative Action and Contract Compliance**  
**Request for Verification of MWDBE Participation**

**Date:** 02/26/2009 **Requestor:** Gloria King

**Prime Contractor:** Central Landscape & Maintenance

**Contract/BPO:** OA4600006948

**Contract Description:** Formal Bids Received for Landscaping Services for the  
Convention & Entertainment Facilities Department LC-R-  
0734-027-21038

**Prime Contract Person:** Jeffrey Jackson **Phone:** 713-676-2327

**Award Date:** 10/04/2006 **Date:** 10/03/2009 **Goal:** 20%

**Amount Paid by City (to date):** \$1,000,580.77

**Scheduled MWDBE Participation:** \$1,265,656

1. (JSB& Association 9% \$100,000.00) /  
 2. ( Family Landscaping Pressure \$31,686.25 3% )  
 3.  / (Metro Pest Company 9% \$100,000.00)

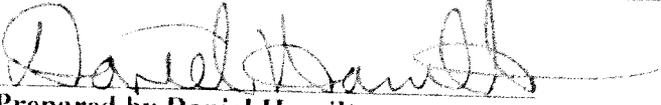
**MWBE:** \_\_\_\_\_

**Amount of Intent:** \$231,686.25

**FOR AFFIRMATIVE ACTION USE ONLY**

**Actual M/WDBE Dollar Amount Paid:** \$10,144

**M/WDBE Participation Achieved:** 1.01%  
 To this date, Central Landscape & Maintenance has not achieved the MWDBE goal on this contract.

  
 Prepared by Daniel Hamilton  
 Contract Compliance Supervisor

February 26, 2009  
 Date:

Approved by Morris Scott  
 Division Manager

Date:

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Recommendation that an ordinance for the KIRBY DRIVE (FROM AIRPORT TO SIMS BAYOU) AND MOWERY ROAD (FROM EDWINA TO FUTURE KIRBY DRIVE) PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. WBS N-000594-0002-2-01	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  36
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<b>FROM: (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 8/26/09	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council District affected:</b>  D Key Map 572H, M
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<b>For additional information contact:</b> Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director	<b>Date and identification of prior authorizing Council Action:</b> Ordinance 2008-0701, passed August 6, 2008
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**RECOMMENDATION: (Summary)**  
An ordinance for the KIRBY DRIVE (FROM AIRPORT TO SIMS BAYOU) AND MOWERY ROAD (FROM EDWINA TO FUTURE KIRBY DRIVE) PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

**Amount and Source of Funding:** No additional funding required (covered under Blanket Appropriation Ordinance 2008-701 N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506)

**SPECIFIC EXPLANATION:**  
The Department of Public Works and Engineering is requesting that an ordinance for the KIRBY DRIVE (FROM AIRPORT TO SIMS BAYOU) AND MOWERY ROAD (FROM EDWINA TO FUTURE KIRBY DRIVE) PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

This project consists of 4,300 feet of dual 24 foot-wide concrete roadways with raised medians, curbs, sidewalks, street lights and necessary underground utilities for the construction of Kirby Drive from West Airport to Sims Bayou and a 44 foot-wide concrete roadway with curbs, necessary underground utilities and street lighting for the paving extension of Mowery Road from the terminus of Edwina to the future intersection of Kirby Drive.

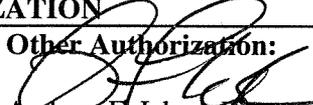
This action authorizes payment for costs of land purchases/condemnations, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire rights-of-way and easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Parcels with a consideration that exceed the spending authority threshold set by State law will be submitted to City Council as they are finalized. This will expedite the process of acquiring land in support of the KIRBY DRIVE (FROM AIRPORT TO SIMS BAYOU) AND MOWERY ROAD (FROM EDWINA TO FUTURE KIRBY DRIVE) PROJECT.

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cc: Marty Stein

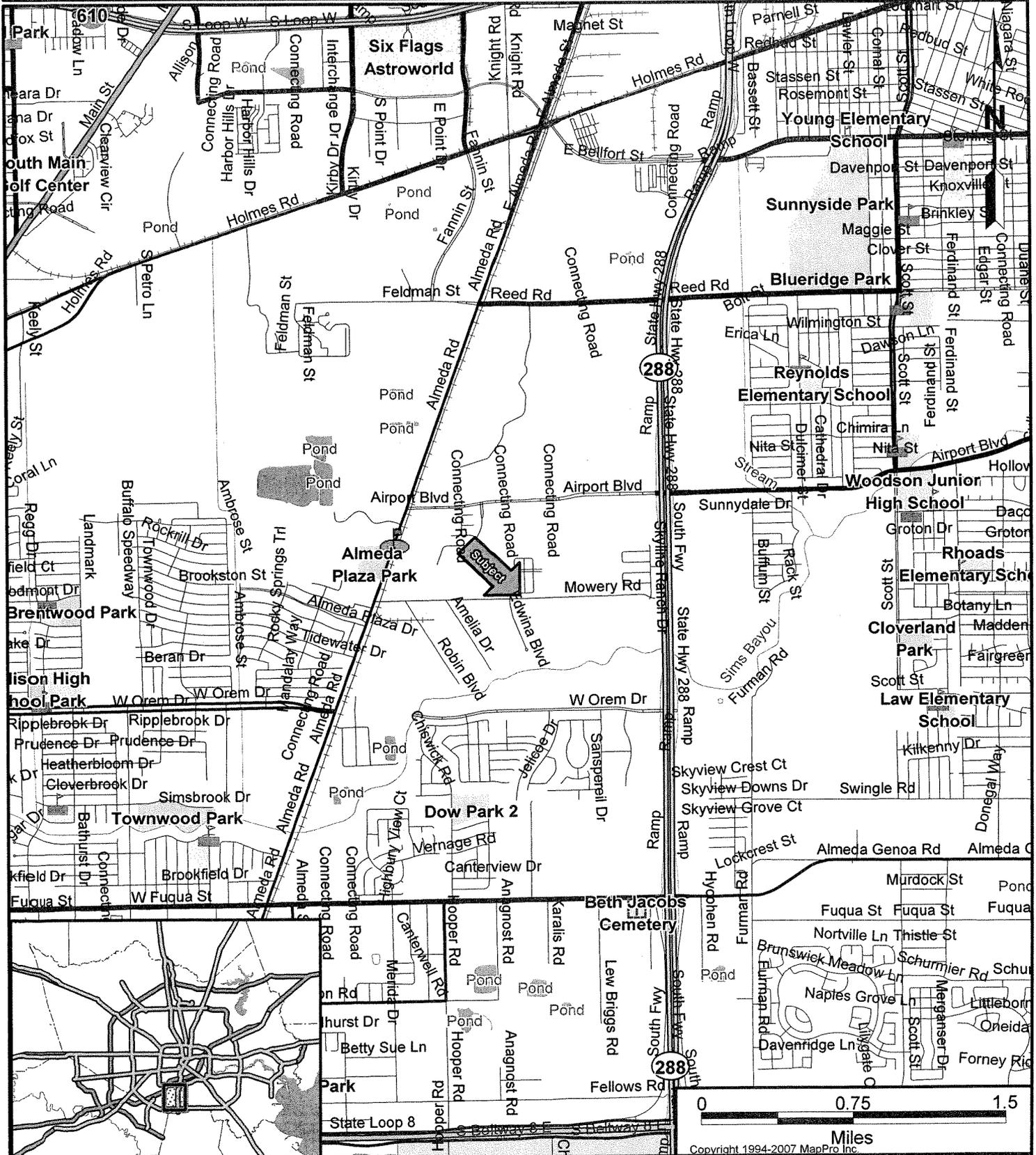
CUIC #20VAT03

REQUIRED AUTHORIZATION

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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# LOCATION MAP

Description: **KIRBY DRIVE AND MOWERY ROAD PROJECT**  
 WBS N-000594-0002-2-01, District D, Key Map 572H, M  
 Subject Address: Mowery Road & Edwina Boulevard, Houston, TX 77045  
 Prepared by: City of Houston, 611 Walker, Houston, TX 77002



**CAUTION:**

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

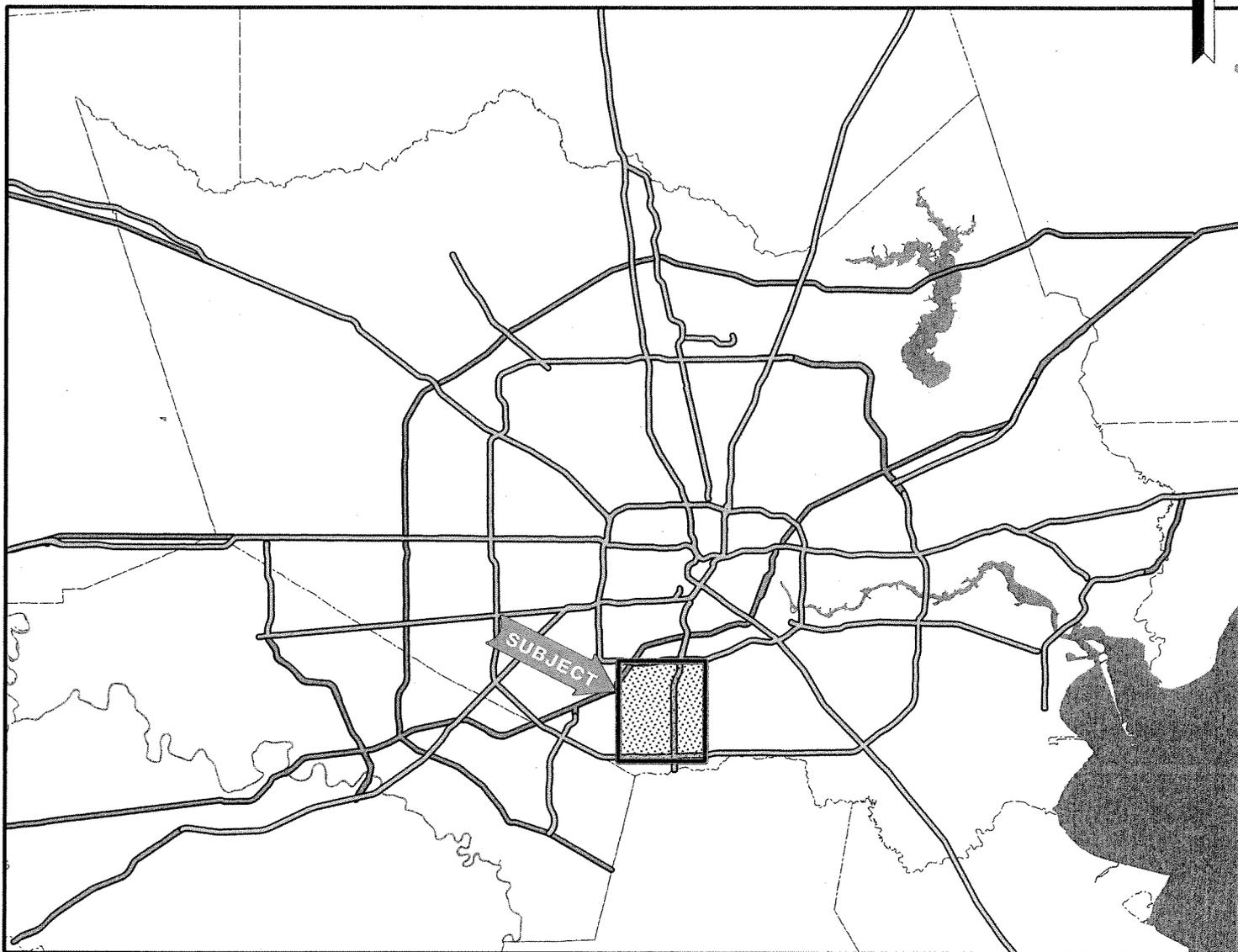
# COUNTY LOCATION MAP

Description: KIRBY DRIVE AND MOWERY ROAD PROJECT

WBS N-000594-0002-2-01, District D, Key Map 572H, M

Subject Address: Mowery Road and Edwina Boulevard, Houston, TX 77045

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



Area of Detail shown on Location Map

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Ordinance authorizing the acquisition of Parcel AY9-030 consisting of 26,927 square feet of land in fee for new street right of way in exchange for the conveyance of Parcel SY9-061 consisting of 8,311 square feet of excess right of way in fee being a portion of Mowery Road located at the west right of way line of the Proposed Kirby Drive for the Kirby Drive (from Airport to Sims Bayou) and Mowery Road (from Edwina to Future Kirby Drive) Project.  
Parcels AY9-030 and SY9-061  
WBS N-000594-0002-2-01  
Owner: Headway Estates, Ltd., a Texas limited partnership [Amvest Corporation, a Texas corporation (Clinton F. Wong, President) General Partner]

Page  
1 of 2

Agenda Item  
#

37

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

**Origination Date**

**Agenda Date**

Department of Public Works and Engineering

8/26/09

SEP 02 2009

**DIRECTOR'S SIGNATURE:**

**Council District affected:**

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

D

Key Map 572 H, M

**For additional information contact:**

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

Nancy P. Collins Phone: (713) 837-0881  
Senior Assistant Director-Real Estate



Ordinance 2008-0701, dated August 6, 2008

**RECOMMENDATION:** (Summary) It is recommended that City Council approve an ordinance authorizing the acquisition of Parcel AY9-030 consisting of 26,927 square feet of land in fee for new street right of way in exchange for the conveyance of Parcel SY9-061 consisting of 8,311 square feet of excess right of way in fee being a portion of Mowery Road located at the west right of way line of the Proposed Kirby Drive for the Kirby Drive (from Airport to Sims Bayou) and Mowery Road (from Edwina to Future Kirby Drive) Project.  
Parcels AY9-030 and SY9-061

**Amount and Source of Funding:** \$57,848.00 (covered under Blanket Appropriation Ordinance 2008-701  
N-00663A-00RE-2-01, Street and Bridge Consolidated Construction Fund 4506)

**SPECIFIC EXPLANATION:** (Summary) The Kirby Drive (from Airport to Sims Bayou) and Mowery Road (from Edwina to Future Kirby Drive) Project provides for the construction of the extension of Mowery Road from Edwina Boulevard to Proposed Kirby Drive in a new alignment. The City desires to acquire 26,927 square feet of land in fee for the new alignment and extension of Mowery Road. The old alignment of Mowery Road merges with the new street right of way across property owned by Headway Estates, Ltd. The new alignment of Mowery Road will result in excess right of way containing 8,311 square feet. The City has offered to purchase from Headway Estates, Ltd., Parcel AY9-030 containing 26,927 square feet in fee for the new right of way in exchange for the abandonment and sale of the excess right of way, Parcel SY9-061 containing 8,311 square feet, in fee to Headway Estates, Ltd. The Joint Referral Committee has reviewed and approved this exchange.

Section 272.001 of the Local Government Code and Section 2-237 of the City of Houston Code of Ordinances, pertaining to the abandonment and sale of streets, provide that fee-owned right of way may be sold to the abutting owner or owners for the payment of a consideration based upon the appraised fair market value, the City's cost per square foot, or a \$300.00 minimum fee, whichever is the greatest. The consideration is based on appraisals by Independent Fee Appraiser Woody Nelson, MAI, SRA.

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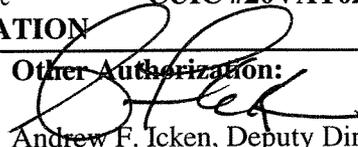
CUIC #20VAT02

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

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

37

<b>Date</b>	<b>SUBJECT:</b> Ordinance authorizing the acquisition of Parcel AY9-030 consisting of 26,927 square feet of land in fee for new street right of way in exchange for the conveyance of Parcel SY9-061 consisting of 8,311 square feet of excess right of way in fee being a portion of Mowery Road located at the west right of way line of the Proposed Kirby Drive for the Kirby Drive (from Airport to Sims Bayou) and Mowery Road (from Edwina to Future Kirby Drive) Project. Parcels AY9-030 and SY9-061 WBS N-000594-0002-2-01 Owner: Headway Estates, Ltd., a Texas limited partnership [Amvest Corporation, a Texas corporation (Clinton F. Wong, President) General Partner]	<b>Originator's Initials</b>	Page <u>2</u> of <u>2</u>
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It is recommended that an ordinance be passed approving and authorizing the purchase of Parcel AY9-030 owned by Headway Estates, Ltd., a Texas limited partnership, and the abandonment and sale of Parcel SY9-061 to Headway Estates, Ltd. Parcel AY9-030 contains 26,927 square feet of land needed for the Kirby Drive (from Airport to Sims Bayou) and Mowery Road (from Edwina to Future Kirby Drive) Project.

Parcel SY9-061 contains 8,311 square feet of excess right of way being a portion of Mowery Road (Mowery Road being 60 feet wide per Volume 2539, Page 183, and 184 Harris County Deed Records) located at the west right of way line of the Proposed Kirby Drive, out of the James Hamilton Survey, Abstract-877.

Property interest from Headway Estates, Ltd.:

Parcel AY9-030 (street right of way in fee)

Land: 26,927 square feet @ \$3.00.....	\$ 80,781.00
Title Policy/Services.....	\$ <u>2,000.00</u>

TOTAL CONSIDERATION PLUS TITLE POLICY/SERVICES .....\$ 82,781.00

Abandonment and Sale to Headway Estates, Ltd.:

Parcel SY9-061 (street right of way in fee)

Land: 8,311 square feet @ \$3.00.....	\$ <u>24,933.00</u>
---------------------------------------	---------------------

TOTAL CONSIDERATION FOR SALE OF PROPERTY TO HEADWAY ESTATES, LTD.....\$ 24,933.00

TOTAL DIFFERENCE IN VALUE OF PROPERTIES TO BE EXCHANGED PLUS TITLE POLICY/SERVICES.....\$ 57,848.00

MSM:NPC:vt

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cc: Marty Stein

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8455**

**Subject:** Ordinance Appropriating Funds for the Detail Design of a New Houston Municipal Courts Case Management System and Authorizing Contract with Sogeti USA, Inc. for Software Design and Development Services

Category #  
9

Page 1 of 3

Agenda Item

**38**

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

Richard Lewis  
Chief Information Officer  
Information Technology

**Origination Date**

August 28, 2009

**Agenda Date**

SEP 02 2009

**DIRECTOR'S SIGNATURE**

*Richard Lewis*

**Council District(s) affected**

All

**For additional information contact:**

Earl M. Lambert      Phone: (832) 393-0038  
Frank Rodriguez      Phone: (832) 393-0205

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

**RECOMMENDATION: (Summary)**

Adopt an ordinance appropriating \$6,560,000.00 for the Detail Design of a new Houston Municipal Courts Case Management System and approve a contract with Sogeti USA, Inc. in an amount not to exceed \$15,000,000.00 for professional services related to software design and development.

Maximun Contract Amount: \$15,000,000.00

**Finance Budget**

*Michelle [Signature]*  
*[Signature]*

\$6,560,000.00 - FY10 Equipment Acquisition Consolidated Fund (1800) WBS: X-160017

\$7,250,000.00 - FY11 Equipment Acquisition Consolidated Fund (1800)

**SPECIFIC EXPLANATION:**

**Background**

The City of Houston has to implement a new system to manage the 1.2 million new cases processed by the Houston Municipal Courts on an annual basis. The Information Technology Department (ITD) has determined that there are no "off-the-shelf" software packages that can meet the Courts' requirements and it is necessary to build a system that meets the specific needs of the Houston Municipal Courts operation. The new System will be developed based on a Service Oriented Architecture and use Microsoft development tools.

ITD, working directly with both the Municipal Court Judicial and Administrative Departments, developed a Conceptual Design for the new Case Management System and selected a professional services firm to assist with the development of the new Case Management System through a Request for Qualifications process.

During the development of the Conceptual Design, ITD led an analysis of the existing Court processes and identified significant opportunities to streamline operations and expedite the adjudication of cases. The proposed design for the new Case Management System focuses on automating many of decisions that currently require millions of manual actions each year. Also, it envisions eliminating much of the manual work performed by the judges and the multiple steps involved in case resets. The new design should enhance the services provided by the Courts to the defendants' attorneys and bonding companies. Finally, it defines significant changes in the interfaces between the systems used by HPD and the new Courts System. These changes should address many of the issues around warrant verification, posting bonds for individuals that have been arrested, providing timely processing of the jail dockets, and handling the subpoena process.

