

**AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 17, 2009 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 - NOVEMBER 18, 2009 - 9:00 A. M.**

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

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

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for RealBlue Investments LLC for the site located at 2806 - 2818 Hullsmith Drive - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM**
2. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for 8200 Southwest Freeway, LLC for the site located at 8200 Southwest Freeway - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM**
3. **PUBLIC HEARING** on recommendation from Director Department of Public Works & Engineering relative to request for designation of a Banner District in the **UPPER KIRBY DISTRICT** **DISTRICTS C - CLUTTERBUCK and G - HOLM**
4. **PUBLIC HEARING** regarding third amendment to the Project and Financing Plan for the **TAX INCREMENT REINVESTMENT ZONE NUMBER NINETEEN (UPPER KIRBY ZONE)** **DISTRICTS C - CLUTTERBUCK and G - HOLM**

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 5 through 54**

**MISCELLANEOUS** - NUMBERS 5 through 12

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **ELECTRICAL BOARD**:
  - Position One - **MR. CHRIS J. FAHRENTHOLD**, reappointment, for a term to expire 1/2/2011
  - Position Two - **MR. ELIOT L. DOUCET**, reappointment, for a term to expire 1/2/2010
  - Position Three - **MR. HARRY HUGHES**, reappointment, for a term to expire 1/2/2011
  - Position Four - **MR. ANTONIO A. ORTA**, reappointment, for a term to expire 1/2/2010
  - Position Five - **MR. LARRY S. NEAL**, reappointment, for a term to expire 1/2/2011
  - Position Six - **MR. EDWARD T. DICKERSON**, reappointment, for a term to expire 1/2/2010, and to serve as Chair
  - Position Seven - **MR. SANTOSH MUKERJI**, reappointment, for a term to expire 1/2/2011
  - Position Eight - **MS. PIRDY F. NELSON**, appointment, for a term to expire 1/2/2010
  - Position Nine - **MR. CHARLES S. PRICHARD**, reappointment, for a term to expire 1/2/2011
  - Position Ten - **MR. JAVIER M. RAMOS**, reappointment, for a term to expire 1/2/2010
  
6. REQUEST from Mayor for confirmation of the appointment of **MR. MARK D. LEE** to Position Two of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2010
  
7. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON ARTS ALLIANCE**:
  - Position One - **MR. BORIS A. HIDALGO**, appointment, for a term to expire 6/30/2010
  - Position Two - **MS. LESLIE DYESS BLANTON**, reappointment, for a term to expire 6/30/2010
  - Position Three - **MR. JOHN GUESS, JR.**, reappointment, for a term to expire 6/30/2011
  - Position Four - **MS. VANESSA PEREZ MCCALLA**, reappointment, for a term to expire 6/30/2011
  
8. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **PUBLIC PARKING COMMISSION**, for terms to expire December 31, 2011:
  - Position Eight - **MR. GARY MOSLEY**, appointment
  - Position Ten - **MR. RICARDO A. BACA MARES**, reappointment
  - Position Twelve - **MR. F. XAVIER PEÑA**, reappointment
  - Position Fourteen - **MR. CHARLES D. REEDSTROM**, reappointment
  
9. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **WESTCHASE DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2013
  - Position One - **MS. AMY RUSHING**
  - Position Two - **MR. MARTIN WILTSHIRE**
  - Position Three - **MS. DONNA J. FLOWERS**
  - Position Four - **MS. BETH VAN WINKLE**
  - Position Five - **MR. KEITH JOSEY**
  - Position Six - **MR. JOHN N. KELLEY**
  - Position Seven - **MR. DOUGLAS L. ELLIOTT**
  - Position Eight - **MR. GARY BAKER**
  
10. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for New Fire Station 24 - **DISTRICT D - ADAMS**

**MISCELLANEOUS** - continued

11. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)** Annual Consolidated Water Quality (CWQ) Fee for 2010 - \$1,320,929.35 - Enterprise Fund
12. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$2,477,316.85 to the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for 2010 Water System Fees - Enterprise Fund