**Procurement**

In March of this year, ITD issued a Request for Qualifications (RFQ) for professional services firms with the skills required to develop large, complex business applications. Thirty-one firms responded to the RFQ. Nine of the submissions were selected for a detail review by the evaluation team and four of the nine were invited to make

**REQUIRED AUTHORIZATION**

**NDT**

Finance Department:

Other Authorization:

Other Authorization:

Date: 8/28/2009	Subject: Ordinance Appropriating Funds for the Detail Design of a New Houston Municipal Courts Case Management System and Authorizing Contract with Sogeti USA, Inc. for Software Design and Development Services	Originator's Initials FR	Page 2 of 2
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presentations to demonstrate their qualifications. Based on the results of the written proposals and presentations, Sogeti USA, Inc. was selected for the final evaluation process. Over the past two months, Sogeti has demonstrated its capabilities by interviewing key court personnel to better understand the Courts' requirements, developing an in-depth task plan for the Detail Design Phase, and preparing the Statement of Work for this project.

### **Recommendation**

The City's Chief Information Officer recommends that Council:

- 1) Appropriate \$6,560,000 from the Equipment Acquisition Fund for development of the detail design for the new Courts System
- 2) Approve a contract with Sogeti, USA, Inc in an amount not to exceed \$15,000,000.00 for professional services required to design and develop the new Courts Case Management System. The scope of services with Sogeti covers:
  - a. Configuration of a Service Oriented Architecture (SOA) development platform that will significantly increase programmer productivity for this project, as well as future software development projects initiated for other City departments.
  - b. Provide maintenance services for the SOA Development Platform, as required by ITD.
  - c. Provide professional services related to software design, development, implementation, and support for the Houston Municipal Courts Case Management System and future software development project initiated by the City.

### **Approach**

City personnel will play a major role in the management and performance of this project. The Project Steering Committee is comprised of the CIO, Presiding Judge, Chief Clerk, Chief Prosecutor, an HPD Captain, and a private attorney. The Steering Committee's role has been structured to provide executive oversight for the project, make key project decisions, and approve key deliverables to ensure that the Project achieves its objectives.

City IT employees will perform over 35% of the technical work on this project and six dedicated Court Specialists will commit over 7,600 hours of effort focused on ensuring that the technical staff understands the Courts' requirements and delivers an effective solution. The significant participation by City Personnel will help foster the development of the "institutional knowledge" required to support complex computer systems. However, this approach requires the City to assume a share of the risk in managing large IT projects, but ITD believes that this risk is manageable.

Capturing electronic images of documents (e.g. citations, compliance requests, petitions, and motions) and attaching them to the appropriate cases requires specialized software for document management, workflows processes required to attach documents to cases, and document generation for creating court documents. We anticipate that we will engage the appropriate professional services firm through a separate Request for Council Action (RCA).

### **Project Budget**

The project budget for the detail design phase was developed through the preparation of an in-depth Statement of Work (SOW) that identifies the major deliverables for the detail design phase, assumptions used to develop the estimate, staffing requirements, and staffing schedules. The following table provides a summary of the budget for this Project:

Date: 8/28/2009	Subject: Ordinance Appropriating Funds for the Detail Design of a New Houston Municipal Courts Case Management System and Authorizing Contract with Sogeti USA, Inc. for Software Design and Development Services	Originator's Initials FR	Page 3 of 3
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Detail Design Budget	Capital	General Fund	
Salaries & Benefits for City Personnel	\$ 1,270,000	-	19.4%
Professional Services	2,525,000	-	38.5%
Hardware / O/S Licenses	140,000	-	2.1%
Software Development Products	783,000	155,000	11.9%
Office Space, Furniture, & Supplies	392,000	-	6.0%
Contingency	<u>1,450,000</u>	<u>50,000</u>	<u>22.1%</u>
<b>Total</b>	<b>\$ 6,560,000</b>	<b>\$ 205,000</b>	<b>100.0%</b>

The Development Phase for this Project will be funded through a subsequent appropriation process. An estimate of \$7.25 million for the Development Phase, which includes project related cost for staff, hardware, etc., is included in the FY11 Technology Investment Plan. However, the Development Phase budget cannot be finalized until the Detail Design is completed.

**MWBE Participation:**

The Sogeti role on the project includes a goal of at least 15% and Sogeti has identified (1) Precision Task Group, Inc. and (2) Jefferson Associates Inc. to fulfill their good faith participation obligation, which will provide software development skill.

**Pay or Play:**

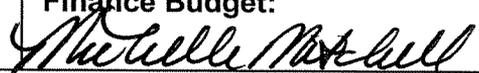
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

**Public Safety & Homeland Security Committee Review:**

A detailed presentation regarding this initiative was given to the Public Safety and Homeland Security Committee on July 21, 2009. Additionally, The IT Department has committed to provide the committee with status update reports on a quarterly basis.

<b>SUBJECT:</b> Award Construction Management at Risk Contract Manhattan Construction Company Central Permitting Center WBS No. D-000145-0001-4	Page 1 of 2	Agenda Item 39
<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8-27-09	<b>Agenda Date</b> SEP 02 2009
<b>DIRECTOR'S SIGNATURE:</b>  Issa Z. Dadoush, P. E.	<b>Council District affected:</b> H	
<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>	

**RECOMMENDATION:** Award Construction Management at Risk contract and appropriate funds for the project.

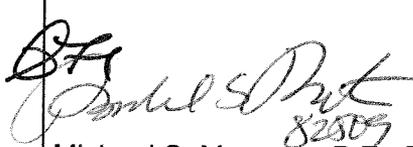
<b>Amount and Source of Funding:</b> \$162,500.00—Reimbursement of Equipment/Projects Fund (1850)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council award a Construction Management at Risk Contract to Manhattan Construction Company to provide pre-construction and construction phase services for the combined permitting operations for the Public Works and Engineering (PWE) and Administration & Regulatory Affairs (ARA) Departments. The requested appropriation will fund pre-construction phase services. City Council will be requested to appropriate funds for construction phase services under a separate Council action. It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by PWE and ARA permitting revenues.

On July 3, 2009 and July 10, 2009, GSD advertised a Request for Qualifications containing selection criteria that ranked the respondents on experience, technical approach and quality assurance program. The Statements of Qualifications were due on July 23, 2009, and seventeen firms responded. GSD evaluated and short listed the five firms which received the most points and requested a proposal from each. Manhattan Construction Company presented the lowest pre-construction and construction phase fees and offers the best value for the City based on the advertised criteria.

**PROJECT LOCATION:** 1002 Washington Avenue (493L)

**PROJECT DESCRIPTION:** The construction manager will provide pre-construction services during the design phase, which include budgetary estimating, constructability and material selection. The project will renovate the existing 187,000 sf four-story building plus basement to centralize City permitting processes from existing locations at 3300 Main and 611 Walker, and will house approximately 500 City employees. The project will utilize the LEED™ (Leadership in Energy and Environmental Design) Green Building rating system to achieve certification.

<b>REQUIRED AUTHORIZATION</b>			CUIC ID # 25CONS117
<b>General Services Department:</b>   Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Administration &amp; Regulatory Affairs Department:</b>   Alfred J. Moran, Jr. Director	<b>Department of Public Works and Engineering:</b>   Michael S. Marcotte, P.E., D.WRE, BCEE, Director	

NOT

<b>Date</b>	<b>SUBJECT:</b> Award Construction Management at Risk Contract Manhattan Construction Company Central Permitting Center WBS No: D-000145-0001-4	<b>Originator's Initials</b> JBW	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that City Council award a Construction Management at Risk Contract to Manhattan Construction Company and appropriate funds for pre-construction phase services.

**FUNDING SUMMARY:**

\$ 12,500.00	Pre-Construction
\$ 50,000.00	Pre-Construction Phase Additional Services and Reimbursable Expenses
\$ 100,000.00	* Termination Fee
<b>\$ 162,500.00</b>	<b>Total Funding</b>

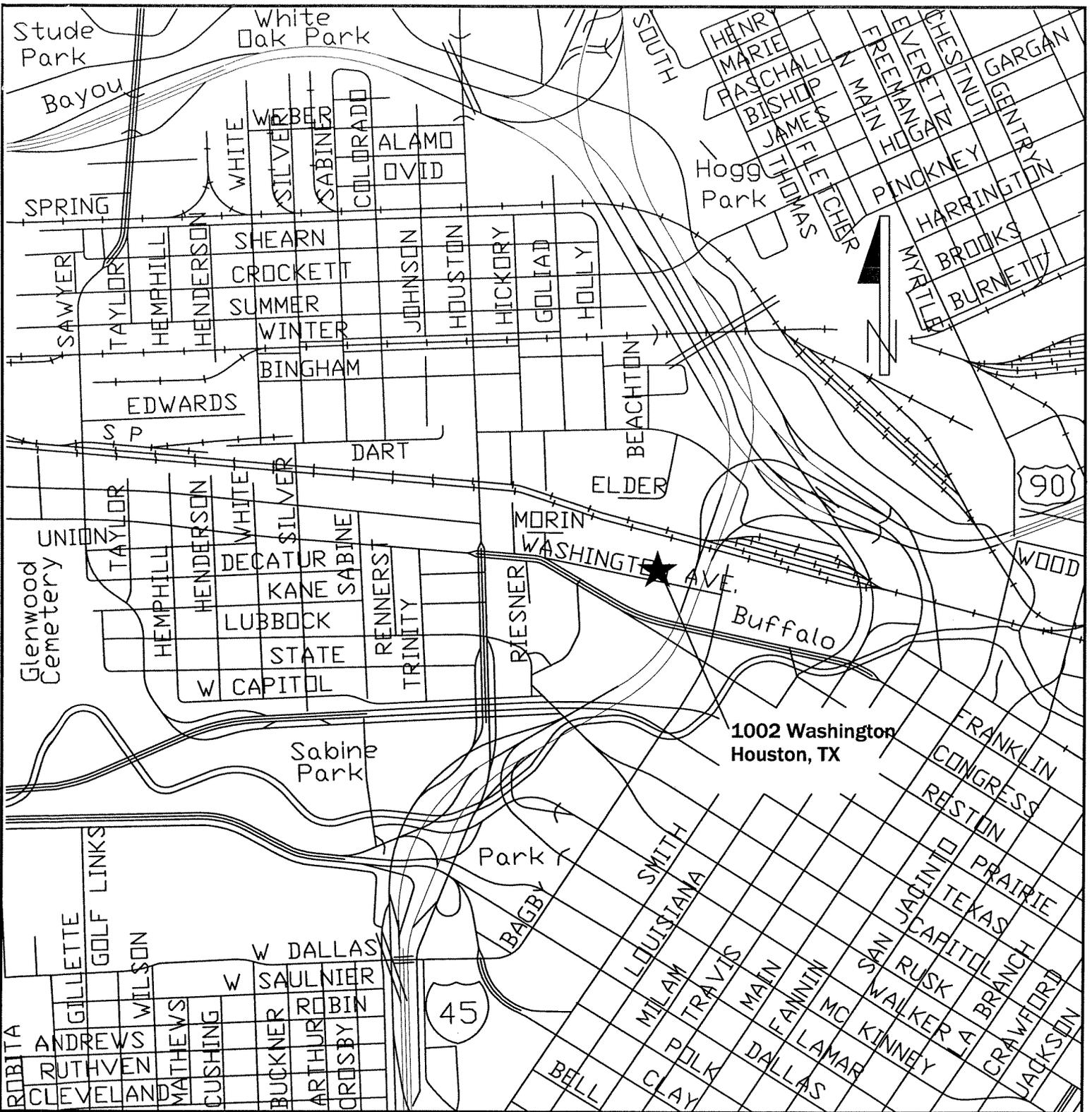
\* The contract provides for a Termination Fee of \$100,000 to be paid to the construction manager if the City elects not to proceed with construction.

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of the City contractors. In the case of pre-construction phase services, the contractor provides health benefits to eligible employees in compliance with City policy.



IZD:HB:JLN:MCP:JBW:ps

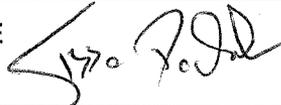
- c: Marty Stein
- Jacquelyn L. Nisby
- Calvin Curtis
- Yvette Burton
- James Tillman IV
- Andy Iken
- File



**CENTRAL PERMITTING CENTER**  
**1002 Washington**  
**HOUSTON, TX 77002**

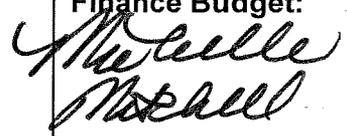
<b>SUBJECT:</b> Professional Services Contract for Project Management Services TC Houston Industrial Development, Inc. Central Permitting Center WBS No. D-000145-0002-3	<b>Page</b> 1 of 2	<b>Agenda Item</b>  <div style="text-align: center; font-size: 2em;">40</div>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8-26-09	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE</b> Issa Z. Dadoush, P.E.  8/20/09	<b>Council District(s) affected:</b> H
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<b>For additional information contact:</b> Jacquelyn L. Nisby  <b>Phone:</b> 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve professional services contract, set a maximum contract amount and appropriate funds for the project.

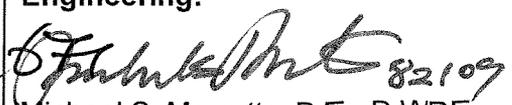
<b>Amount and Source Of Funding:</b> <b>Maximum Contract Amount: \$285,000.00</b> <b>Initial Appropriation:</b> <b>\$221,000.00</b> Reimbursement of Equipment/Projects Fund (1850)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council approve a professional services contract with TC Houston Industrial Development, Inc. (TCHID) to manage the design and Construction Management at Risk (CMAR) contracts, through design development, for the renovation of a City facility to house combined permitting operations for the Public Works and Engineering (PWE) and Administration & Regulatory Affairs (ARA) Departments. The proposed contract allows GSD to retain TCHID to continue to perform project management services through completion of design. If GSD elects to exercise this option, Council will be requested to appropriate funds for these additional services, up to the maximum contract amount, in a separate Council action. It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by PWE and ARA permitting revenues.

TCHID was selected through a Request for Qualifications (RFQ) process. Because of the complexity of the renovation and the City's desire to expedite the project, TCHID has performed due diligence and other pre-contract services that are included in the requested appropriation in the amount of \$126,000. Council approved a contract for professional architectural services with Studio Red Architects, Inc. on August 12, 2009. The CMAR contract award for this project will be the subject of a separate Council action.

**PROJECT LOCATION:** 1002 Washington Avenue (Key Map 493L)

**REQUIRED AUTHORIZATION** CUIC ID# 25DSGN43

<b>General Services Department:</b>  Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Administration &amp; Regulatory Affairs Department:</b>  Alfred J. Moran, Jr. Director	<b>Department of Public Works and Engineering:</b>  8/21/09 Michael S. Marcotte, P.E., D.WRE, BCEE, Director
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<b>Date</b>	<b>SUBJECT:</b> Professional Services Contract for Project Management Services TC Houston Industrial Development, Inc. Central Permitting Center WBS No. D-000145-0002-3	<b>Originator's Initials</b>  PJG	<b>Page</b> 2 of 2
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**PROJECT DESCRIPTION:** The needs of the public have outgrown the services provided at the existing facilities located at 3300 Main Street and 611 Walker. This project will design for the renovation of an existing 187,000 SF four-story building to provide approximately 194,190 SF of conditioned space for use by approximately 500 City employees performing a combination of permitting operations to serve the public. Surface parking will also be provided on and off site for use by City personnel and the public.

**SCOPE OF CONTRACT AND FEE:** The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis.

\$	92,400.00	Basic Services Fee
\$	2,600.00	Additional Services Fee
\$	<u>126,000.00</u>	Pre-Contract Services*
\$	<b>221,000.00</b>	<b>Total Contract Services</b>

**\*Pre-Contract Services:** On behalf of PWE, TCHID prepared five cost models to evaluate the feasibility of various financial structures for this project. Additionally, TCHID assisted PWE in performing due diligence related to the City's purchase of the property.

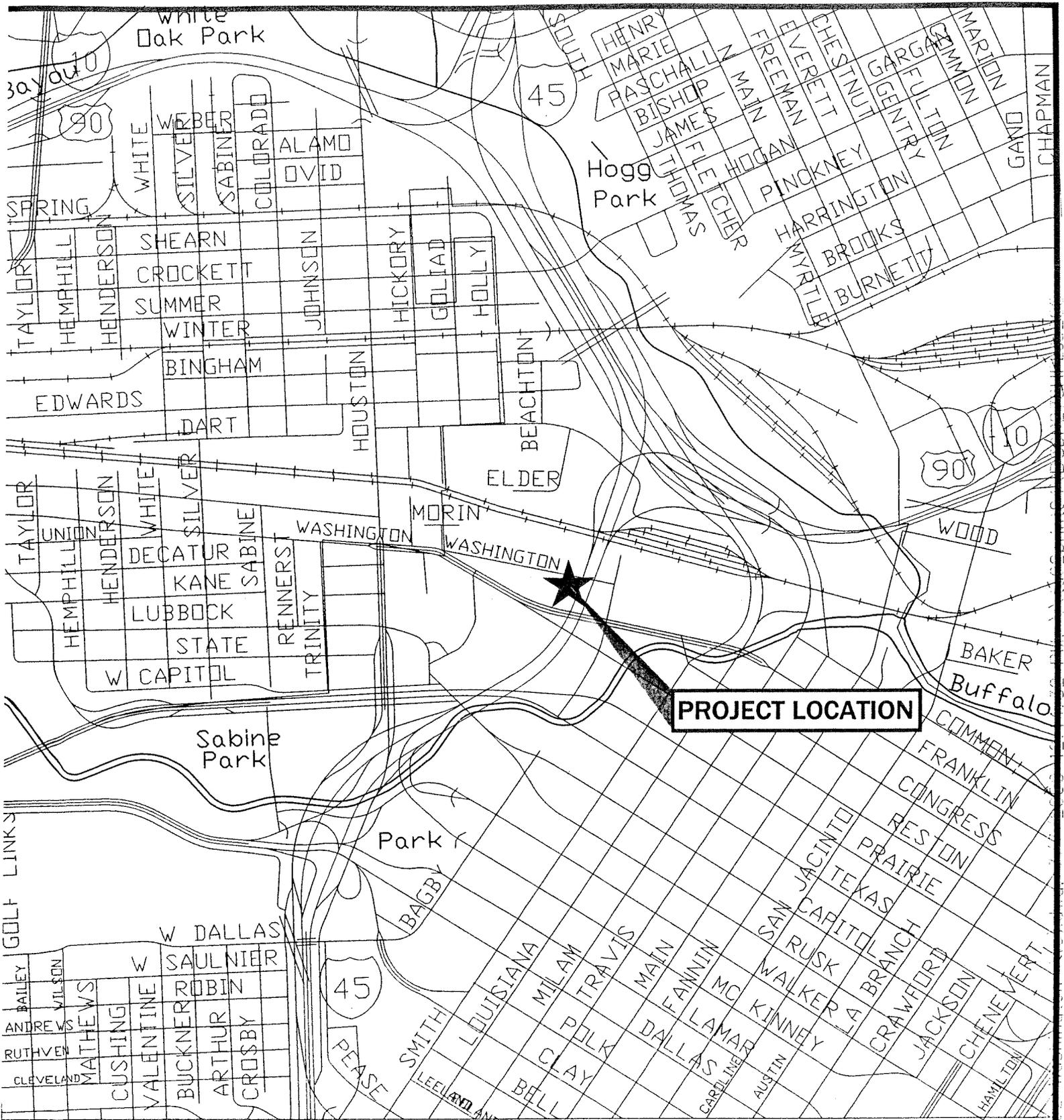
**M/WBE INFORMATION:** A MWBE goal of 24% of Total Contract Services less Pre-Contract Services has been established for this contract. TCHID has submitted the following certified firm to achieve the goal:

<u>Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
PMG Project Management Group, LLC	Project Management	\$22,800.00	24.00%

**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:JLN:G:HB:mg

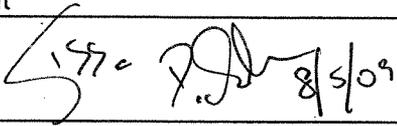
c: Marty Stein, Issa Z. Dadoush, P.E., Andy Icken, Susan McMillian, Alfred J. Moran, Richard A. Vella, Morgan C. Porter, James Tillman IV, Calvin R. Curtis, Esq., Jacquelyn L. Nisby, Esq., Yvette Burton, Gabriel Mussio, Mary M. Villarreal, Siria Harbour, Kim Nguyen, File 406

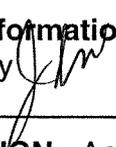


**PROFESSIONAL ARCHITECTURAL SERVICE CENTER**  
**CENTRAL PERMITTING CENTER**  
 1002 Washington Ave.  
 Houston, Texas

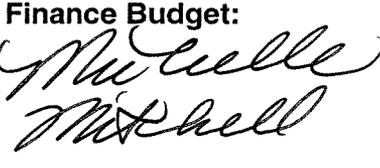
<b>SUBJECT:</b> Approve Supplemental Agreement to Professional Landscape Architectural and Engineering Services Contract Lauren Griffith, Inc. Hermann Park Trail Improvements WBS No. F-000550-0001-3	<b>Page</b> 1 of 2	<b>Agenda Item</b>  41
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 08/26/09	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Issa Z. Dadoush, P. E.	<b>Council District(s) affected:</b> 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> Ordinance No. 2006-920, September 6, 2006
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**RECOMMENDATION:** Approve Supplemental Agreement to professional landscape architectural and engineering services contract and allocate additional funds for the project.

<b>Amount and Source of Funding:</b> \$40,698.00 Parks Grant Match (5040)  <b>Previous Funding:</b> \$274,677.67 Parks Grant Match (5040)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** On September 6, 2006, City Council awarded a professional landscape architectural and engineering services contract to Lauren Griffith, Inc. to provide programming, design and construction phase services for multi-use trails in and around Hermann Park using the Parks and Recreation Department and Texas Department of Transportation design standards. The multi-use trails will include lighting, landscaping, irrigation, benches, bicycle racks, and drinking fountains.

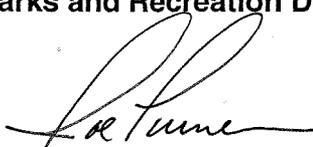
During design, it was determined that a pedestrian bridge is required to provide adequate separation of pedestrian and vehicular traffic along a portion of the new trail. The requested allocation is necessary to address this increased scope of work. The architect will provide hydraulic modeling, geotechnical investigation and engineering services, which will address this safety issue.

Therefore, the General Services Department recommends that City Council approve a Supplemental Agreement to the landscape architectural and engineering design contract with Lauren Griffith, Inc. for additional engineering services for Hermann Park Trail Improvements for the Parks and Recreation Department.

**PROJECT LOCATION:** 6001 Fannin (533A)

**FUNDING SUMMARY:** The Supplemental Agreement provides for the additional Basic Services Fee in the amount of \$40,698.00 to be paid as a lump sum.

**REQUIRED AUTHORIZATION** CUIC ID # 25PARK77

<b>General Services Department:</b>  Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Parks and Recreation Department:</b>  Joe Turner Director
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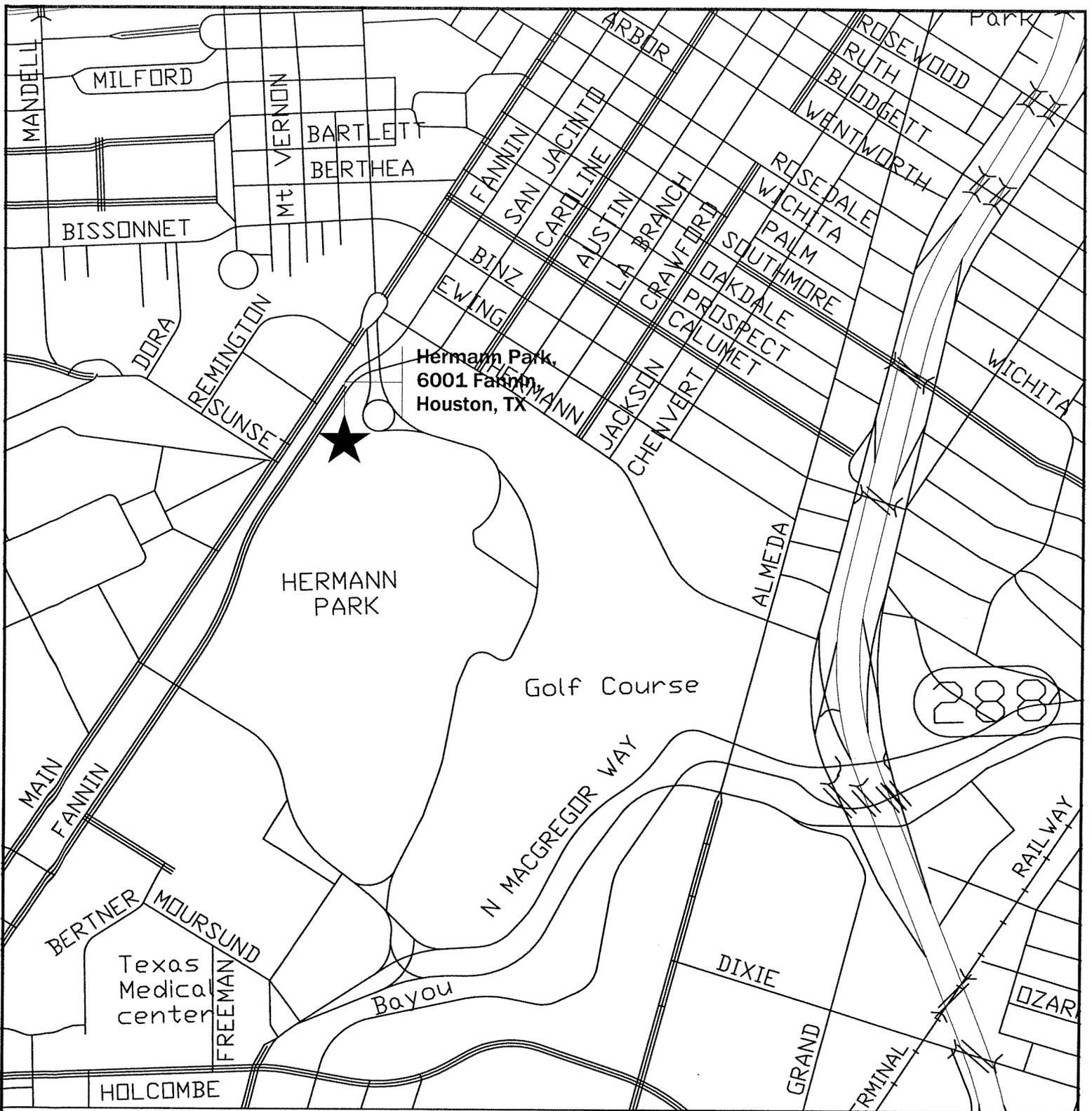
<b>Date</b>	<b>SUBJECT:</b> Approve Supplemental Agreement to Professional Landscape Architectural and Engineering Services Contract Lauren Griffith, Inc. Hermann Park Trail Improvements WBS No. F-000550-0001-3	<b>Originator's Initials</b> SNL	<b>Page</b> 2 of 2
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**M/WBE INFORMATION:** The original contract and this additional allocation contain a 24% M/WBE goal. To date, Lauren Griffith, Inc. has achieved 19.6% M/WBE participation, but anticipates achieving the 24% goal by the completion of the contract.



IZD:JLN:HB:LJ:SNL:snl

c: Marty Stein, Velma Laws, Mark Ross, Jacquelyn Nisby, Lisa Johnson, Morris Scott, James Tillman, Project File



**Hermann Park Trails Improvement**  
**6001 Fannin**  
**Houston, TX 77030**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Appropriate Funds for Issuance of a Purchase Order to ARC Abatement, Inc. for Demolition of Restroom/Shelter Building at Jaycee Park WBS No. F-000758-0001-4	<b>Page</b> 1 of 1	<b>Agenda Item</b>  42
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8-27-09	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P. E. 	<b>Council District affected:</b> A
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<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 832-393-8023	<b>Date and identification of prior authorizing:</b> <b>Council action:</b>
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**RECOMMENDATION:** Appropriate funds for the project.

<b>Amount and Sources of Funding:</b> \$6,800.00 - Parks Special Fund (4012)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council appropriate \$6,800.00 out of the Parks Special Fund to fund the issuance of a purchase order to ARC Abatement, Inc. for demolition of the restroom/shelter building at Jaycee Park for the Parks and Recreation Department.

**PROJECT LOCATION:** 1300 Seamist Dr. (452W)

**PROJECT DESCRIPTION:** The scope of work consists of demolition of restroom/shelter building and slab, disconnecting the utilities and backfilling and grading the site. The community is working on a master plan for the park and requested that this building be removed because it blocks the view to the playground and is designed where children can get on the roof.

IZD:HB:JLN:LJ:DE:bo 

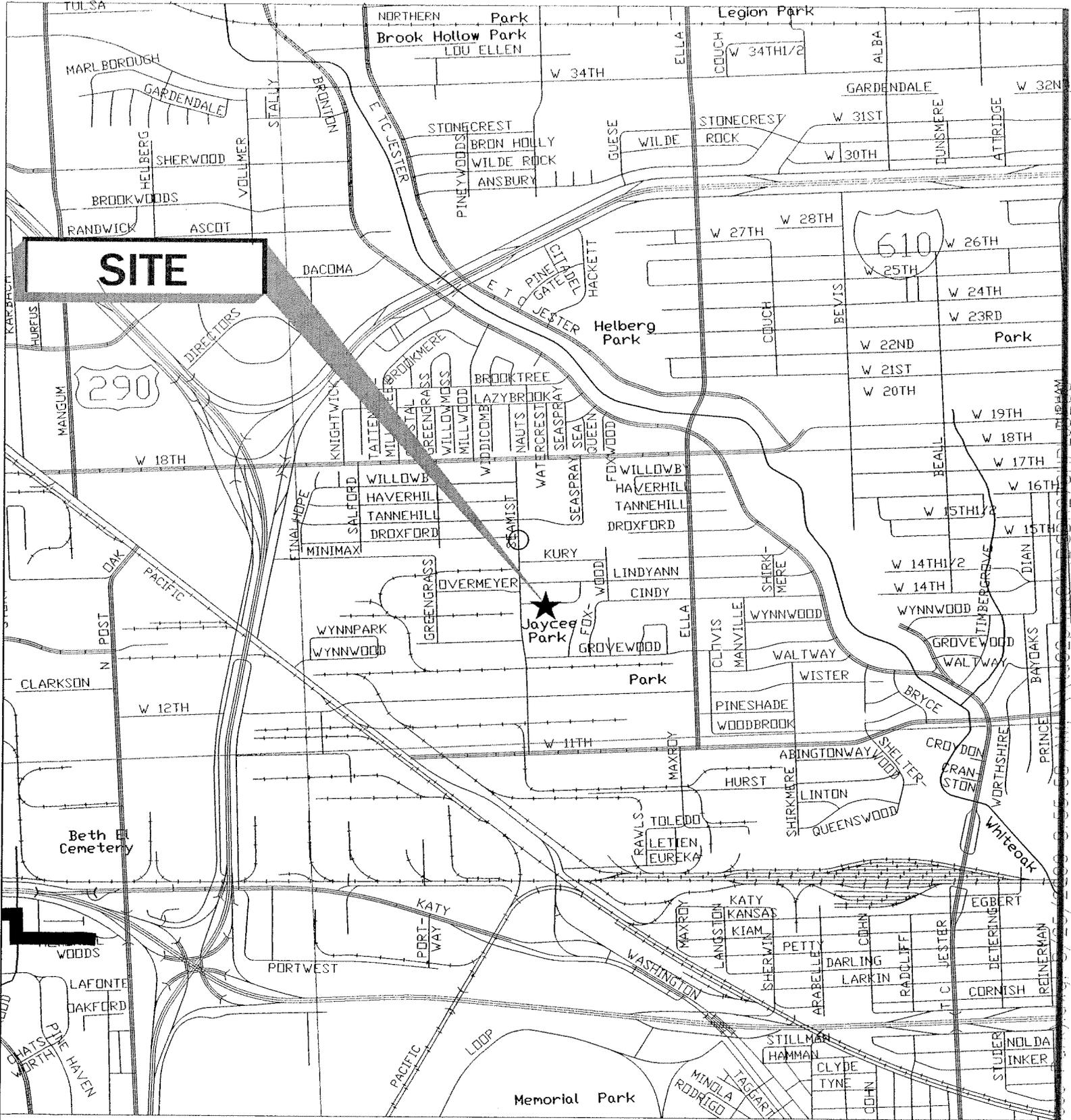
c: Marty Stein, Jacquelyn Nisby, Calvin R. Curtis, Mark Ross, Angela Jackson, James Tillman IV, Dan Pederson, Gabriel Mussio, Lisa Johnson, File 813

**REQUIRED AUTHORIZATION** CUIC ID# 25PARK82

<b>General Services Department:</b>   Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Parks and Recreation Department:</b>   Joe Turner Director
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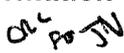
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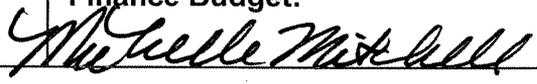
<b>SUBJECT:</b> Award Construction Contract Inland Environments, Ltd. Asbestos Abatement and Demolition at Julia Ideson Building WBS No. E-000155-0002-4	<b>Page</b> 1 of 2	<b>Agenda</b> Item <b>43</b>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8/27/09	<b>Agenda Date</b> SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E.  8/28/09	<b>Council District affected:</b> 1
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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:** Award construction contract and appropriate funds for the project.

<b>Amount and Source of Funding:</b> \$120,500.00 Julia Ideson Library Contributions Fund (4036)	<b>Finance Budget:</b> 
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council award a construction contract to Inland Environments, Ltd. on the low bid amount of \$77,727.00 to provide construction services at the Julia Ideson Building for the Houston Public Library Department. ARC Abatement, Inc., the apparent low bidder, withdrew its bid due to a clerical error in its computation.

**PROJECT LOCATION:** 500 McKinney Street, Houston, Texas (Key Map No. 493-L)

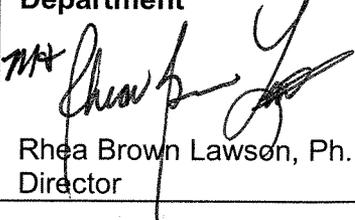
**PROJECT DESCRIPTION:** The scope of work includes removal of asbestos containing sealant/caulk within the wall cavities, removal of pipe insulation within the east and south crawl space, removal of 3" of soil and debris throughout the east and south crawl space and demolition of two exterior/interior south stairwell areas. The work also includes loading, hauling and proper disposal of debris generated due to all activities.

The contract duration for this project is 30 calendar days.

**BIDS:** The following four bids were received on August 17, 2009:

	<u>Bidder</u>	<u>Bid Amount</u>
1.	ARC Abatement, Inc.	\$ 20,140.00
2.	<b>Inland Environments, Ltd.</b>	<b>\$ 77,727.00</b>
3.	AAR Incorporated.	\$103,786.00
4.	Arrow Services, Inc.	\$188,100.00

**REQUIRED AUTHORIZATION** CUIC ID # 25GM195

<b>General Services Department:</b>  Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Other Authorization:</b>	<b>Houston Public Library Department</b>  Rhea Brown Lawson, Ph.D Director
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<b>Date</b>	<b>SUBJECT:</b> Award Construction Contract Inland Environments, Ltd. Asbestos Abatement and Demolition at Julia Ideson Building WBS No. E-000155-0002-4	<b>Originator's Initials</b>  GM	<b>Page</b>  2 of 2
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Bids were obtained from the list of pre-qualified asbestos/lead abatement contractors to act as the general contractor for the project. All pre-qualified asbestos/lead abatement contractors were notified of the request for bids on this project. The City Legal Department has previously determined that formal bids are not required when the pre-qualified asbestos/lead abatement contractors' list is utilized and all contractors on the list are notified of the bid request.

**AWARD:** It is recommended that City Council award the construction contract to Inland Environments, Ltd. and appropriate funds for the project, including an additional appropriation of \$35,000.30 for project management, construction oversight under the existing contract with Garner & Associates, Inc.

**FUNDING SUMMARY:**

\$ 77,727.00	Construction Contract Services
\$ 7,772.70	10% Contingency
<u>\$ 85,499.70</u>	<b>Total Contract Services</b>
\$ 35,000.30	Project Management, Construction Oversight and Air Monitoring
<u>\$ 120,500.00</u>	<b>Total Funding</b>

IZD:HB:JLN:GM:MCJ:fk

- c: Marty Stein  
Jacquelyn L. Nisby  
Velma Laws  
Calvin R. Curtis  
Gabriel Mussio  
Yvette Burton  
File



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

**SUBJECT:** Professional Construction Management and Inspection Services Contract between the City of Houston and Briones Consulting and Engineering, Ltd. for Rehabilitation and Renewal of Wastewater Lift Stations. WBS No. R-000267-0097-4.

Page  
1 of 1

Agenda Item #

44

**From:** Department of Public Works and Engineering

**Origination Date**

8-20-09

**Agenda Date**

SEP 02 2009

**Director's Signature:**

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

**Council District affected:**

I

**For additional information contact:**

  
J. Timothy Lincoln, P.E.  
Senior Assistant Director Phone: (713) 837-7074

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

**Recommendation:** Approve a Professional Construction Management and Inspection Services Contract with Briones Consulting and Engineering, Ltd. and appropriate funds.

**Amount and Source of Funding:** \$12,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.

M.P. 7/10/09

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's Lift Station Rehabilitation and Replacement Program.

**DESCRIPTION/SCOPE:** This project provides for construction management and inspection services for the rehabilitation of Greens Bayou Lift Station.

**LOCATION:** The Greens Bayou Lift Station is located at 12870½ Greens Bayou (Key Map 496-H).

**SCOPE OF APPROPRIATION AND FEE:** This contract will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Play or Play' ordinance regarding health benefits for employees of City consultant. In this case, the consultant has elected to pay into the Consultant Responsibility Fund in compliance with City policy

**M/WBE PARTICIPATION:** Briones Consulting and Engineering, Ltd. has proposed Merlin Services, Inc. to achieve the 24% M/WBE goal for this project.

MSM:DRM:JTL:CWS:mq

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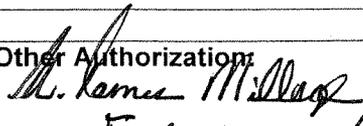
Q: File No. Admin – Briones Consulting and Engineering, Ltd.

**REQUIRED AUTHORIZATION**

CUIC ID #20MZQ083

**Finance Department:**

**Other Authorization:**

  
FOR 6/30/09  
Jun Chang, P.E., Deputy Director  
Public Utilities Division

**Other Authorization:**

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

MOT

44



<b>SUBJECT:</b> Supplement to Professional Engineering Services Contract between the City and Camp Dresser & McKee, Inc. for the Southeast Water Purification Plant (SEWPP) Expansion. WBS No. S-000012-0020-3	Page 1 of <u>2</u>	Agenda Item #  <b>45</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  8/20/09	<b>Agenda Date</b>  SEP 02 2009
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE	<b>Council District affected:</b> E  
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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> January 6, 1999 Ordinance No. 99-0001 June 14, 2000 Ordinance No. 00-0540 December 20, 2000 Ordinance No. 00-1136 May 16, 2001 Ordinance No. 01-0417 June 27, 2001 Ordinance No. 01-0626 June 16, 2004 Ordinance No. 04-0619 August 15, 2007 Ordinance No. 07-0927
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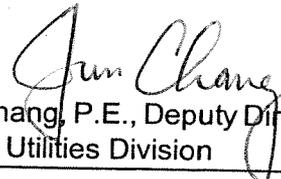
**RECOMMENDATION: (Summary)**  
 Approve Supplement to the Professional Engineering Services Contract and appropriate additional funds

**Amount and Source of Funding:** \$1,979,429.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. *M.P. 8/10/09*

Original (previous) appropriations of \$4,947,000.00 from the Water & Sewer System Consolidated Construction Fund No. 755, \$16,126,850.00 from the Water & Sewer System Contributed Capital Fund No. 733 and \$2,666,715.00 from Southeast Water Purification Plant Operating Budget Fund No. 701.