**ACCEPT WORK** - NUMBERS 13 through 17

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,687,994.95 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Neighborhood Street Reconstruction (NSR) 446 - 3.83% over the original contract amount - **DISTRICT C - CLUTTERBUCK**
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,941,313.60 and acceptance of work on contract with **PROLINE TECHNOLOGIES, N.A.L.L.C.** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method 1.82% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; E - SULLIVAN; F - KHAN; H - GONZALEZ and I - RODRIGUEZ**
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,303,692.87 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, L.P.** for Abandonment of Northborough Wastewater Treatment Plant 1.51% under the original contract amount - **DISTRICT B - JOHNSON**
16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,054,356.65 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances - Package 5 - 31.52% under the original contract amount
17. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,960,494.98 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, LP** for 42-Inch Water Line along Holmes, Parcel Three, Uptown, Taintor, and West Airport Boulevard from 4300 feet west of Kirby to Hiram Clarke - 7.98% under the original contract amount - **DISTRICT D - ADAMS**

**PROPERTY** - NUMBERS 18 and 19

18. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and withdraw the City's objections to the Award in connection with eminent domain proceeding styled City of Houston v. Jose Luis Balderas and Mary Grace Haney Dabbs, et al., Cause No. 938,946; for acquisition of Parcel AY7-093; for **PARKER ROAD PAVING IMPROVEMENTS PROJECT (Fulton - Hardy)** **DISTRICT H - GONZALEZ**
19. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and withdraw the City's objections to the Award and enter an Agreed Final Judgment in connection with eminent domain proceeding styled City of Houston v. An Hoang Nguyen and Lien Kim Tran, et al., Cause No. 937,364; for acquisition of Parcel AY7-285; for **HIRSCH ROAD RECONSTRUCTION PROJECT (Kelly - Crosstimbers)** - **DISTRICT B - JOHNSON**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 20 through 23

20. ORDINANCE appropriating \$3,165,998.00 out of Equipment Acquisition Consolidated Fund for Purchase of Hardware and Professional Services under existing contract with Dyonyx, L.P. (Ordinance No. 2008-1217) for the Active Directory and Exchange System for the Information Technology Department
  - a. **HEWLETT PACKARD COMPANY** for Purchase of Hardware through the City's Master Agreement with the Texas Department of Information Resources for the Information Technology Department
21. ORDINANCE appropriating \$227,218.00 out of Water & Sewer System Consolidated Construction Fund for Emergency Retaining Wall Repairs at the Sims North Wastewater Treatment Plant for the Public Works & Engineering Department
  - a. **BOYER, INC** for Emergency Retaining Wall Repairs at the Sims North Wastewater Treatment Plant (SWWTP) for Department of Public Works & Engineering - **DISTRICT I - RODRIGUEZ**
22. **XEROX CORPORATION** for Spending Authority to Lease High-Speed Document Printers and Associated Accessories from the State of Texas Procurement and Support Services Contract for the Houston Police Department - \$969,871.12 - General Fund
23. **HOME DEPOT U.S.A., INC** for Maintenance, Repair, and Operating Supplies through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for Various Departments - \$2,519,669.38 - General, Enterprise, Fleet Management, Building Inspection and Other Funds

**RESOLUTIONS AND ORDINANCES** - NUMBERS 24 through 54

24. RESOLUTION appointing **GARY W. STEIN** to serve as the City's Representative on the **BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT** for a two-year term commencing on January 1, 2010 and ending on December 31, 2011
25. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Single Family Mortgage Revenue Bonds, Series 2009A and approving the Private Placement Memorandum with respect to such bonds
26. ORDINANCE **AMENDING CHAPTERS 8 and 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to authority to tow vehicles from residential parking permit areas; containing findings and other provisions relating to the foregoing subject; providing for severability
27. ORDINANCE supplementing City of Houston Ordinance No. 2004-299 authorizing issuance of City of Houston, Texas Combined Utility System Commercial Paper Notes, Series B, in an aggregate principal amount not to exceed \$700,000,000; prescribing the terms and conditions thereof; providing for the payment thereof; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such Commercial Paper Notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, security and delivery of such Commercial Paper Notes, including the approval of an Issuing and Paying Agency Agreement, Credit Agreements and Dealer Agreements; approving the use of an Offering Memorandum in connection with such sale; making other provisions regarding such Commercial Paper Notes and matters incident thereto; authorizing a Co-Bond Counsel Agreement; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