**PROJECT NOTICE/JUSTIFICATION:** This project is required to increase the firm capacity of the SEWPP from 120 million gallons per day (MGD) to 200 MGD in order to meet increased water demand and comply with the Harris-Galveston Coastal Subsidence District's requirements. Also, this project will improve the operability, maintainability and reliability of the plant as well as meet the existing and proposed requirements of the Surface Water Treatment Rules mandated by the United States Environmental Protection Agency (EPA).

The City entered into a cost and production sharing agreement with the co-participants of the SEWPP under Ordinance No. 2001-0417 on May 16, 2001. Co-participants have issued letters of intent to participate in funding the proposed design and construction of this expansion by purchasing some of the increased capacity. The agreement was subsequently amended on August 15, 2007 under Ordinance No. 2007-0927. In accordance with the agreement, the cost of this project will be shared by the co-participants and the City.

REQUIRED AUTHORIZATION <span style="float: right;">CUIC ID #20ACM62</span>		
<b>Finance Department:</b>	<b>Other Authorization:</b>   Jun Chang, P.E., Deputy Director Public Utilities Division	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

Date	<b>SUBJECT:</b> Supplement to Professional Engineering Services Contract between the City and Camp Dresser & McKee, Inc. for the Southeast Water Purification Plant (SEWPP) Expansion. WBS No. S-000012-0020-3	Originator's Initials <i>AZM</i>	Page <u>2</u> of <u>2</u>
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**DESCRIPTION/SCOPE:**

This project consists of providing professional engineering services for the design and construction phase services of the proposed expansion and upgrade of the Southeast Water Purification Plant.

**LOCATION:** The project is located at 3100 Genoa – Red Bluff Road in Key Map grids 577 Q & R.

**PREVIOUS HISTORY AND SCOPE:**

The original Contract was approved by the City Council on January 6, 1999, under Ordinance No. 99-0001. Subsequent additional appropriations were approved by the City Council on June 14, 2000, under Ordinance No. 00-0540 for construction management, December 20, 2000, under Ordinance No. 00-1136 for SEWPP procurement assistance and June 27, 2001, under Ordinance No. 01-626 for facility expansion Design Services and additional appropriation, and on June 16, 2004 under Ordinance No. 2004-0619 for additional Design Services. The scope of services under the original contract consisted of performing Design Services for the expansion of the facility from 80 MGD to 120 MGD. Under this contract, the Engineer has completed design and construction phase services for the expansion of the facility from 80 MGD to 120 MGD. The Engineer has completed the procurement of a contract operator for this facility and facility planning services. The Engineer has also completed pilot plant investigations, evaluations, preliminary engineering and the final design to expand the facility from 120 MGD to 200 MGD.

**SCOPE OF THIS SUPPLEMENT AND FEE:**

The requested additional appropriation will fund the Phase III- Construction Phase Services for year 2 and 3 and other additional services. In accordance with the terms of the contract, \$1,591,440.00 is budgeted as Basic Services computed by percentage of construction cost as detailed in the contract. Certain Additional Services are also proposed to be paid as lump sum or on reimbursable basis. These Additional Services are currently anticipated to include additional engineering support. The total Additional Services fee under the additional appropriation is \$208,041.00. Combined with the original and previous appropriation of \$21,826,839.00, the proposed appropriation of \$1,799,481.00, the requested additional appropriation will result in a revised total contract amount of \$23,626,320.00.

The total of the requested appropriation is \$1,979,429.00 to be distributed as follows: \$1,799,481.00 for Contract services and \$179,948.00 for project management.

**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 established for this Contract is 24%. The original contract and amendments total \$21,826,839.00. The Consultant has expended \$20,510,928.76 (93.97%) to date. Of this amount, \$4,879,467.46 (23.79%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will be increased to \$23,626,320.00. The Consultant has proposed the following firms to achieve this goal:

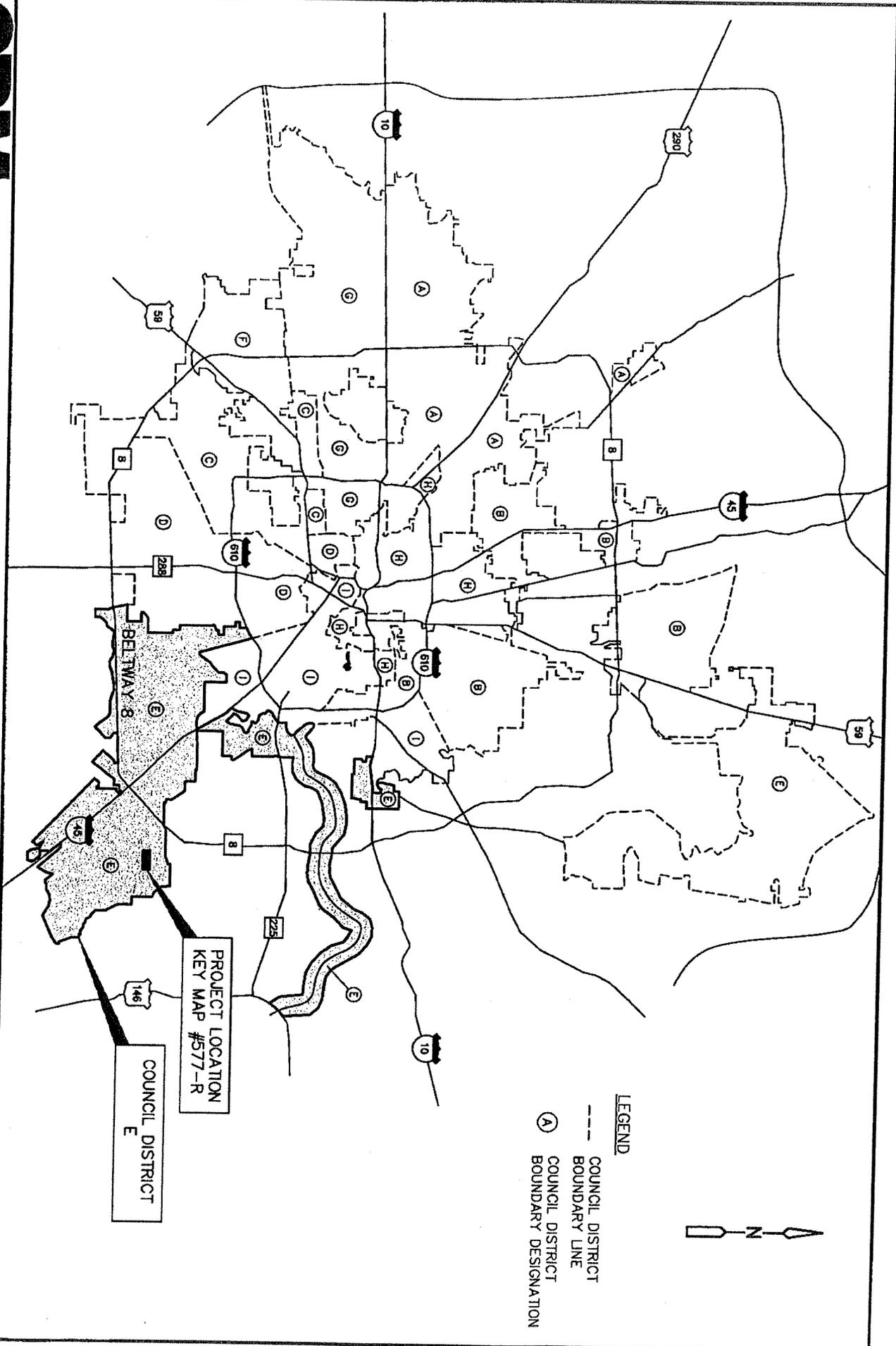
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Prior M/WBE	Various Services	\$4,879,467.46	20.65%
2. Kalluri Group, Inc.	Engineering Services	\$ 580,000.00	2.45%
3. Infrastructure Associates, Inc.	Engineering Services	\$ 75,000.00	0.32%
4. STOA International Architects, Inc.	Engineering Services	\$ 75,000.00	0.32%
5. Amani Engineering, Inc.	Engineering Services	\$ 50,000.00	0.21%
6. B & E Reprographics, Inc.	Reproduction Services	\$ 25,000.00	0.11%
<i>AZM</i>	<b>TOTAL</b>	<b>\$5,684,467.46</b>	<b>24.06%</b>

MSM:DRM:HH:SD:ACM

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c: Marty Stein Velma Laws Susan Bandy Mike Pezeshki, P.E. Craig Foster

File No. S-000012-0020-3 (3.7)



3050 Post Oak Boulevard, Suite 300  
 Houston, Texas 77056  
 Tel: (713) 423-7300 Fax: (713) 840-0173  
 TBPE Firm Registration No. F-3043  
 consulting • engineering • construction • operations

**CITY OF HOUSTON, TEXAS**  
 DEPARTMENT OF PUBLIC WORKS AND ENGINEERING  
**SOUTHEAST WATER PURIFICATION PLANT PHASE-1 80 MGD EXPANSION**  
**COUNCIL DISTRICT BOUNDARY MAP**  
**AREA MAP**  
 WBS No.: S-000012-0020-3  
 Date: JUNE 2009

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Neighborhood Sewer System Improvements - Sewer Improvements for AS087, Haskell Avenue and Rehabilitation of Westpark Lift Station #3. W.B.S. No. R-002011-0052-4

Page 1 of 2

Agenda Item # 46

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

Origination Date:

Agenda Date: SEP 02 2009

DIRECTOR'S SIGNATURE:

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

Council District affected:

D & G

For additional information contact:

Hamlet Hovsepian, P.E. Phone: (713) 837-7033 Interim Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding:

\$2,308,300.00 Water and Sewer System Consolidated Construction Fund No. 8500. U.P. 8/10/09

PROJECT NOTICE/JUSTIFICATION: This project is a part of the City's Neighborhood Sewer System Improvements program and is required to replace and upgrade existing sewer systems.

DESCRIPTION/SCOPE: This project consists of relocation of community sewers at meter basin AS087, Haskell Avenue/Schuler Street sewer replacement and rehabilitation of West Park Lift Station #3. The contract duration for this project is 460 calendar days. This project was designed by Infrastructure Associates, Inc.

LOCATION: The project neighborhood sewer improvements area is generally bound by Interstate I-10 on the north, Westheimer on the south, Taft on the east and Memorial Park on the west. West Park Lift Station #3 is located at 10601 1/2 Westpark Drive. The project is located in Key Map Grids 493-N, 492-F and 529-D.

BIDS: Bids were received on July 9, 2009. The ten bids are as follows:

Bidder	Bid Amount
1. Metro City Construction, L.P.	\$1,993,943.60
2. Reytec Construction Resources, Inc.	\$2,089,585.75
3. SER Construction Partners, Ltd.	\$2,148,493.20
4. Calco Contracting Ltd.	\$2,160,850.00
5. Triple B Services, L. L. P.	\$2,246,905.00
6. Texas Sterling Construction Co.	\$2,295,758.00
7. Huff & Mitchell, Inc.	\$2,310,410.00
8. Total Site, Inc.	\$2,474,831.35
9. E. P. Brady Ltd.	\$2,489,278.20
10. TRCU Ltd.	\$2,557,585.00

REQUIRED AUTHORIZATION

CUIC ID #20AKH17

NOT

Finance Department:	Other Authorization: Jun Chang, P.E., Deputy Director Public Utilities Division	Other Authorization: Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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**AWARD:** It is recommended that this construction contract be awarded to Metro City Construction, L. P. with a low bid of \$1,993,943.60 and Addenda Numbers 1 and 2 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$2,308,300.00 to be appropriated as follows:

- Bid Amount \$1,993,943.60
- Contingencies \$ 99,697.18
- Engineering and Testing Services \$ 95,000.00
- Project Management \$ 119,659.22

Engineering and Testing Services will be provided by HVJ Associates, 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 10% MBE goal, and 8% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Vaca Underground Utilities, Inc.	Underground Utility Work	\$119,636.61	6.00%
2. Work Zone Products, Inc.	Products, Pipe, Valve & Fittings	\$ 19,939.45	1.00%
3. D. Solis Trucking Company, Inc.	Hauling of Dirt/Sand/Gravel	\$ 59,818.30	3.00%
<b>TOTAL</b>		<b>\$199,394.36</b>	<b>10.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. El Dorado Paving Company, Inc.	Asphalt and Concrete Paving	\$159,515.48	8.00%
<b>TOTAL</b>		<b>\$159,515.48</b>	<b>8.00%</b>

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

MSM:DRM:HH;EN:BZ:AKH:pa  
 c: Marty Stein  
 Velma Laws  
 Susan Bandy  
 Mike Pezeshki, P.E.  
 File R-2011-52-2



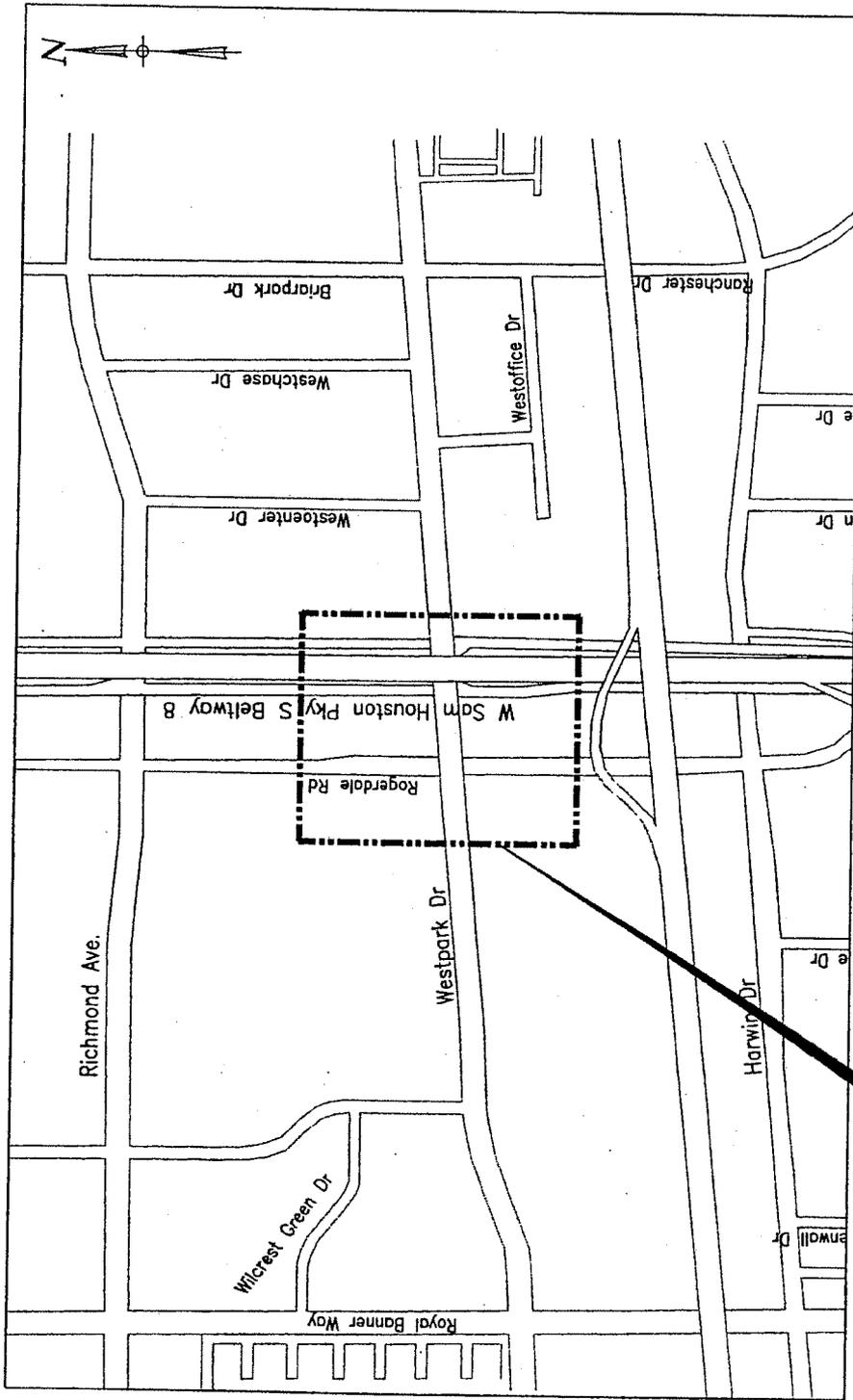
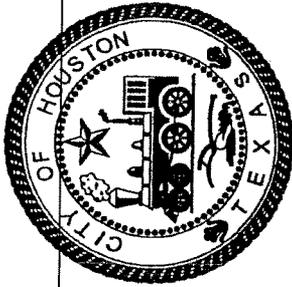


DEPARTMENT OF PUBLIC WORKS & ENGINEERING  
ENGINEERING & CONSTRUCTION DIVISION

NEIGHBORHOOD SEWER SYSTEM IMPROVEMENTS

GFS NO. R-2011-52-2, FILE NO.: WW4914

NEW SEWER TO ELIMINATE TEMPORARY LS ON WESTPARK



PROJECT  
AREA

KEYMAP NO. 529 D  
GIMS MAP # 4955A

VICINITY MAP



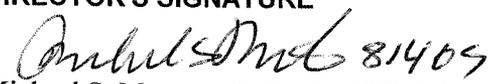
INFRASTRUCTURE ASSOCIATES, INC.  
6117 RICHMOND AVENUE, SUITE 100  
HOUSTON, TEXAS 77057  
(713) 622-0120 PH (713) 622-0557 FAX  
www.infra-assoc.com

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method WBS# R-000295-0026-4	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  47
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  8/20/09	<b>Agenda Date</b>
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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:** \$3,616,512.00 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. 7/30/09*

**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.

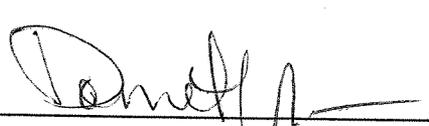
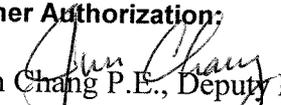
**DESCRIPTION/SCOPE:** This project consists of sanitary sewer rehabilitation by cured-in-place pipe method. The contract duration for this project is 540 calendar days.

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

**BIDS:** Four (4) bids were received on April 23, 2009 for this project as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. RePipe Construction, LTD.	\$3,401,440.13
2. Spiniello Companies	\$3,534,930.67
3. Insituform Technologies, Inc.	\$3,583,665.31
4. Reynolds Inliner, LLC.	\$3,852,765.28

**File/Project No. WW 4258-40**      **REQUIRED AUTHORIZATION**      **CUIC# 20DHB283** NOT

Finance Department	<b>Other Authorization:</b>  	<b>Other Authorization:</b>   Jun Chang P.E., Deputy Director Public Utilities Division
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<b>Date</b>	<b>Subject:</b> Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000295-0026-4	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction contract be awarded to RePipe Construction, LTD., with a low bid of \$3,401,440.13.

**PROJECT COST:** The total cost of this project is \$3,616,512.00 to be appropriated as follows:

- Bid Amount \$3,401,440.13
- Contingencies \$170,071.87
- Engineering Testing Services \$45,000.00

Engineering Testing Services will be provided by HTS 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/WSBE PARTICIPATION:** The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 15.00%, WBE participation of 5.00%, and SBE participation of 5.00%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Chief Solutions, Inc.	Clean & Televiser Sewer Lines	\$170,072.01	5.00%
Standard Cement Materials, Inc.	Manhole Rehabilitation	\$170,072.01	5.00%
CBL Industries, LLC	Asphalt/Paving	\$170,072.01	5.00%
	<b>TOTAL</b>	<b>\$510,216.03</b>	<b>15.00%</b>

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Choctaw Pipe & Equipment, Inc.	Supplies	\$170,072.01	5.00%
	<b>TOTAL</b>	<b>\$170,072.01</b>	<b>5.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
5M Rope & Supply, LLC	Supplies	\$170,072.01	5.00%
	<b>TOTAL</b>	<b>\$170,072.01</b>	<b>5.00%</b>

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

*rk:JDR*

MSM:JC:DHB:RK:JI:DR:mf

cc: Marty Stein  
Jun Chang, P.E.  
Susan Bandy, CPA  
Velma Laws  
Hamlet Hovsepian, P.E.  
File No. WW 4258-40

**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*

*48 36*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**  
August 19, 2009

**Agenda Date**  
~~AUG 20 2009~~

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

*SEP 02 2009*

ALL

**For additional information contact:**

Juan Olguin *JFO* Phone: (713) 837- 9623  
Nikki Cooper *NW* Phone: (713) 837- 9889

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
REVENUE

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. A-GAIA America

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

Finance Director:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**

Ordinance granting a Commercial Solid Waste Operator Franchise

**Category #**

*3rd reading*

**Page 1 of 1**

*49 37 24*

**Agenda Item#**

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

**Origination Date**  
August 12, 2009

**Agenda Date**

~~AUG 19 2009~~

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

SEP 02 2009

ALL

**For additional information contact:**

Juan Olguin Phone: (713) 837- 9623  
Nikki Cooper Phone: (713) 837- 9889

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002;  
Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
REVENUE

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. RW Jaynes LLC DBA Intra-Services Waste Transport

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:**

50  
SEP 02 2009

MOTION NO. 2009 0623

MOTION by Council Member Khan that an item be placed on the Agenda of September 2, 2009, to receive nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for the current unexpired term ending June 30, 2011.

Seconded by Council Member Adams and carried.

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

Council Member Jones absent on personal business

PASSED AND ADOPTED this 26th day of August, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 1, 2009.

City Secretary

51

SEP 02 2009

MOTION NO. 2009

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from William Bickerstaff of W. W. Bickerstaff and Associates, Incorporated, 3100 Edloe Street, Suite 290, Houston, Texas, 77027, on behalf of Candlelight Development Joint Venture (Alvin L. Freeman, Manager and Tom L. Shepard, Manager), for the abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4 and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544, Parcel No. SY9-096, be adopted as follows:

1. The City abandon and sell of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4 and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the subject property being abandoned and sold;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the City's property interest is not expected to exceed \$50,000.00, that the value be established by a City staff appraisal or an independent appraiser appointed by the Director of Public Works and Engineering.

Seconded by Council Member Sullivan

Mayor White and Council Member Noriega absent

Council Member Jones absent on personal business

On 0826/2009 the above motion was tagged by Council Member Lawrence.

mla

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Request for the abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. <b>Parcel SY9-096</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 518
	<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 8/20/09

<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<b>Council District affected:</b> A	SEP 02 2009
<b>For additional information contact:</b>  Nancy P. Collins  Senior Assistant Director-Real Estate <b>Phone:</b> (713) 837-0881	<b>Key Map:</b> 452E	

<b>For additional information contact:</b>  Nancy P. Collins  Senior Assistant Director-Real Estate <b>Phone:</b> (713) 837-0881	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a motion authorizing the abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. **Parcel SY9-096**

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

**SPECIFIC EXPLANATION:**

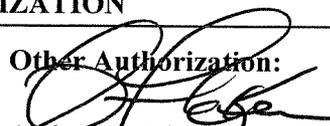
William Bickerstaff of W. W. Bickerstaff and Associates, Incorporated, 3100 Edloe Street, Suite 290, Houston, Texas 77027, on behalf of Candlelight Development Joint Venture (Alvin L. Freeman, Manager and Tom L. Shepard, Manager), requested the abandonment and sale a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. Candlelight Development Joint Venture, the property owner, plans to build single family homes on the site.

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

1. The City abandon and sell a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the subject property being abandoned and sold;
4. The Legal Department be authorized to prepare the necessary transaction documents; and

tj\sy9-096.rc1.doc CUIC #20TJ9080

REQUIRED AUTHORIZATION

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. <b>Parcel SY9-096</b>	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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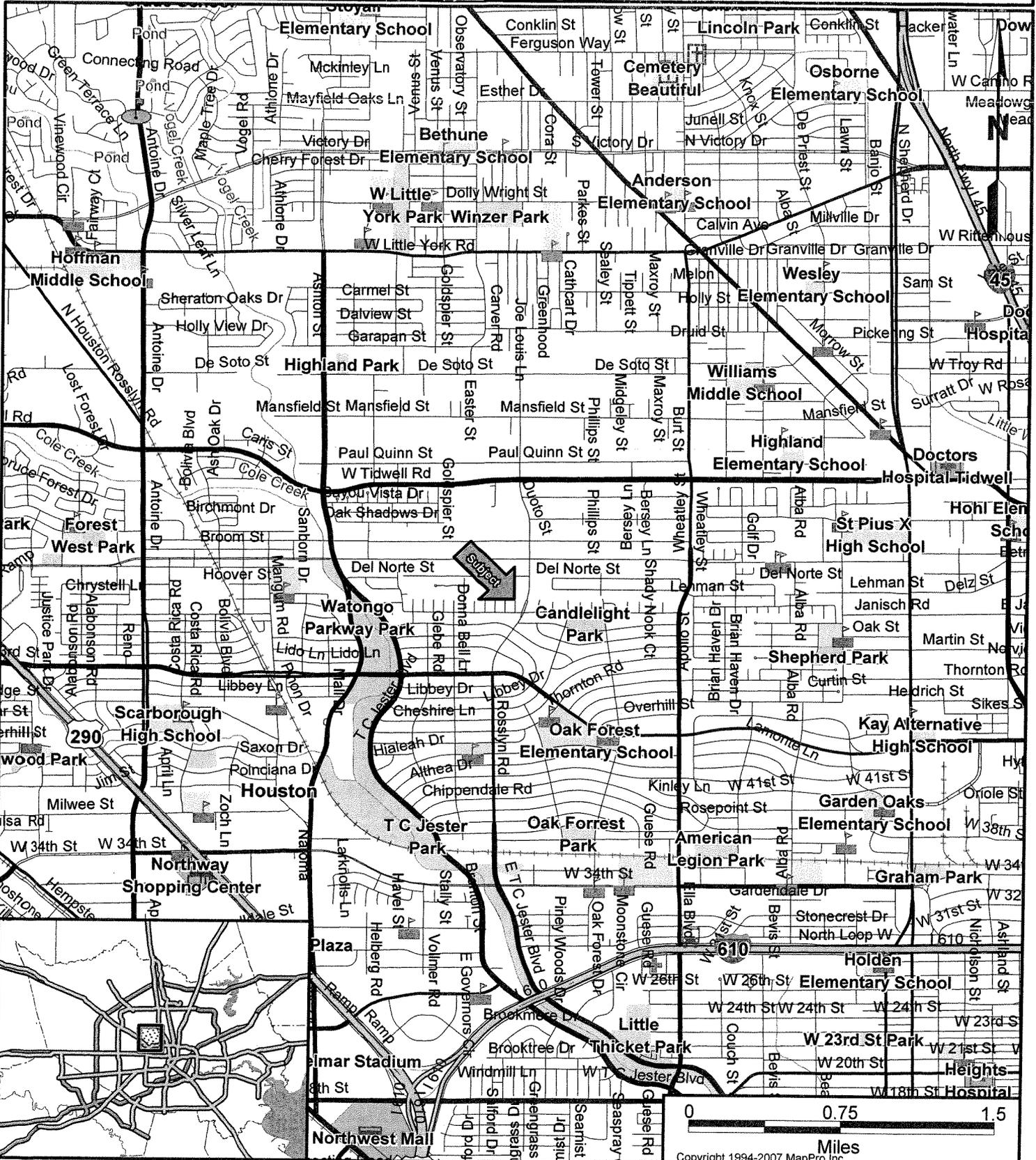
5. In as much as the value of the City's property interest is not expected to exceed \$50,000.00, that the value be established by a City staff appraiser or an independent appraiser appointed by the Director of Public Works and Engineering.

MSM:NPC:tj

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

# LOCATION MAP

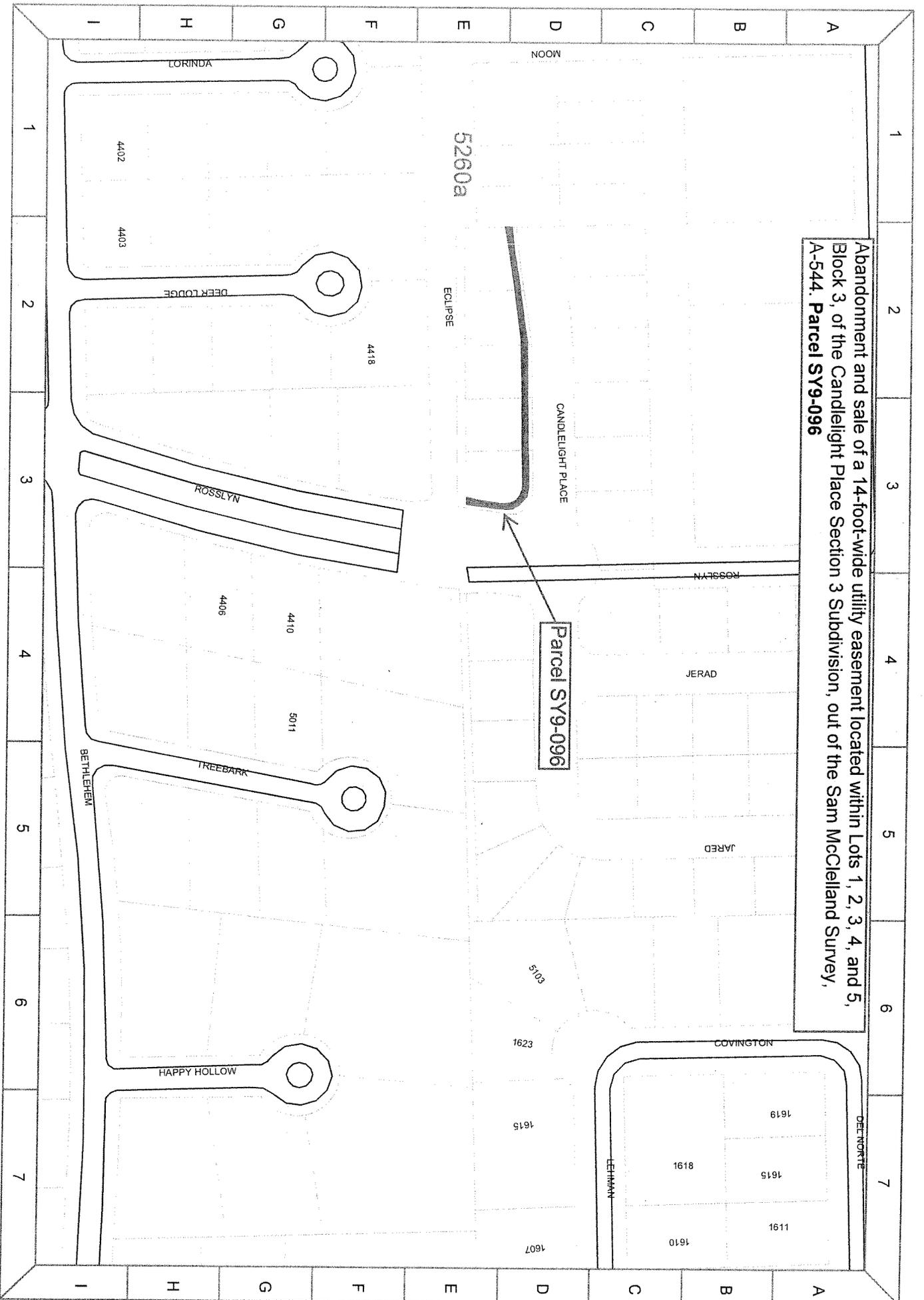
**Description:** Abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. **Parcel SY9-096**



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

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Abandonment and sale of a 14-foot-wide utility easement located within Lots 1, 2, 3, 4, and 5, Block 3, of the Candlelight Place Section 3 Subdivision, out of the Sam McClelland Survey, A-544. Parcel SY9-096



1 inch equals 150 feet

01203040  
 Feet



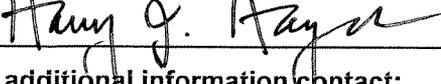
**CITY OF HOUSTON**

**Department of Public Works & Engineering**

Geographic Information & Management System (GIMS)

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



<b>SUBJECT:</b> Ordinance amending the Solid Waste and Litter Control Code (Chapter 39 of the Houston Code of Ordinances) to provide for updated definitions, establish updated fee structure for various solid waste services, and provide for language related to the use of bio-degradable bags in yard waste collection.		<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 527#
<b>FROM (Department or other point of origin):</b> Solid Waste Management Department		<b>Origination Date:</b>	<b>Agenda Date</b> <del>AUG 26 2009</del>	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District Affected:</b> All		SEP 02 2009
<b>For additional information contact:</b> Harry Hayes: 713 837 9013		<b>Date and identification of prior authorizing Council Action:</b>		

**RECOMMENDATION: (Summary)** Adopt an Ordinance revising the Solid Waste and Litter Control Code (Chapter 39 of the Houston Code of Ordinances), including updates to definitions, service fees and the addition of bio-degradable bag related language.

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

Several provisions of the Solid Waste and Litter Control Code (Chapter 39 of the Houston Code of Ordinances) have not been comprehensively updated for up to twenty five plus years. There is a need to bring definitions and other language "up-to-date" and in conformance with current city solid waste collection activities and practices, thereby providing more clarity to the code.

In 2006 Mayor White appointed a Solid Waste Task Force to examine the city's Solid Waste Management system's long term financing needs. After several months of meeting, the Task Force's final report was presented to the Mayor and City Council in March of 2007. The Task Force indicated that waste reduction was critical to the future financial health of the city as it relates to competition for general fund dollars. The report stated "every city general fund dollar spent on excessive or inefficient waste removal and disposal is a dollar that could be used to fund police and fire services, libraries and parks." In addition, the Task Force noted that the City of Houston is unique in that it does not have a solid waste system which is user supported, particularly for services beyond basic garbage collection.

To address the Task Force's recommendation, the Solid Waste Management and Legal Departments have completed a thorough review of Chapter 39 for the following: service descriptions, legal terms, service changes and costs to provide certain extra services based on current market data. Data have revealed that the fees for many extra services have been woefully short of the department's actual costs. An example of this is dead horse collection for private animal owners. The department will currently provide dead horse collection for a private animal owner for a 1970's era rate of \$25.00, even though market data reveal the cost to be \$250.00 minimum, and the department's own cost to provide the service is in the \$90.00 range.

In accord with the Task Force recommendations, the Solid Waste Management Department has studied the use of compostable bags and with the current recommendation of the Sustainability Committee, proposes that only compostable bags be used for the collection of yard waste. Chapter 39 has been updated to include a definition of "biodegradable bags" and Section 39-67 has been revised to reflect this required use of biodegradable bags for the collection of yard waste.

The Solid Waste Task Force also specified the following, "... SWD should be put on a course of gradual change with the ultimate goal of providing services at levels similar to Houston's peer cities with the cost borne by those who receive the services." The Task Force report also states that it would like to see "... increased conservation to preserve landfill air space and adequate funding for responsible and efficient solid waste services." In light of these comments, current solid waste fees for "extra", special-type services were reviewed to determine whether rates are suitable. It was determined that rates, in some cases, have not been adjusted for thirty (30) years. New rates, based on CPI increases, have been proposed for "non-residential collection", "extra container collection", "dead animal", and "tags for bags" services.

**CHAPTER 39 OF THE HOUSTON CODE OF ORDINANCES**  
**SOLID WASTE AND LITTER CONTROL**

<u>Program</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
<p><b>1.) Non-Residential:</b> This covers small businesses that do not generate enough garbage to warrant a large dumpster. They can request up to a maximum of three (3) – 95 gallon garbage carts. Fee is charged for each cart requested.</p>	\$13.50/month	\$22.22/month
<p><b>2.) Extra Capacity Container:</b> This covers residential customers that generate more garbage than can fit in one (1) – 95 gallon garbage cart. Maximum of two (2) additional 95 gallon garbage carts can be requested. Fee is charged for each cart above the one (1) initial cart provided.</p>	\$7.50/month	\$15.15/month
<p><b>3.) Tags For Bags:</b> This covers residential and non-residential customers that occasionally generate extra garbage but not enough to warrant paying for an additional garbage cart. Tags can be purchased at local retailers that can be placed on a garbage bag to identify acceptability for collection.</p>	\$1.00/tag	\$2.00/tag
<p><b>4. Large Dead Animal Collection:</b> This covers collection of privately owned large dead animals such as horses and cows whereby the owner is willing to pay the City as a contractor to remove their private animal.</p>	\$25.00	\$90.00

74  
AUG 26 2009

Chapter 39

SOLID WASTE AND LITTER CONTROL

ARTICLE I. IN GENERAL

Sec. 39-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a public right-of-way that is used only for secondary access to individual properties that have their primary access from an adjacent public street or an approved common or compensating open space or courtyard that has direct access to a public street.

*Automated collection service* means the collection of garbage or trash with the use of a standard automated side-loader truck. The term also includes semi-automated collection service authorized by the director pursuant to section 39-62(d) of this Code.

*Automated service container* means a city-issued rolling, molded plastic container, equipped with a lid, capable of holding not more than 96 gallons, and designed and intended to be collected by means of a garbage collection vehicle designed to be operated by a single individual person without the necessity of leaving the cab of the truck.

~~Basic collection service means the collection of residential garbage or trash by the city effected by the use of a garbage truck manufactured or configured to permit the driver to collect the garbage and rubbish from automated service containers placed at the edge of the public street curblin or edge of paving by means of a mechanical device operated by the driver without the necessity of leaving the cab of the truck. The term also includes the collection of garbage or trash in one-way containers pursuant to section 39-62(c)(3) of this Code.~~

*Basic garbage collection service* means automated collection service and other basic collection services.

*Biodegradable bag* means a transparent disposable bag made of bio-polymers, compostable plastics, or any other synthetic or natural organic material that has sufficient strength and quality to securely contain a capacity of not more than 35 gallons and meets the American Society for Testing & Materials (ASTM) D6400-04 Standard Test Method for Compostable Plastics. The bags must be approved in writing by the director and be marked with a logo or other identifier approved in writing by the director.

*Bulk container* means any container used for the collection and/or disposal of solid waste that is designated and intended:

- a. To be transported from the premises where it is used by mechanical means with its contents to the dumpsite; or
- b. To be emptied by mechanical means upon the premises where it is used into a waste transport vehicle.

Without limitation, the term includes the "dumpster" type containers that are commonly used in multifamily residential, commercial, industrial and public locations. Provided, that the term shall not include the ~~rolling~~ automated service containers that are furnished by the city and similar containers

furnished and used by private collection contractors to residents where basic in the course of their collection service equipment is utilized business.

*Bulk container service provider* means the owner of the bulk container, provided that if a person other than the owner is contractually or otherwise obligated to transport the bulk container and/or its contents for disposition, then it shall mean the person providing such service.

*Central business district* means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

*City collectors* means employees of the department or private contractors of the city actively engaged in the collection of solid waste.

*Curblin*e means an imaginary line drawn along the edge of the pavement on either side of a public street; the curblin

e shall include the area three feet beyond said imaginary line on the residence side of the line.

*Department* means the department of solid waste management.

*Director* means the director of the department of solid waste management or the director's duly authorized representative.

*Extra capacity service* means the collection of garbage or trash in automated service containers or one-way containers pursuant to section 39-62(a) of this Code.