28. ORDINANCE relating to the retail gas utility rates of **CENTERPOINT ENERGY RESOURCES CORP. D/B/A CENTERPOINT ENERGY ENTEX** and as **CENTERPOINT ENERGY TEXAS GAS**; ordering reimbursement of rate case expenses incurred on behalf of all Center Point Energy Entex Ratepayers within the City of Houston, Texas, denying rate increase request and maintaining current rates in effect; containing findings and other provisions relating to the foregoing subject; providing for severability
29. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **CAMPBELL WOODS SUBDIVISION, SECTIONS 1 - 3** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT A - LAWRENCE**
30. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **MANGUM MANOR SUBDIVISION, SECTIONS 1 - 3** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT A - LAWRENCE**
31. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **SHADOW OAKS SUBDIVISION, SECTIONS 1 - 6 and 5 PARTIAL REPLAT, MOSS OAKS SUBDIVISION, SECTIONS 1, 2 and 3 UNRECORDED, WILDEWOOD FOREST SUBDIVISION, SECTIONS 1 & 2, SPRING LEA SUBDIVISION, SECTION 1, PARKCREST SUBDIVISION, and BECKHAM PLACE SUBDIVISION REPLAT**, to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT A - LAWRENCE**
32. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **SPRING BRANCH VALLEY SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT A - LAWRENCE**
33. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **WESTWOOD SUBDIVISION, SECTIONS 1 - 2 and WESTWOOD SUBDIVISION SECTION 5, excluding BLOCKS 1 & 6** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**
34. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **WESTWOOD SUBDIVISION, SECTION 4, excluding RESERVES A AND B AND TRACT A, BLOCK 32 and WESTWOOD ETON CONDO SECTION 5 REPLAT, excluding RESERVE A, BLOCK 7, TRACT 1A, BLOCK 7** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**
35. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **MEADOWCREEK VILLAGE SUBDIVISION, SECTIONS 1 - 11, SECTION 12 EXTENSION AND REPLAT, MEADOWCREEK WOODS PATIO HOMES SUBDIVISION, and FOREST OAKS SUBDIVISION, SECTION 1** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT E - SULLIVAN**
36. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **TRAILWOOD VILLAGE SUBDIVISION, SECTIONS 1, 3 - 6, AND SECTION 2 REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT E - SULLIVAN**

**RESOLUTIONS AND ORDINANCES** - continued

37. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **CATALINA SQUARE SUBDIVISION, SECTIONS 1 - 5** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT F - KHAN**
38. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **BROOKWOODS ESTATES SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT H - GONZALEZ**
39. ORDINANCE extending the provisions of Section 28-303 of the Code of Ordinances, Houston, Texas, to various single-family residential properties within **TROPICANA VILLAGE SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT I - RODRIGUEZ**
40. ORDINANCE approving and authorizing contract between the City of Houston and **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC** to provide \$300,000.00 in Community Development Block Grant Funds for the administration and operation of the H.E.A.R.T. Program, a program that will provide job training and placement for developmentally disabled low and moderate income adult individuals
41. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE of the EMERGENCY AID RESOURCE CENTER for the HOMELESS, INC (S.E.A.R.C.H.)**, providing up to \$56,410.00 for the administration and provision of supportive services under the Housing Opportunities for Persons With AIDS ("HOPWA") Program - Grant Fund - **DISTRICT I - RODRIGUEZ**
42. ORDINANCE appropriating \$3,101,439.00 from TIRZ Affordable Housing Fund (2409); approving and authorizing the second of five repayment installments in the amount of \$3,101,439.00 to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** for the resolution of outstanding issues raised in HUD Monitoring Reports from 2003, 2004, and 2005 relating to the City's HOME, CDBG, and HOPWA Programs
43. ORDINANCE appropriating \$110,000.00 out of TIRZ Affordable Housing Fund (Fund 2409) and approving and authorizing Grant Agreement between the City of Houston and **SUNNYSIDE PLACE COMMUNITY DEVELOPMENT CORPORATION** to reimburse a Houston Housing Finance Corporation Recoverable Grant for certain land acquisition and pre-development costs for a subdivision of 4 affordable single-family homes situated on approximately 20,000 square feet of land situated at 8020 Livingston Street, Houston, Texas - **DISTRICT D - ADAMS**
44. ORDINANCE appropriating \$210,120.41 out of Tax Increment Reinvestment Zone (TIRZ) Fund as grants to **LELAND WOODS REDEVELOPMENT AUTHORITY** and **LELAND WOODS REDEVELOPMENT AUTHORITY II** pursuant to agreement entered into by the City of Houston (Approved by Ordinance No. 09-796) for the development of the Leland Woods Subdivision **DISTRICT B - JOHNSON**
45. ORDINANCE accepting into the City collection a bronze statue of Former U.S. Secretary of State James A. Baker III, related bronze bas-reliefs and display wall to be located in Sesquicentennial Park; approving and authorizing an agreement between the City of Houston and **GREATER HOUSTON COMMUNITY FOUNDATION** for donation of such work of art; and renaming a portion of Sesquicentennial Park to Baker Common - **DISTRICT I - RODRIGUEZ**