*Garbage* means abandoned, discarded or unwanted putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food, including such materials from food markets, food storage facilities, food handling, and the sale of produce and other food products.

~~*Heavy or oversize trash* means any rubbish or trash generated upon the premises of a residential unit and of such size or weight that it cannot be containerized pursuant to section 39-62 of this Code and is not subject to collection pursuant to section 39-64 of this Code including, but not limited to, major appliances and tree limbs having a diameter of three inches or more.~~

*Junk* means any rubbish or trash generated upon the premises of a residential unit and of such size or weight that it cannot be containerized pursuant to this chapter, including, but not limited to, major appliances.

*Houston Downtown Management District* means the district created by Subchapter A of Chapter 376 of the Texas Local Government Code.

*Litter* means uncontrolled and improperly containerized garbage or trash on public or private property.

*One-way container* means a disposable bag made of plastic film or of any other synthetic or natural organic material that has sufficient strength and quality to securely contain a capacity of not more than 35 gallons.

Other basic collection services means yard waste collection, junk collection, tree waste collection, and dead animal collection.

*Public street* means the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, which is the responsibility of the city or other similar public agency to maintain, ~~and over which the city has legislative jurisdiction under its police power.~~

*Recyclable material* means material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste; however, recyclable material may become rubbish at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be rubbish with respect only to the party actually abandoning or disposing of the material.

*Residential unit* means any occupied structure within the city limits of the city devoted to single-family residential use. Residential unit shall include, but not be limited to, houses, duplexes, condominiums, townhouses, townhomes, trailer homes, and manufactured homes located in platted communities with individually-owned lots, and patio homes. The term shall also include each apartment in an apartment project or community containing eight or fewer individual units. ~~Residential unit~~ The term shall not include units located in apartment projects or communities containing more than eight individual units, any unit in any hotels, motels, or boarding houses, trailer homes and manufactured housing located in rental communities, or other similar rental units.

*Rubbish or trash* means abandoned, discarded or unwanted non-putrescible solid waste materials consisting of both combustible and noncombustible waste materials; combustible rubbish or trash shall include feathers, paper, rags, cartons, boxes (flattened and tied), wood, excelsior, nonmetallic furniture, rubber, plastics, yard trimmings, shrubs, leaves, and similar materials; noncombustible rubbish or trash shall include glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit); provided that, rubbish or trash shall not include bulk quantities of building materials or major automotive components, and the city shall not be required to pick up such materials.

*Sponsorship agreement* means a reimbursement agreement between the city and a civic or ~~homeowner's~~ homeowners' association or other qualified entity for the purpose of partially offsetting the cost incurred by the association or qualifying entity in assuming the responsibility for all basic garbage collection services to residential units eligible for such services pursuant to this chapter 39 of this Code in certain defined areas of the city.

*Solid waste* means "municipal solid waste" as that term is defined in the Texas Solid Waste Disposal Act; waste resulting from the construction or demolition of any structure; and any other type of solid waste as defined in Section 330.2 of the Texas Administrative Code and any amendments thereto.

Standard automated side-loader truck means a truck manufactured or configured to permit the driver to collect the garbage and rubbish from automated service containers, placed at the curblane, by means of a mechanical device operated by the driver without the necessity of leaving the cab of the truck.

*Trash.* See *rubbish or trash.*

Tree waste means tree limbs, branches, and trunks greater than three inches in diameter.

~~Yard waste means grass, shrubs, or other plant clippings, leaves, and tree limbs meeting the requirements of section 39-64 of this Code.~~

**Sec. 39-2. Disturbing or removing contents of containers.**

(a) It is unlawful for any person to intentionally, knowingly or recklessly handle, scavenge from, disturb, or remove any contents of any bin, bag, or other container that has been placed for collection of garbage, trash or recyclable materials at the designated location for pickup by the department, or for pickup by any other public or private collection service.

(b) It is a defense to prosecution under this section that the accused is the person who placed or caused the bin, bag or container to be placed for collection or that the accused is an agent or employee of the city.

**Sec. 39-3. Littering generally.**

With the exception of containers and items placed for pickup in conformity with the conditions for pick up and the times authorized pursuant to this chapter, no provision contained in this chapter shall be construed as constituting the permission of the city for the deposit of solid waste upon sidewalks, public streets, curbs or other public places of the city. Any deposit which does not conform in all respects with the provisions set forth in this chapter shall constitute an unlawful deposit of litter which shall be punishable as provided by law.

**Sec. 39-4. Penalties; enforcement.**

(a) When in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision shall be punishable upon first conviction by a fine of not less than \$50.00 nor more than \$2,000.00 and upon each subsequent conviction by a fine of not less than \$250.00 nor more than \$2,000.00. Each day that any violation continues shall be punishable as a separate offense. To the extent that any conduct in violation of this chapter also constitutes a violation of state penal laws, then it shall be punishable as provided in the applicable state law.

(b) The remedies in this chapter are not exclusive. The city attorney is authorized to file and prosecute any other action authorized at law or in equity to abate any unsanitary condition or unlawful disposal of waste.

**Sec. 39-5. Remedies cumulative.**

This chapter is cumulative of other laws. To the extent of inconsistency between the provisions of this chapter and any other ordinance of the city, the more restrictive shall apply.

**Secs. 39-6--39-15. Reserved.**

**ARTICLE II. DEPARTMENT OF SOLID WASTE MANAGEMENT**

**Sec. 39-16. Created.**

There is hereby created a department of the city to be designated the department of solid waste management.

**Sec. 39-17. Director.**

There is hereby created the office of the director of solid waste management. The director shall be the head of the department and shall be appointed by the mayor and confirmed by the city council.

**Sec. 39-18. Duties.**

The department and the employees assigned to the department shall:

- (1) Supervise and be responsible for the collection, transportation and disposal of solid waste.
- (2) Carry out the policies of the mayor and city council in the overall planning effort to develop a reliable and efficient method for solid waste disposal.
- (3) Have such other duties and responsibilities as may be assigned by the mayor and city council.

**Secs. 39-19--39-29. Reserved.**

**ARTICLE III. HOUSTON CLEAN CITY COMMISSION**

**Sec. 39-30. Created; purpose.**

There is hereby established the Houston Clean City Commission to direct and oversee a comprehensive litter control program for the purpose of reducing and controlling to an acceptable level the concentration of litter in the city and to bring about a long-term improvement in the attitudes and trash handling habits of citizens.

**Sec. 39-31. Litter defined.**

As used ~~herein~~ in this article, the term "litter" shall mean uncontrolled and improperly containerized ~~refuse~~ garbage or trash on public or private property.

**Sec. 39-32. Composition; appointment of members.**

The Houston Clean City Commission shall consist of not more than 50 members to be appointed by the mayor and confirmed by city council. Members shall be community leaders representing the civic, business, and governmental segments of the city. Nine members shall be designated as district members for positions lettered A through I and shall be residents of the city single-member council district which bears the letter corresponding to the position to which the district member is appointed. In the event a district member's place of residence is redistricted from one council district to another during the term of the member's office, that member shall not be disqualified but shall serve the remainder of the term and until a successor is appointed and confirmed. Up to 41 members may be designated as members-at-large for positions numbered 1 through 41, as required. One at-large-member shall be the director of the solid waste management department or his designee; one shall be the director of the health and human services department or his designee; and one shall be the director of the public works and engineering department or his designee. Among the remaining members-at-large, the mayor may appoint and city council may confirm up to 11 persons who do not reside within the city to serve as nonresident members-at-large.

**Sec. 39-33. Terms of members.**

The members of the Houston Clean City Commission shall serve the following terms:

- (1) The terms of office for members-at-large who hold even-numbered positions shall expire on February first of even-numbered years.
- (2) The terms of office for members-at-large who hold odd-numbered positions shall expire on February first of odd-numbered years.
- (3) The terms of office for district members shall expire on February first of the second year following the year of their appointment.
- (4) Members whose terms have expired shall continue to serve until their successors are appointed and confirmed or their positions are eliminated due to a reduction in the size of the Commission.
- (5) The terms of office for the three department directors shall coincide with the tenure of their appointments as director of the solid waste management department, as director of the health and human services department and as director of the public works and engineering department, respectively.

**Sec. 39-34. Compensation.**

Members of the Houston Clean City Commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the commission, or the firm, company or corporation with whom the commissioner is associated, shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the commissioner's duties as a commissioner of the Houston Clean City Commission and, provided further the commission may hire or secure the services of a full-time program director to administer the clean city program.

**Sec. 39-35. Chairman.**

The Houston Clean City Commission shall organize by electing one of its members as chairman; such chairman shall hold office for one year or until his successor has been elected and qualified.

**Sec. 39-36. Adoption of administrative procedures.**

The Houston Clean City Commission may adopt such administrative procedures as are necessary to accomplish the purposes set out in this article.

**Sec. 39-37. Reports.**

The Houston Clean City Commission shall, each quarter, during the months of January, April, July and October submit a written report to the mayor and city council summarizing the status of the clean city program.

**Sec. 39-38. Consultation with city officers and departments.**

The director and other city officers and staffs of city departments may consult with and advise the Houston Clean City Commission from time to time on matters coming within the scope of this article and the commission may consult with and advise such city officers and personnel of such departments.

**Sec. 39-39. Solicitation of funds.**

The Houston Clean City Commission shall have the authority to solicit funds and donations to carry out the purposes for which it is established.

**Secs. 39-40--39-47. Reserved.**

**ARTICLE IV. COLLECTION SERVICES**

**DIVISION 1. GENERALLY**

**Sec. 39-48. Limited to residential units within city.**

Except as otherwise provided in this article, the city shall provide garbage and rubbish collection service only to eligible residential units. This section shall not prohibit separate contracts approved by the city council for additional service outside the terms of this article. The city shall provide garbage and rubbish collection service only within the city limits.

**Sec. 39-49. Collection from nonresidential units.**

(a) ~~Garbage or rubbish shall be collected by the city from nonresidential units only if such nonresidential units are eligible for automated collection service and extra capacity service only, and only if qualified for such service under the terms of this section and comply with the provisions hereof.~~

(b) Any nonresidential unit seeking city ~~garbage and rubbish~~ automated collection service; or extra capacity ~~collection services as defined in section 39-62 of this Code,~~ service shall apply for same in writing to the director on forms provided by the director. The director shall then grant such service, provided that the director finds in writing that such nonresidential unit meets all of the following requirements:

- (1) The cost to the city of providing service to such nonresidential unit is not unduly prohibitive.
- (2) The nonresidential unit is located immediately adjacent to existing established residential routes which may be easily extended to provide the nonresidential unit with service.
- (3) The city has the capability in terms of personnel and equipment to provide the nonresidential unit with service.
- (4) Providing the nonresidential unit with the service will best serve the public convenience and necessity of the city.
- (5) The director shall be given written permission by the owner, lessee or authorized agent of any publicly or privately owned property to enter the premises and make inspections to determine whether or not ~~refuse~~ garbage and rubbish is being properly stored, collected, removed and disposed of as required by the provisions of this chapter. If it is found that this chapter is being violated, appropriate and timely action shall be taken to ensure full compliance with same.

- (6) The nonresidential unit is not a medically-related facility, such as, but not limited to, hospitals, medical centers, health clinics, dental labs, medical labs, mortuaries and veterinary hospitals.

(c) Any nonresidential unit approved for city ~~garbage and trash automated~~ collection service; or the extra capacity collection services described in section 39-62 of this Code, service shall comply with all other appropriate terms and provisions of this chapter and, where appropriate, pay extra capacity collection service fees, as if the nonresidential unit were a residential unit.

(d) ~~If the route on which the approved nonresidential unit is situated has conventional collection service, then the city collectors will pick up the contents of no more than three disposable (one-way) containers each having a capacity not exceeding 35 gallons of garbage and rubbish complying with this chapter from the nonresidential unit.~~ On each day that automated collection service is provided on the route: ~~If for the route on which the approved nonresidential unit is situated has automated collection service, then the city collectors will pick up the contents of not more than three rolling automated collection containers, each having a capacity of 90 gallons, on each day that service is provided on the route, and any disposable (one-way) automated service containers and any occasional one-way containers to which an occasional extra capacity collection service tag has been affixed.~~

(e) Any nonresidential unit denied ~~garbage and rubbish automated~~ collection; service or extra capacity collection service; by the director under this section may appeal the director's decision to city council pursuant to Rule 12 of the Council Rules of Procedure by filing notice of appeal with the city secretary, with a copy to the director, within 30 days of receipt of the director's written notice of denial of service.

(f) There is hereby imposed a monthly fee of ~~\$13.50~~ \$22.22 per calendar month or any portion thereof for ~~garbage and rubbish automated~~ collection service under this section. The fees for each additional rolling automated collection service container or occasional extra collection capacity service tag requested shall be those set forth in section 39-62(e-g) of this Code and shall be paid annually in advance in accordance with billing procedures established by the director; provided that upon presentation of a city water account number and advance payment of the first monthly extra capacity service fee for each additional automated service container requested, a water customer of the city desiring extra capacity collection service may be billed monthly pursuant to section 39-668 of this Code. City collectors ~~Field collection personnel~~ are not authorized to receive payment of any fee. No extra capacity collection service shall be rendered to any person who has failed to make payment in advance.

#### **Sec. 39-50. Materials to be picked up by department.**

(a) The director shall promulgate rules that establish the ~~content of items~~ that will be picked up by ~~department personnel. For regular collection services, city collectors.~~ The items will be limited to those that may be accepted at a type I municipal solid waste site in accordance with applicable state and federal laws and regulations and the terms of the city's contracts with the site operators. For ~~heavy or oversize trash junk~~ collection services, items will be limited to those that may be accepted at a type IV municipal solid waste site in accordance with applicable state and federal laws and regulations and the terms of the city's contracts with the site operators. For ~~recyclables~~ tree waste, yard waste, and recyclable material, the items will be accepted based upon applicable laws and regulations and the city's contracts with purchasers of items to be recycled. The director may impose further restrictions upon items or quantities of items to be collected based upon the safety of ~~department personnel city collectors~~ and the capability and capacity of departmental collection equipment. The director shall similarly establish rules for neighborhood depository and adopt-a-container services.

(b) Copies of the rules shall be maintained in the director's office and the city secretary's office. Additionally, copies shall be posted at neighborhood depository sites and adopt-a-container sites and made available to residents upon request.

(c) ~~Department personnel~~ City collectors shall not accept any materials that are not authorized for collection under the rules. To the extent that any items placed for collection are mixed so as to include both authorized and unauthorized items, ~~department personnel~~ city collectors shall not be obliged to sort the materials and may refuse the entire lot.

(d) Except as provided in section 39-49 of this Code, the collection services shall be limited to the collection and acceptance of ~~waste garbage or rubbish~~ generated by residential users in connection with activities that are incidental to their use of their property for residential purposes and waste generated upon a vacant residential lot that is generated in connection with the maintenance of that vacant residential lot. The department shall not collect or accept any other waste. It shall be unlawful for any person to place items for collection by ~~the department~~ city collectors at the curblineline of any property except as authorized herein.

(e) The department shall not collect or accept bulky items, such as construction debris or debris from the trimming or removal of trees, unless generated by work performed by the residents of the property upon which the waste was generated, rather than by contractors retained to do the work. It is the duty of contractors who are performing work at residential units to which the department renders service to remove and lawfully dispose of construction debris, tree waste and similar bulky items or to cause the materials to be removed by private collectors, rather than to leave the materials upon the property for collection by ~~department personnel~~ city collectors.

**Secs. 39-51--39-60. Reserved.**

#### DIVISION 2. CONTAINERS, ETC.

**Sec. 39-61. ~~Defective or, overloaded, or nonconforming~~ containers.**

(a) No person shall use or cause to be used or place or cause to be placed for collection by city or private collectors any garbage or rubbish container ~~which that~~ that:

- (1) Is not of such construction as to have a lid or other closure means ~~which that~~ will effectively prevent the spillage or airborne loss of its contents and the entry of vectors or elements of nature; or
- (2) It is ~~is~~ overloaded so that the lid will not fit securely thereon, or if not equipped with a lid is not securely bound or fastened at the open end; or, or
- (3) Is deteriorated to the extent of endangering collectors or to the extent that the lid will not fit securely or the contents are otherwise not effectively contained therein; or
- (4) For yard waste bags, are not securely bound on the open end; or
- (5) The combined weight of the garbage, rubbish and container exceeds 50 pounds; or
- (6) Contains pet feces, unless such feces are wrapped separately and securely to avoid spillage, and placed so that its odor is not offensive to collection crews or the general public.

(b) City collectors shall not be obligated to service any garbage or rubbish container that does not contain garbage or rubbish as herein defined or that is not placed or prepared as set forth in this chapter.

**Sec. 39-62. General specifications.**

~~(a) Based upon the availability of service equipment and the economies of its use, the director shall establish service routes and designate which areas of the city shall receive conventional collection service and which shall receive automated collection service.~~

~~(b) The following specifications and service conditions shall apply on routes receiving conventional collection to residential units serviced by city collectors:~~

~~(1) The combined weight of the garbage, rubbish and container shall not exceed 50 pounds.~~

~~(2) Except as provided in item (4) of this subsection, garbage and rubbish shall be placed in containers of not more than 35 gallons capacity. Pet feces must be wrapped separately and securely to avoid spillage, and placed so that its odor is not offensive to collection crews or the general public.~~

~~(3) Disposable (one-way) containers made of plastic film or of any other synthetic or natural organic material which has sufficient strength and quality to securely contain a capacity of not more than 35 gallons of garbage or rubbish shall be required for residential service.~~

~~(4) An unlimited number of containers will be serviced by the city on a schedule designated by the director and based upon the capability and capacity of available equipment, the safety of the city's collectors and the capabilities of the disposal sites used by the city.~~

~~(5) Yard waste need not be separated and may be combined with other materials placed for collection in the same disposable container.~~

~~(c) The following specifications and service conditions shall apply on routes receiving automated collection service by city collectors:~~

~~(1) Each residential unit shall be required to separate yard waste from other items to be placed for collection.~~

~~(2) The department shall loan, without charge, one rolling automated collection service container having a capacity of 90 gallons to the resident(s) of each residential unit serviced by city collectors. Upon request, the resident(s) of a residential unit shall be provided up to two additional 90-gallon rolling automated collection service containers upon advance payment by money order or cashiers check of an annual monthly extra capacity service fee of ~~\$90.00~~ \$15.15 per automated service container. A city water customer who desires to contract for billing of the extra capacity collection-service fee through the customer's city water account may provide the director the customer's city water account number and advance payment of the first monthly extra capacity service fee for each additional collection-automated service container requested. Thereafter, a monthly charge for each additional container will be billed through the customer's water account. ~~Additional automated collection containers shall be provided to residents of a residential unit of eight or fewer individual units upon advance payment by the resident(s) or owner(s) of the unit(s) of the annual extra capacity service fee by cashiers check or money order or by providing the director the owner(s) or resident(s) city water account number(s) and advance payment of the first monthly extra capacity service fee for each additional container requested. A \$7.50 monthly charge, payable in advance, shall be paid for each additional automated collection container requested. Each additional automated collection service container shall bear an extra capacity sticker containing serial~~~~

or other identification numbers and shall be issued by the department for a minimum service period of 12 months.

(32) The residents of a residential unit serviced by city collectors may purchase tags for occasional extra capacity collection service upon request. Such tags shall be placed on ~~disposable (one-way) containers meeting the requirements of section 39-62(b)(1)-(3) for~~ collection. A fee of ~~\$1.00~~ \$2.00 per tag, with a minimum purchase of five tags ~~per year for~~ each residential unit, shall be paid to the department or its agent in advance by money order or cashiers check. The director is authorized to impose an additional service fee not to exceed ~~\$3.00~~ \$5.00 per purchase for occasional extra capacity service tags processed by the department.