**RESOLUTIONS AND ORDINANCES** - continued

46. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **EXPEDITE! INC** for certain premises at George Bush Intercontinental Airport/Houston - Revenue **DISTRICT B - JOHNSON**
47. ORDINANCE approving and authorizing Amendment No. 6 to Lease Agreement between the City of Houston and **ATLANTIC AVIATION CORPORATION** for certain premises at William P. Hobby Airport - Revenue - **DISTRICT I - RODRIGUEZ**
48. ORDINANCE approving and authorizing Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and **NEW SOUTH PARKING - TEXAS** for the Houston Airport System; amending Ordinance No. 2004-888 to increase the maximum contract amount - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
49. ORDINANCE approving and authorizing License Agreement, for ten (10) years with two (2) renewals of ten (10) years each, between **AMERICAN TOWERS, INC**, or its affiliate, Licensor, and the City of Houston, Texas, Licensee, with a monthly License Fee of \$4,699.50 for Fiscal Year 2010, with annual increases, other costs and site improvement fees for a total cost for the initial ten (10) year base term of \$646,494.00, to allow the Radio Communications Division of the Information Technology Department to install equipment on one (1) communications tower and ground space in connection with a new Public Safety Radio System located at 310 Englewood, Houston, Texas - **DISTRICT B - JOHNSON**
50. ORDINANCE appropriating \$2,800,000.00 out of Fire Consolidated Construction Fund to In-House Renovation Revolving Fund for Renovation/Reconstruction of Various City Facilities for the Houston Fire Department
51. ORDINANCE appropriating \$175,000.00 out of General Improvement Consolidated Construction Fund, \$50,000.00 out of Public Health Consolidated Construction Fund, \$75,000.00 out of Public Library Consolidated Construction Fund, \$100,000.00 out of Police Consolidated Construction Fund as an additional appropriation for Professional Architectural Services Task Order Contract between the City of Houston and **BRAVE / ARCHITECTURE, INC** for Various City Departments (Approved by Ordinance No. 2008-0374)
52. ORDINANCE appropriating \$60,514.00 out of Parks Special Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **TALLEY-POPE AND ASSOCIATES, INC** for Scottcrest and Alief Parks Trail Improvements Project - \$215,000.00 Parks Special Fund - **DISTRICTS D - ADAMS and F - KHAN**
53. ORDINANCE approving and authorizing amended and restated Solid Waste Disposal Contract between the City of Houston and **BFI WASTE SERVICES OF TEXAS, LP, a wholly-owned subsidiary of REPUBLIC SERVICES, INC** (Approved by Ordinance Nos. 99-1329 and 98-503)
54. ORDINANCE awarding contract to **ALLIED IMAGING GROUP LLC dba WINDWARD GROUP LLC** for Engineering Drawings, Microfilm Conversion and File Scanning Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options \$334,954.49 - General, Enterprise and Building Inspection Funds

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA - NUMBER 55**

**MISCELLANEOUS**

55. MOTION to set a date not less than seven (7) days or thereafter from November 18, 2009, to receive nominations for appointments or reappointments for Positions Five and Seven on the **ETHICS COMMITTEE** for two years

**MATTERS HELD - NUMBERS 56 through 61**

56. MOTION by Council Member Khan/Seconded by Council Member Lovell to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Louis Macey of Macey Family Properties, LTD. [Macey Properties, Inc. (Louis Macey, President) General Partner], for sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J. S. Holman Survey, A-323, Parcel SY10-017 - **DISTRICT I - RODRIGUEZ**  
**TAGGED BY COUNCIL MEMBER CLUTTERBUCK**  
This was Item 10 on Agenda of November 10, 2009
57. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation to award to **CHANNING BETE COMPANY, INC** for Development and Distribution of Disaster/Emergency Preparedness Education Materials for Houston Department of Health & Human Services \$224,337.50 - Grant Fund  
**TAGGED BY COUNCIL MEMBER LAWRENCE**  
This was Item 13 on Agenda of November 10, 2009
58. RECOMMENDATION from Purchasing Agent to award to **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 Houston Police Department \$203,985.76 - General Fund - **DISTRICT A - LAWRENCE**  
**TAGGED BY COUNCIL MEMBER BROWN**  
This was Item 16 on Agenda of November 10, 2009
59. ORDINANCE **AMENDING ARTICLES IX AND X OF CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to booting in parking facilities; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - **TAGGED BY COUNCIL MEMBER SULLIVAN**  
This was Item 21 on Agenda of November 10, 2009
60. ORDINANCE approving and authorizing Modification Agreement between the City of Houston and **LITTLE YORK VILLAS, L.P.** to amend the Loan Agreement and related documents authorized pursuant to Ordinance 2004-459, as amended, to change certain requirements related to a 128 Unit Apartment Complex in the 6200 block of Nuben, Houston, Texas - **DISTRICT B - JOHNSON**  
**TAGGED BY COUNCIL MEMBER JONES**  
This was Item 33 on Agenda of November 10, 2009

**MATTERS HELD** – continued

61. ORDINANCE appropriating \$620,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 2409) to support the development of Affordable Single-Family Housing in Trinity Gardens and Fourth Ward for low to moderate income families - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**  
**TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, HOLM and SULLIVAN**  
This was Item 34 on Agenda of November 10, 2009

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Khan first

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
NOVEMBER 17, 2009 – 2:00 PM**

**AGENDA**

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MR. CHARLES FOSTER – 600 Travis St., Ste. 2000 – 77002 - 713-335-3904 – Donation of Baker Statue to City of Houston – Item 45

**NON-AGENDA**

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2MIN 2MIN 2MIN

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MS. DEBORAH SHAFTO – 7260 Santa Fe – 77061 – 713-641-2815 – Free Speech Petition in City Park

MS. ADA EDWARDS – Post Office Box 1564 – 77251 – 832-393-0977 – City issues

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MR. DON COOK – 7954 Glenheath – 77061 – 713-705-5594 – Free Speech Petition in City Park

MR. SAMMIE JONES – No address given – No phone number given – Complain about City Services

MS. RUBIE DIXON – 5105 Airline Dr. – 77022 – 713-691-0191 – Problems with Metro Lift

MR. MICHAEL CHAMPION – 6 Burress – 77022 – 713-691-1721 – Metro Lift

MS. JANET HOLLMAN – 12106 Silver Creek Dr. – 77070 – 832-295-5377 – Candle Light Trail

MS. MARTHA GORDON – 4141 Barberry Dr. – 77051 – 713-733-9351 – Police response time and visibility

REV. JAMES NASH – 8309 Brandon St. – 77051 – 713-725-1664 – Security at Kings Row Apartments