~~(4) Collection without charge of materials other than yard waste shall be limited to one rolling automated collection container per residential unit per collection day and any additional rolling automated collection or other disposable (one-way) containers for which the extra capacity service fees set forth in items (2) and (3) of this subsection have been paid.~~

~~(5) The rolling automated collection container(s) provided by the city and any disposable (one-way) containers bearing extra capacity tags shall be placed for collection in a location along the curb that is accessible to the mechanized service vehicle's lift equipment. Containers bearing extra capacity tags shall be placed so that the tags are clearly visible from the street.~~

~~(6) Yard waste shall be separately collected and must be prepared for collection in one-way containers or bundles as described in section 39-64 of this Code.~~

(db) Operators of private collection services may establish different specifications as to the size, weight and construction of containers which they will pick up, provided that the specifications conform to section 39-61 of this Code.

(ec) For purposes of conducting pilot programs to evaluate new solid waste disposal and recycling technologies, the director may establish different specifications as to the size, weight, and construction of containers that the city will pick up in certain areas of the city, provided that the specifications conform to section 39-61 of this Code.

(fd) In connection with automated collection service, the director may establish service routes and/or designated areas of the city which receive semi-automated collection service and such as on one-way streets which have residential units on the left hand side of the street and therefore cannot be served by the city's standard automated sideloader trucks.

(e) In connection with pilot programs, the department may loan rolling-automated collection service containers, recycling bins containers or related equipment to residents for their use in placing rubbish garbage, trash and recyclables-recyclable material for collection by the department.

(f) All collection equipment provided by the city shall remain the property of the city, and it shall be the responsibility of each person who receives that equipment to exercise reasonable care with respect to the maintenance and use of the equipment. Broken, damaged, lost or stolen rolling automated collection containers shall be repaired or replaced by the department in accordance with rules established by the director, which shall be established and promulgated in the same manner provided by section 39-50 of this Code.

(gf) It shall also be the duty of each person who receives automated collection service containers and other equipment to store the equipment in a secure place where it will not be visible to a person standing in

the right-of-way of any public street adjacent to the property where the equipment is used, except while placed for collection in accordance with this chapter. It is a defense to prosecution under this subsection that the person's property is so configured that no location exists for storage of the equipment in a place where it is not visible to a person standing in the right-of-way of a public street adjacent to the property.

**Sec. 39-63. — Nonconforming containers.**

~~City collectors shall not be obligated to service any garbage or rubbish container which does not contain garbage or rubbish as hereinabove defined or which is not in conformity with the requirements for placement as set forth in sections 39-61 and 39-62 of this Code.~~

**Sec. 39-64. — Preparation of yard waste for collection.**

~~City collectors will pick up yard waste in conjunction with collection service if the waste is prepared and placed pursuant to this section. Any person desiring to place yard waste for collection by the city shall cause the same to be placed in one-way disposable containers not exceeding 35 gallon capacity or 50 pounds total weight, provided that tree trimmings having a diameter of less than three inches and related materials may be securely tied in bundles not heavier than 50 pounds and not more than four feet in length nor 18 inches in diameter. No person shall place more than four bundles of tree trimmings for removal on any one day of collection. Yard waste must be separated from other waste placed for collection on routes where automated collection service is provided by the city.~~

**Sec. 39-653. Eligibility for basic garbage collection service.**

The following residential units shall be eligible for basic garbage collection service:

- (1) Except as provided in item (2) of this section, residential units abutting a public street; ~~and~~
- (2) ~~⊕~~All residential units within a development or subdivision containing private streets, permanent access easements or shared driveways shall be eligible to receive automated garbage collection service only, if provided at least one residential unit located within such development or subdivision is adjacent to or abuts at least one public street and the has direct access to that public street, and:
  - a. ~~The development or subdivision contains no more than 2525 residential units or less; and provided further:~~
  - ab. Each automated service container or one-way container is placed at the curbline ~~or edge of paving~~ on the public street adjacent to the development or subdivision or, if the development or subdivision is adjacent to more than one public street, on the street specified by the director; and
  - bc. The adjacent public street(s) contains sufficient non-driveway frontage to permit the placement of automated service containers for all residential units within the development or subdivision when spaced on five foot centers; ~~and~~
  - ~~c.~~ ~~All units in the development or subdivision fully comply with each requirement of this item.~~

~~Any failure to comply with all conditions set forth in this item shall entitle the director to suspend basic collection service to the development or subdivision.~~

**Sec. 39-664. Sponsorship agreements.**

(a) The city shall enter into a sponsorship agreement, as defined in section 39-1 of this Code, only with a civic or homeowners association or other qualified entity that assumes responsibility for all basic garbage collection services available to those residential units eligible for such service pursuant to ~~section 39-65 or any other provision of this chapter 39 of this Code~~ that are located within the geographical area to be served, provided the association or qualified entity is authorized to bind all residential units within the geographical area covered by the sponsorship agreement. Only those sponsorship agreements that are consistent with the provisions of this section and are in a form approved by the city attorney shall be approved.

(b) Sponsorship agreements shall be approved by the director, provided that any agreement that requires payment by the city in any one year of an aggregate amount in excess of the city council approval requirement limitation amount established pursuant to article II, section 19a of the City Charter shall be approved by the city council.

(c) A sponsorship agreement shall be administered on an all or none basis and shall apply to all units in the development or community. A residential development or ~~community subdivision~~ that is ~~not eligible~~ ineligible for basic automated collection service pursuant to ~~section 39-65 of this Code chapter~~ shall ~~not be eligible~~ ineligible for a sponsorship agreement. No residential units in any development or subdivision covered by a sponsorship agreement shall be eligible for any city collection services, and all garbage collection services shall be the responsibility of the entity that entered into the sponsorship agreement with the city. The sponsorship payment per unit is the same whether the unit is eligible for basic garbage collection service or other collection services.

(d) No reimbursement payments shall be authorized by the director or the city council except pursuant to the terms of a properly executed sponsorship agreement. Reimbursements shall be made on a monthly basis. The amount of reimbursement for each residential unit included in a sponsorship agreement may be established annually as of July 1 of each year by the city council. If the city council does not, for any reason, establish an amount by July 1 of any year, the amount of reimbursement for the following fiscal year shall be that amount which was in effect during the prior fiscal year, and such amount shall remain in effect through June 30 of the following year.

(e) All sponsorship agreements shall terminate on June 30 of each and every year and shall expire unless the director receives from the association or qualified entity, at least sixty days prior to the termination date, written notice that the association or qualified entity wishes to extend the agreement for an additional year. If any sponsorship agreement is allowed to terminate and the association or qualified entity wishes to resume the agreement, a new agreement must be executed.

**Sec. 39-675. Placement for basic garbage collection service.**

(a) Except as otherwise specifically permitted in subsection (b), (c) or (f) of this section or section 39-653(2) of this Code chapter, basic garbage collection service shall be limited to ~~automated service containers or one-way containers~~ garbage and trash prepared pursuant to this chapter placed at the curblin of a public street in front of the property upon which the garbage or trash was generated. The automated service containers shall be placed for collection in a location along the curblin that is accessible to the city's standard automated side-loader trucks, except as provided in section 39-62(d) of this Code.

(b) The director shall determine the street (b) on which ~~containers~~ the garbage and trash shall be placed for collection from a residential unit located on a corner lot.

(c) If vehicle parking is permitted on both sides of a narrow, one-way or dead-end public street on which residential units abut, the director may require that, on collection day:

- (1) The parking of vehicles be restricted to one side of the street;
- (2) ~~Containers~~ Garbage and trash be placed for collection on only one side of the street; or
- (3) The requirements of items (1) and (2) of this subsection both be met.

(d) All items shall be contained or bundled as provided in this chapter. Basic garbage collection service shall be provided on the basis of a schedule established and promulgated by the director, which shall normally include one pickup per week for automated collection service, extra capacity service and yard waste. Basic garbage collection service shall also be limited to materials authorized under rules established by the director, as provided in section 39-50 of this Code.

(e) It shall be unlawful to place or to allow to remain any materials at the curbline for basic garbage collection service by the department prior to 6:00 p.m. of the day preceding a day designated by the director for basic garbage collection service at that location. Basic garbage collection service shall commence at 7:00 a.m. on the day designated by the director. It shall be unlawful to place or allow to remain any materials at the curbline on a designated collection day after department collection service personnel have passed the site for that day, and the department shall not have any obligation to return to collect items not present at the curb curbline when the department vehicle serviced the site.

(f) The director may, in lieu of collection at the curbline ~~or edge of paving~~ of a public street, authorize basic garbage collection service from the curbline ~~or edge of paving~~ of ana public alley if a majority of the residents having property abutting the alley prefer collection from the alley and if the alley meets each of the following criteria with respect to the portions of the alley that will be used by department equipment:

- (1) The alley must have a paved surface at least 16 feet in width;
- (2) The alley must have no overhang or projection lower than a height of 13 feet six inches above the pavement;
- (3) The alley must have a minimum turning radius of 35 feet at each place where the alley intersects a public street;
- (4) The alley must have no obstruction (parked vehicle, fixed object, or whatever) that would prevent, hinder or impede the free passage of department equipment for collection service; and
- (5) The director may require that all ~~containers~~ garbage and trash be placed on one side of the alley.
- (6) No collection will be made from private alleys.

**Sec. 39-686. Billing.**

~~Billing of extra capacity collection services fees shall be made in advance to the water customers of the city who have requested extra capacity solid waste collection services concurrently with the monthly or bimonthly water bills issued by the city to such customers. Persons requesting extra capacity solid waste collection services who are not water customers of the city shall be billed for advance payment of the appropriate extra capacity collection fees for the services requested.~~

**Sec. 39-697. Accounting.**

(a) All extra capacity ~~solid waste collection service~~ fees collected shall be deposited in the city's general fund and recorded in a separate revenue code. All such amounts, together with all interest earned thereon, if any, shall be used solely for the purposes set forth in subsection (b) of this section.

(b) The extra capacity ~~solid waste collection service~~ fees collected pursuant to this article shall be used for the sole benefit of the city's solid waste management system.

(c) The department shall establish adequate financial and accounting controls to ensure that extra capacity solid waste collection fees are utilized solely for the purposes authorized. The records of the fund or account into which extra capacity ~~solid waste collection service~~ fees are deposited shall be open for public inspection, and copies may be purchased during ordinary business hours.

**Secs. ~~39-70--39-76~~39-68--39-75. Reserved.**

**DIVISION 3. ~~SPECIAL CITY~~ OTHER BASIC COLLECTION SERVICES**

**Sec. 39-76. Yard waste collection**

City collectors will pick up yard waste in conjunction with automated collection service if the waste is prepared and placed pursuant to this section. Any person desiring to place yard waste for collection by the city shall cause the same to be placed in biodegradable bags not exceeding 50 pounds total weight, provided that tree trimmings having a diameter of less than three inches and related materials may be securely tied in bundles not heavier than 50 pounds and not more than four feet in length nor 18 inches in diameter. No person shall place more than four bundles of tree trimmings for removal on any one day of collection. Yard waste not placed for collection in biodegradable bags or bundled properly will not be collected. Yard waste placed for collection must be a sufficient distance from automated service containers so as not to interfere with standard automated side-loader trucks. Yard waste shall not be placed in automated service containers. Automated service containers containing yard waste will not be collected.

**Sec. 39-77. Heavy/oversize trash Junk and tree waste collection.**

(a) ~~Heavy Junk and oversize trash~~ tree waste shall be collected on separate days on the basis of a schedule established and promulgated by the director. ~~Service shall be limited to residential units, and the service provided under section 39-49 of this Code to nonresidential units shall not include collection of heavy or oversize trash.~~

(b) Service shall be limited to materials authorized under rules established by the director as provided in section 39-50 of this Code, and no more than eight cubic yards (216 cubic feet) of material shall be collected from any one residential unit on any scheduled collection day.

(c) Service shall be limited to items that are placed at the curblin in an unobstructed location, such that automated department equipment may reach and pick up the items. Without limitation, service will not be provided if the items are obstructed by fire hydrants, trees or vegetation, parked cars or other objects that prevent the automated function of the department's equipment.

(d) It shall be unlawful to place or to allow to remain any materials at the curblin for heavy junk or oversize tree waste collection service prior to 6:00 p.m. of the Friday next preceding a day upon which the collection service for the site is scheduled by the director.

(e) When any property is found in violation of subsection (d) of this section, such fact shall be prima facie evidence that the current record owner or occupant of the property committed such offense. It is a defense to prosecution under subsection (d) of this section that the property owner or occupant can name and identify the person who committed the offense.

(f) All persons have an affirmative duty to comply with all provisions of this section, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.

~~(g) No heavy or oversize trash collection service shall be provided to residential units eligible for collection pursuant to item 2 of section 39-65 of this Code.~~

**Sec. 39-78. Collection of dead animals.**

(a) Small dead animals, such as dogs, cats, or other of similar size, will be picked up by the city as a special service at no charge; provided, that such special pickup must be requested by contacting the department between 8:00 a.m. and 5:00 p.m.

(b) Large dead animals, such as horses and cattle, or others of similar size, will be picked up by the city as a special service for a fee of ~~\$25.00~~ \$90.00; provided that such special pickup must be requested by contacting the department between 8:00 a.m. and 5:00 p.m. The owner of the animal shall pay the aforesaid fee to the department in such manner as the director shall specify; provided, that the director shall not impose such fee in the case of animals of unknown ownership. In case of animals of unknown ownership, the director may require an affidavit or a signed statement to that effect from the land owner or resident.

(c) It shall be unlawful for any person to place dead animals in any garbage, ~~rubbish~~ or trash container or receptacle. Disposal thereof may require special equipment, routing and handling which cannot be provided ~~as a part of regular~~ in conjunction with other collection services.

(d) The city shall not pick up dead animals from those locations engaged in the business of treating, handling, or disposing of animals.

(e) The city shall be responsible for the pickup of dead animals from city property and rights-of-way only.

**Sec. 39-79. Collection of decomposed organic products.**

In cooperation with the director of the health and human services department or his designee, the city shall assist where appropriate in situations involving decomposed organic products on private property deemed detrimental to the health and safety of the general public.

**Sec. 39-80. Pickup for ~~handicapped persons with disabilities~~.**

The department shall provide ~~solid waste basic garbage collection~~ services to ~~handicapped citizens persons with disabilities~~ by entering onto the private property of such ~~citizens persons~~ to collect ~~solid waste garbage and trash~~ generated by such ~~citizens persons~~ under the following conditions:

- (1) A person with ~~The handicapped citizen shall~~ a disability shall request such service, in writing;
- (2) The ~~handicap disability~~ disability which is the basis of such request must be a ~~physical handicap~~ disability which prevents the citizen from placing ~~solid waste garbage and trash~~ at the curbside for collection;

- (3) The ~~handicapped citizen~~ person with a disability shall present with the request for service, documentation from an attending physician confirming the ~~handicap~~ disability;
- (4) The ~~handicapped citizen~~ person with a disability shall be the sole resident at the service address at which service is requested, unless all other residents at the service address qualify for service under the provisions of this section; and
- (5) No more than two automated service containers meeting the specifications of this article shall be collected on any collection day.

**Sec. 39-81. Adopt-a-container program.**

~~In addition to heavy or oversized trash services,~~ The city may provide bulk containers for use by residents of the city. This service is intended to assist non-profit community organizations with weekend neighborhood cleanup campaigns. The bulk containers will be provided on a first-come-first-served basis, depending upon the availability of equipment. The containers will be delivered on Friday and collected on Monday. Only non-profit and civic organizations are eligible to sponsor bulk containers. Requests to the director for bulk containers must comply with the following conditions:

- (1) The request must be received in writing not less than 21 days prior to the anticipated cleanup date; requests must include a reschedule date in the case of inclement weather;
- (2) The request must indicate a specific location for the container to be placed by the city;
- (3) The request must specifically indicate which community group is requesting the container; and
- (4) The request must specifically name a person to be responsible for monitoring the container, and that person must sign the written request.

**Sec. 39-82. Neighborhood depositories.**

In addition to the ~~residential heavy or oversize trash~~ junk and tree waste collection service, the department may operate solid waste depository sites at which ~~heavy or oversize trash, junk, tree waste, and~~ recyclable material may be deposited. No person may utilize depository sites more than four times per month. The following rules and conditions shall apply to neighborhood depositories:

- (1) Each user must provide proof of residency in a form acceptable to the director, or must show a current city property tax receipt for use of a facility as a nonresident;
- (2) Only ~~heavy trash~~ junk, tree waste, and rubbish ~~city approved recyclables~~ will be accepted in accordance with rules established by the director under section 39-50 of this Code;
- (3) Salvaging or scavenging items deposited at a site or from vehicles that are waiting to make deposits at a site is unlawful; and
- (4) Trespassing on a site is prohibited, and the director shall cause each site to be posted with appropriate no trespassing signage. Only persons who are depositing waste or recyclable material at the site and department employees may be present at a site.

**Secs. 39-83--39-94. Reserved.**

## ARTICLE V. LITTER CONTROL

### Sec. 39-95. Enforcement of state solid waste laws and regulations.

(a) In cooperation with the legal department, the neighborhood protection official and any other city departments having code enforcement responsibilities relating to solid waste, sanitation or litter control, the director shall conduct an effective program of the enforcement of state and local laws relating to solid waste, sanitation and litter control including, but not limited to, enforcement of the Texas Litter Abatement Act (Texas Health and Safety Code, ch. 365).

(b) The health officer may report the failure of any person to comply with the said act or regulations in writing to the legal department for the institution by the city of suits for the civil penalties and injunction remedies provided in the solid waste disposal act; provided, that the health officer may, but shall not be obligated to, attempt to secure voluntary compliance prior to referral of the complaint to the legal department. Prior to the institution of suit, the legal department shall refer the health officer's request to the city council for authorization to file suit. Such authorization may be granted by motion of the city council. Further authorization shall not be required for taking of any action which the city attorney deems necessary or desirable in connection with the prosecution of the suit or the enforcement of any judgment obtained therefrom.

(c) Upon completion of appropriate training, employees designated by the fire department, health and human services department, mayor's citizens' assistance office, police department, public works and engineering department, and solid waste management department are authorized to issue citations charging the violation of any of the provisions of this chapter. Duly trained and designated employees of the solid waste management department are also authorized to issue citations charging the violation of any provisions in this Code relating to solid waste, including but not limited to garbage, refuse, and dumpsters.

### Sec. 39-96. Information required on solid waste transport vehicles.

(a) It shall be unlawful for any person to operate or cause to be operated any vehicle whose major use (as defined by the director) is the transporting of solid waste upon any public street within the city unless the name and telephone number of the hauler is posted and maintained thereupon in the manner provided in this section. The word "hauler" as used in this section shall mean the owner of the vehicle, provided that if the vehicle is operated pursuant to a lease or other arrangement whereby the owner is not entitled to the use of the vehicle, then "hauler" shall mean the person entitled to the use of the vehicle.

(b) It is an affirmative defense to prosecution under this section that the cargo transported by such person:

- (1) Contains two cubic yards of solid waste or less; or
- (2) Originated outside the city and is destined for transport outside the city, provided that no solid waste is loaded or unloaded within the city.

(c) It is also an affirmative defense to prosecution under this section that:

- (1) The vehicle is owned by a political subdivision and is marked in compliance with the law applicable to vehicles owned by such subdivision; or
- (2) The vehicle is required to be marked or posted in a manner inconsistent herewith by applicable state or federal laws, rules or regulations and is marked or posted in compliance therewith.

(d) The name and telephone number required to be posted by this section shall be printed on a vertical or nearly vertical surface upon both sides, and when the configuration of the vehicle allows, in the rear, in proportional and proportionally spaced block letters and numbers not less than three inches in height having a brush stroke not less than three-eighths inch in width, shall be of a solid color which contrasts with the background color upon which they are printed and shall be maintained in a clean and unobstructed manner at all times. Abbreviated names may be used, provided that the hauler notifies the health and human services and the solid waste management department directors of the abbreviation. In the event that the vehicle is designed in such a manner that the solid waste is transported within a trailer or off-site service type of receptacle which is towed or carried by the vehicle, then the letters and numbers required on the rear of the vehicle may be printed upon such trailer or receptacle in lieu of the vehicle itself. The requirement may be met through the use of decals.