MR. DANIEL GALVAN – 1202 Adele – 77009 – 713-203-9187 – Drainage

MR. OMAR RABIA – 3900 Wood Chase Dr. – 77042 – 713-972-2443 – Extension for Limousine license

MR. ANDREW BROWN – 7224 Rhobell St. – 77016 – 713-631-2997 – Protest against Merit Parking

MR. JESSE SHIELDS – 3726 Bay St. – 77026 – 832-889-6405 – Work situations

MR. CURTIS MARTIN – 1916 Benson St. – 77020 – 409-299-6148 – Municipal Courts

MR. FLOYD BROTHWELL – No address – No phone – God showed me what’s wrong with the City

MR. ANTHONY DOMENECH – 1819 Gains Meadow Dr. – 77083 – 832-642-2581 – School Zone

MR. JOSEPH H. BURNLEY – 4218 Dragon Wick Dr. – 77045 – 713-433-5080 – Taxicab issues

MS. DOROTHEATTA PIERRE – 22715 Imperial Valley, No. 507 – 77073 - 832-675-2006 – City Projects/  
Construction work; Government /US Labor Department – Stolen money

MR. WISSAM HAMMOUD – 7114 Bintliff – 77074 – 281-690-6071 – Transportation and problem with City Inspector

MR. HERMAN ULMER – 15902 Diana Ln. – 77062 – 832-315-9090 – Need notification of abandoned vehicle

MRS. SONDR A ULMER – 15902 Diana Ln. – 77062 – 832-315-9090 – Need notification of abandoned vehicle

**PREVIOUS**

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MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 – Mr. Clark Baker, refuse to build a YMCA in Willow Run

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – G/Mafia Terrorist City Mayoral Elections W/Voters Fraud W/Illegal Campaign Fundings

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NOV 18 2009

MOTION NO. 2009 0698

MOTION by Council Member Khan that the recommendation of the Department of Public Works and Engineering, to set a hearing date to consider adopting a Municipal Setting Designation Ordinance (MSD) for RealBlue Investments LLC for the site located at 2806 - 2818 Hullsmith Drive, Houston, TX 77063, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, November 18, 2009 in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Lovell and carried.

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

Council Member Noriega absent on personal business

PASSED AND ADOPTED this 23rd day of September 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is September 29, 2009.

  
City Secretary

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Motion establishing a public hearing date to consider adopting a Municipal Setting Designation Ordinance for RealBlue Investments LLC for the Site located at 2806 - 2818 Hullsmith Drive, Houston, TX 77063. (MSD # 2009-014-RBI)	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <i>572</i>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> <del>SEP 23 2009</del>
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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> G C and F within 5 miles of site.
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<b>For additional information contact:</b> Carol A. Ellinger, P.E. Senior Assistant Director (713) 837-7658 Richard J. Chapin, Senior Project Manager (713) 837-0421	<b>Date and identification of prior authorizing Council action:</b> 8/22/2007 - 2007-0959
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**RECOMMENDATION: (Summary)**  
Establish a public hearing date to consider adopting a Municipal Setting Designation (MSD) Ordinance for RealBlue Investments LLC for the site located at 2806 - 2818 Hullsmith Drive, Houston, TX 77063.

**Amount and Source of Funding:** N/A *Hearing held 11/18/09 - 9 am*

**BACKGROUND:** In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support.

**REALBLUE INVESTMENTS LLC APPLICATION:** RealBlue Investments LLC is seeking a MSD for 1.38-acres of land located at 2806 - 2818 Hullsmith Drive, Houston, TX 77063. The contamination consists of tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE), and vinyl chloride (VC). Previously, the site was a retail strip center with two automotive repair facilities; the property now consists of cleared, vacant land. The site is surrounded by retail, commercial, single and multi-family residential properties. Contaminations of concern in the groundwater have been identified with protective concentration levels above residential level. Each of these compounds have migrated through the groundwater bearing zone and been stratigraphically trapped. The contaminated groundwater plume is stable; the source of the plume is Tom's Cleaners which is in the voluntary clean-up program and is the adjacent property across Westheimer Road. A public meeting will be held on 10/22/2009 at the Bayland Community Center 6400 Bissonnet, Houston, TX 77074.