**Sec. 39-97. Information required on bulk containers.**

(a) It shall be unlawful for any bulk container service provider to use or to provide any bulk container for the use of any other person within the city unless the name and telephone number of the bulk container service provider is posted and maintained thereon in the manner provided in this section.

(b) The name and telephone number required to be posted by this section shall be printed on a vertical or nearly vertical surface upon the bulk container in proportional and proportionally spaced block letters and numbers not less than two and one-fourth inches in height having a brush stroke of not less than three-eighths inch in width, shall be of a solid color which contrasts with the background color upon which they are printed and shall be maintained in a clean condition at all times. Abbreviated names may be used, provided that the bulk container service provider notifies the health and human services and the solid waste management department directors of the abbreviation. If the bulk container is designed for on-premise emptying, then the name and telephone number shall be printed on the side thereof which is intended for access by the truck or other mechanical device which empties the bulk container.

**Sec. 39-98. Duty of property owners for collection.**

Property owners shall ensure that solid waste collection services are provided on a regularly scheduled basis to collect all solid waste generated or accumulated on their property. Such schedule will be established to ensure that solid waste is collected at least one time per week or more frequently if required to prevent the creation of any hazard to public health or public nuisance.

**Sec. 39-99. Placement for collection in the central business district.**

It shall be unlawful for any owner, manager, tenant, or occupant of any business establishment or building in the central business district, or the agent or employee of such person, to fail to comply with the following minimum standards relating to the placement and collection of garbage or rubbish, or recyclable material:

- (1) *Types of receptacles.* Suitable containers must be used for private service commercial collection of municipal solid waste. Solid waste generated or accumulated in any business establishment or building shall be contained in a bulk container or one of the following trash receptacles:
  - a. *A garbage or rubbish container.* A garbage or rubbish container shall meet the requirements of section 39-61 of this Code.
  - b. *Plastic bags.* Plastic bags shall have a minimum film thickness of two mils.

- (2) *Cardboard boxes.* When cardboard boxes alone are placed for collection, they shall be broken down, flattened, and tied in bundles not exceeding four feet.
- (3) *Collection.* Collection of garbage, recyclable material, or rubbish is permitted at all hours except between 7:00 a.m. and 2:00 p.m.
- (4) *Placement.*
  - a. Garbage, trash, and recyclable material receptacles and cardboard boxes shall not be placed out for collection earlier than 2:00p.m. on the day of collection, and the receptacles shall be removed immediately after collection of the contents.
  - b. No garbage, trash, or recyclable material receptacle or cardboard box may be placed out for collection for more than four hours, and the receptacles shall be removed from an improved public street right-of-way, including the street, sidewalk, or other public right-of-way property adjacent thereto, no later than 7:00a.m.
  - c. Garbage, trash, and recyclable material receptacles and cardboard boxes shall be placed out for collection at the curblin of a public street in front of or adjacent to the premises and in such a manner as to leave a five foot minimum width corridor for pedestrian passage.
  - d. Garbage, trash, and recyclable material receptacles may not be placed adjacent to or in a parking meter zone or a commercial vehicle loading zone; or within five feet of any crosswalk.
- (5) *City-owned trash receptacles.* Solid waste generated or accumulated in any business establishment or building shall not be placed in city-owned trash receptacles used to collect litter.
- (6) *Exception.* This section does not apply to sidewalk litter collected by the city or the Houston Downtown Management District.

**Sec. 39-100. Reserved.**

## **ARTICLE VI. SCREENING OF BULK CONTAINERS**

**Sec. 39-101. Screening required.**

(a) An owner or lessee of property shall place or maintain a bulk container so that it is not visible from the street right-of-way on the address side of the property. A bulk container located on a service drive behind a building on said property shall not be deemed visible from the street right-of-way.

(b) A bulk container shall be deemed to be visible only if it can be seen by any person who is standing at grade level on any part of the right-of-way of a public street having a right-of-way width of 40 feet or more that adjoins the address side of the property on which the bulk container is located.

(c) An owner or lessee of property may utilize a berm, building, fence, wall, gate, shrubbery, or a combination thereof, to accomplish the screening of a bulk container from view.

**Sec. 39-102. Offenses.**

(a) *Offenses.* It shall be unlawful for any person to:

- (1) Fail to comply with section 39-101 of this Code.
- (2) Place or cause to be placed a bulk container on private property without first obtaining the permission of the owner or person in charge of the property.
- (3) Fail to maintain screening as required under this article.

(b) *Defenses.* It is a defense to prosecution under subsection (a) above that:

- (1) The bulk container is in daily actual use, exclusive of weekends, holidays, and inclement weather days, for the purpose of disposing of waste generated by the demolition or construction, or both, of improvements on the property upon which the bulk container is situated and that all building permits required for the work have been obtained.
- (2) The bulk container was placed by or upon written authority of the director on a temporary basis for a neighborhood clean-up campaign or similar temporary purpose.
- (3) The bulk container is used exclusively for the collection of recyclable materials.
- (4) There is inadequate space to locate the bulk container upon the property in a manner that complies with section 39-101 of this Code.
- (5) Placement of the bulk container on the property in a manner that complies with section 39-101 of this Code would violate any provision of:
  - a. Chapter 26 of this Code relating to off-street parking requirements;
  - b. Chapter 42 of this Code relating to planning standards;
  - c. Chapter 10 of the Building Code relating to means of egress; or
  - d. The Fire Code relating to dumpsters or fire apparatus access roads.

**Sec. 39-103. Scope.**

This article shall not apply to a bulk container situated upon property that is owned and maintained by a public school district or a private school.

**Sec. 39-104--39-110. Reserved.**

**ARTICLE VII. COMMERCIAL SOLID WASTE OPERATORS**

**Sec. 39-111. Definitions.**

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

*Commercial properties* means land used for commercial and industrial purposes, excluding apartment and condominium complexes and land used for single-family residential dwelling purposes as defined in section 42-1 of this Code.

*Commercial solid waste operator* means any person who collects, hauls, or transports solid waste or industrial waste for a fee by use of any means, including, but not limited to, front-load dumpster trucks, roll-off trucks, or rear-load garbage trucks.

*Director* means the director or the director's designee of the city's department of administration and regulatory affairs.

*Industrial waste* has the meaning ascribed to the term "industrial solid waste" by Chapter 361 of the Texas Health and Safety Code, as may be amended from time to time.

**Sec. 39-112. Scope.**

The provisions of this article shall not apply to any municipally-owned commercial solid waste operator or to any commercial solid waste operator for services performed under a contract between the operator and the city.

**Sec. 39-113. Franchise required.**

It shall be unlawful for any commercial solid waste operator to collect, haul or transport solid waste or industrial waste from commercial properties located within the city without first having obtained a franchise for that purpose upon the consent of the city council.

**Sec. 39-114. Franchise administration.**

Any franchise granted pursuant to this article shall be administered by the director, upon such application and rules as the director may establish, including standards for performance.

**Sec. 39-115. Granting of franchise.**

(a) After receiving a complete application, the director may make such investigation as he considers necessary to determine whether the applicant meets the requirements of law and of this article.

(b) The director may require the applicant to furnish additional information to assist the director in his determination.

(c) After the director determines whether the applicant meets the requirements of the law and this article the director or his duly authorized representative shall recommend either (1) that the city council deny the franchise agreement or (2) that the city council approve the franchise agreement.

(d) Each franchise proposed by the director pursuant to this article shall incorporate the terms of this article and shall address at a minimum the following terms and conditions, which shall be as consistent as practicable between franchises:

- (1) Definition of gross revenues;
- (2) Statement that the franchise is not exclusive;

- (3) Amount and time of payment to the city, including right of the city to inspect the franchisee's records to determine compliance and provision for a late penalty;
- (4) Requirements for record keeping;
- (5) Requirements for release, indemnification and insurance;
- (6) Provisions for default and termination, including the opportunity to cure;
- (7) Payment of liquidated damages to the city;
- (8) Prohibition against assignment of franchise without consent of the city; and
- (9) Such other miscellaneous terms and conditions that the director determines to be necessary, appropriate and consistent with terms and conditions in other city franchises.

**Sec. 39-116. Franchise fee.**

Any franchise granted pursuant to this article shall provide that the commercial solid waste operator shall be liable for an annual franchise fee equal to four percent of the operator's gross revenues from the collection, hauling, or transporting of solid waste or industrial waste within the scope of this article, payable quarterly, within 45 days of the close of the calendar quarter for which the quarterly payment is calculated. The initial quarterly payment shall cover the period beginning as of the effective date of the franchise. Any necessary prorations shall be allowed. The operator shall reflect the franchise fee as a separate line item on the invoice from the operator to the customer.

**Sec. 39-117. Identification required.**

(a) It shall be unlawful for any person to operate, or to cause or allow to be operated, any vehicle while engaged in any activity for which a franchise is required under this article unless there is conspicuously displayed upon both sides of the vehicle a decal at least five inches by six inches in size issued by the director.

(b) In any prosecution under this article it shall be presumed that any vehicle not in display of the decals required in this section is not in compliance with the requirements of this article.

**Sec. 39-118. Penalty.**

(a) Without limitation of other remedies available to the city, persons operating in violation of the terms of this article, shall be liable to the city for all fees authorized by this article dating to the inception of such violation.

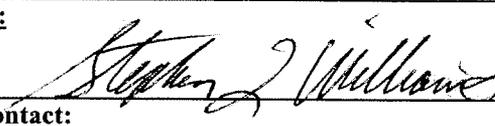
(b) Any person who violates any provision of this article shall be guilty of an offense and upon conviction thereof, shall be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation.

(c) A citation issued under section 39-117(a) shall be dismissed upon proof that the required decals were affixed to the cited vehicle within five business days of the issuance of the citation.

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA #

<b>SUBJECT: An ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care</b>	Category #	Page 1 of 1	Agenda Item#
			53   27
<b>FROM: (Department or other point of origin):</b>	Origination Date	Agenda Date	
	8/12/09	AUG 26 2009	
<b>DIRECTOR'S SIGNATURE:</b> 	Council Districts affected:		SEP 02 2009
	ALL		
<b>For additional information contact:</b> Elena Marks – 832-393-1081 Kathy Barton – 713-794-9998 or 179-286-5801	Date and identification of prior authorizing Council Action: N/A		

**RECOMMENDATION: (Summary)**

**Approval of an ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care (BARC)**

<b>Amount of Funding:</b>	<b>Total Maximum Contract Amount: \$135,000.00</b>	<b>Finance Budget:</b>
	<b>General Fund - General Government (1000)</b>	

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

**SPECIFIC EXPLANATION:**

City Council is requested to approve an ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at BARC in an amount not to exceed \$135,000.00. The agreement will be effective on September 5, 2009 and end on January 25, 2010 with an optional extension of 30 days at the Director's discretion. The consultant has been working on this engagement under a purchase order with spending authority up to \$49,500.00.

Under the proposed contract, Mr. Fusco will continue to focus on the comprehensive analysis and redesign of all aspects of the organization. Some of the objectives the consultant will be responsible for assisting the BARC staff to achieve include: 1) improving quality of veterinary services; 2) reducing the euthanasia rate; 3) increasing the adoption rate; 4) increasing the number of active foster homes; 5) enhancing and improving the volunteer program; and 6) developing communication mechanisms for marketing and community outreach. The priorities are to achieve process and personnel improvements, infrastructure that facilitates compliance and communication, and to develop field and marketing strategies to increase the live release rate.

The Administration and Regulatory Affairs Department assisted in identifying potential candidates to perform these services. Four finalists were interviewed by an advisory panel, each of whom were highly qualified and experienced in turnaround and process re-engineering. Gerald A. Fusco was chosen as the optimal candidate as his specific experience best fits the City's needs. He is making progress. He has made a presentation to all BARC employees to convey the philosophy and expectation that animals will be treated as the City's customers. He has been conducting leadership assessments of supervisors and is in the process of identifying personnel for key supervisory positions as well as mid-level managers. Mr. Fusco is also assisting with the development of a recruitment strategy for the Bureau Chief position and continues to meet with volunteers and representatives of the media to ensure transparency in his activities.

Mr. Fusco has agreed to decrease his fee by \$25,000 to defray the City's cost for leadership development training that will be provided to help improve BARC operations.

The Council Committee on Human Services and Technology Access considered Mr. Fusco's engagement at BARC on August 3, 2009.

**REQUIRED AUTHORIZATION**

<b>Date</b>	<b>Subject: An ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care</b>	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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Pay or Play:

The proposed award requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor is a sole proprietor and does not have any employees, thus, the Pay or Play Program does not apply to this contract.

cc: Agenda Director  
Finance Department  
Legal Department

SCOPE OF SERVICES  
Gery Fusco Consulting

Contractor shall be responsible for all aspects of the day to day operations at BARC as allowed by law and will be supported in his efforts by the Director and staff identified below.

Contractor's Responsibilities	City Responsibilities	August	September	October	November	December	January
<b>Organizational Structure: Reorganization</b>							
<b>Goal: Reorganize BARC to get the right people with the right skill sets</b>	Provide staff support from HR to handle HR processing (posting, referrals, interview assistance, processing for hire, etc.) Assist with recruitment activities as mutually agreed upon and within budget						
Make recommendations to the Director to hire Chief Vet	Noel Pinnock, Tony Harris, Valda						
Make recommendations to the Director to hire New Animal Care Technicians	"						
Make recommendations to the Director to hire Shelter Supervisor	"						
Make recommendations to the Director to hire Rescue Coordinator	"						
Make recommendations to the Director to hire Bureau Chief	"						
Make recommendations to the Director to hire Staff Veterinarian	"						
<b>Organizational Structure: Organizational &amp; Staff Development</b>	The Brooks Group						
<b>Goal: Develop managers and supervisors to increase skills and abilities to effectively lead staff to meet performance standards and achieve unit objectives</b>							
Develop and Implement a Leadership Development plan for Division Manager	Assistance from Noel Pinnock						
Implement development plan for 1st Line Supervisors	Assistance from Noel Pinnock						
Assist managers/supervisors in setting short-term priorities							
Facilitate development of a shared vision, values, goals and objectives for the BARC work unit	Director						
Implement activities to transform culture to demonstrate values in action through performance of daily duties	Chief Vet, Lajeane Thompson, Bureau Chief						

SCOPE OF SERVICES  
Gerry Fusco Consulting

Programs & Services: Veterinary Services	City Responsibilities	August	September	October	November	December	January
<b>Goal: Improve quality of veterinary services</b>							
Develop/revise protocols and for new practice standards for veterinary services including the following	Dr. Groemminger, Chief Vet, Vet Techs						
Assessments	"						
Euthanasia	"						
Adoptability	"						
Veterinary service documentation in Chameleon	Chief Vet, IT support, contract Inventory Manager, IT support						
Treatment guidelines	Dr. Groemminger						
Surgery	"						
Isolation	"						
Do projection for costs associated with new standard of practice	"						
<b>Programs &amp; Services: Placement Services</b>	Support from Danielle Joseph-White and Jamie Moody						
<b>Goal: Reduce the euthanasia rate</b>							
<b>Objective: INCREASE LIVE RELEASES</b>							
<b>A. Increase Adoptions</b>							
Develop a marketing plan to promote the adoption program	Chatauqua Allen						
Implement short term plan to advertise adoptions	"						
Set weekly targets for number of adoptions							
Set target for off site adoption events							
Produce weekly progress reports for adoption activities	Chatauqua Allen						
Negotiate and finalize adoption agreements with humane organizations for Director's signature							
<b>B. Increase Fosters</b>							
Increase the number of active foster homes	Chatauqua Allen, other Marketing resources to be determined						
Assess level of support (treatment, supplies, etc.) needed by foster homes	"						
Do projection on costs associated with foster support	"						
Secure resource for fundraising for foster support							
Set weekly targets for number of fosters							
Produce weekly progress reports for adoption activities	Chatauqua Allen						



SCOPE OF SERVICES  
Gerry Fusco Consulting

	City Responsibilities	August	September	October	November	December	January
III. Objective: 95% of animals are vaccinated within 24 hours of intake	Chief Vet, Dr. Groemminger						
Develop system to monitor compliance with establish protocol	"						
Improve processes that support vaccination compliance	"						
IV. Objective: Reduce the number of puppies who die within 30 days of adoption	"						
Establish puppy ward in South Kennel	Vernon Hunt						
Install mobile building	"						
Establish system to monitor compliance with puppy housing and care protocols	Barbara McGill						
V. Objective: Establish minimum standards of care for shelter operations	Dr. Groemminger						
Develop standards with input from stakeholders	"						
Create documents with standards and criteria	Karen Roman						
Develop quality improvement process for monitoring quality	Karen Roman						
<b>Programs and Services: Volunteer Program</b>							
Goal: Enhance and improve BARC services through the effective use of volunteers	Danielle Joseph-White						
Develop a clear set of on site roles and responsibilities for volunteers and establish a clear defined supervisory reporting structure							
Increase the number of active BARC volunteers	Danielle Joseph-White						
<b>Public Relations: Marketing &amp; Community Outreach</b>							
Goal: Improve the public image of BARC	Chataqua Allen						
Develop promotional materials to increase public awareness about BARC services	Chataqua Allen						
Develop effective communication mechanisms and media to mitigate the effects of negative comments and reports about BARC	Chataqua Allen						
Promote community efforts via mass media channels	Press Corp; Kathy Barton, Frank Michel, etc						

SCOPE OF SERVICES  
Gerry Fusco Consulting

	City Responsibilities	August	September	October	November	December	January
Develop an educational campaign to promote responsible pet ownership	Earl Travis, Volunteers, Vets						
<b>Infrastructure</b>							
Generate monthly reports that are useful for evaluation and planning	Vernon Hunt						
Assist department leadership in development of a long term strategic plan to drive design of new facilities	"						

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

<b>SUBJECT:</b> Approve a First Amended and Restated Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment Reinvestment Zone Number Five and the Memorial Heights Redevelopment Authority	<b>Category #</b>	<b>Page</b> 1 of 1	<b>RCA #</b> <b>Agenda Item#</b> 54/23
	<b>FROM: (Department or other point of origin):</b> Michelle Mitchell, Director Finance Department		<b>Origination Date</b> August 14, 2009
<b>DIRECTOR'S SIGNATURE:</b>  Michelle Mitchell Finance Department		<b>Agenda Date</b> <del>AUG 26 2009</del>	
<b>For additional information contact:</b> Ralph De Leon (713) 837-9573		<b>Council Districts affected:</b> A, D, G, H	
		<b>Date and identification of prior authorizing Council Action:</b> Ord. 2008-939, 10/22/08, Ord. 2009-634, 6/30/09	

**RECOMMENDATION: (Summary)** An Ordinance approving a First Amended and Restated Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, City of Houston Tax Increment Reinvestment Zone Number Five and the Memorial Heights Redevelopment Authority.

**Amount of Funding:** N/A **Finance Budget:**

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

**SPECIFIC EXPLANATION:**  
On June 30, 2009, the City Council approved an Operating Budget and Fiscal Year 2010-2014 Capital Improvement Plan (CIP) for Tax Increment Reinvestment Zone Number Five and the Memorial Heights Redevelopment Authority that included a debt issuance of \$3,525,000. These funds are to be utilized to design and construct the capital projects detailed in the Zone's approved CIP. On October 22, 2008, City Council approved an agreement with the Zone and the Authority to provide timely and cost effective financing for such Public Works projects by issuing certificates of obligation. The Parties now desire to amend and restate the 2008 Agreement to modify certain provisions related to the financing by the City of the Public Works.

In consideration of the Zone and the Authority's agreeing to design and construct a portion of the Public Works, the City hereby agrees to provide timely and cost effective financing of Public Works from the proceeds of certificates of obligation, commercial paper, public improvement bonds, or other available funds (collectively, the "Funds"). Upon receipt from the City of the proceeds of the Funds, the Zone and the Authority shall commence and cause to be completed, the design and construction of the Public Works. The Parties intend that the design and construction of the Public Works financed by the Funds should begin on or about October 31, 2009 (or upon payment by the City) and shall be substantially completed within two years of the City's payment of the Funds to the Authority.

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

**REQUIRED AUTHORIZATION**

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