RealBlue Investments LLC is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.

**RECOMMENDATIONS:** City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation Ordinance (MSD). The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than six weeks from passage of the Motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date for RealBlue Investments LLC for the site located at 2806 - 2818 Hullsmith Drive, Houston, TX 77063.

MSM:AFI:CAE:JBG  
P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - PUBLIC HEARING.DOC  
C: Marty Stein, Wayne Chan, Gary Drabek, Ceil Price

<b>REQUIRED AUTHORIZATION</b> CUIC ID# 20CAE48		
<b>Finance Department:</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken., Deputy Director Planning and Development Services Division	<b>Other Authorization:</b>

53

2  
NOV 18 2009

MOTION NO. 2009 0699

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, to set a hearing date to consider a Municipal Setting Designation Ordinance (MSD) for 8200 Southwest Freeway, LLC for the site located at 8200 Southwest Freeway, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, November 18, 2009, in the City Council Chamber, Second Floor, City Hall.

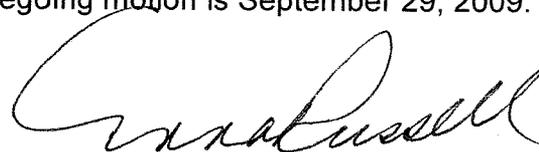
Seconded by Council Member Lovell and carried.

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

Council Member Noriega absent on personal business

PASSED AND ADOPTED this 23rd day of September, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is September 29, 2009.

  
City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Motion establishing a public hearing date to consider adopting a Municipal Setting Designation Ordinance for 8200 Southwest Freeway, LLC for the Site located at 8200 Southwest Freeway, Houston, TX 77074. (MSD # 2009-015-8200SW)	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <i>53</i>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b> <del>SEP 23 2009</del>
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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> F C and G within 5 miles of site.
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<b>For additional information contact:</b> Carol A. Ellinger, P.E. Senior Assistant Director (713) 837-7658 Richard J. Chapin, P.E. Senior Project Manager (713) 837-0421	<b>Date and identification of prior authorizing Council action:</b> 8/22/2007 – 2007-0959
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**RECOMMENDATION: (Summary)**  
Establish a public hearing date to consider adopting a Municipal Setting Designation (MSD) Ordinance for 8200 Southwest Freeway, LLC for the site located at 8200 Southwest Freeway, Houston, TX 77074.

**Amount and Source of Funding:** N/A *Wtd 11/18/09 9 am*

**BACKGROUND:** In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support a MSD application to the State. This Ordinance requires a written public notice be mailed to property owners within 2,500 feet of a proposed MSD and owners/operators of potable water wells within 5 miles of a proposed MSD. In addition, a public meeting and a public hearing are required to be held prior to City Council consideration of support.

**8200 SOUTHWEST FREEWAY, LLC APPLICATION:** 8200 Southwest Freeway, LLC is seeking a MSD for 1-acre of land located at 8200 Southwest Freeway, Houston, TX 77074. The contamination consists of benzene, ethylbenzene, 1,2-dichloroethane (1,2-DCA), 1,1-dichloroethene (1,1-DCE), cis-1,2-dichloroethene (cis-1,2-DCE), methyl tert-butyl ether (MTBE), tetrachloroethene (PCE), toluene, and vinyl chloride (VC). The commercial building was constructed on the site in 1975 with an addition constructed in 1978. The property was formerly occupied by a retail seller and repairer of motorcycles. The current occupant operates an adult novelty store. A phase I Environmental Site Assessment was completed for the designated property in October 2007. No environmental regulatory actions associated with the site were identified in the assessment research conducted. Based upon the investigations completed to date, the contaminant plume is stable. This statement is based on the fact that the underground storage tanks were permanently filled and abandoned in-place in 1994. A public meeting will be held on 10/28/2009 6:30:00 PM at the Bayland Community Center, 6400 Bissonnet Street, Houston, TX 77074.

8200 Southwest Freeway, LLC is seeking a MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.

**RECOMMENDATIONS:** City Ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation Ordinance (MSD). The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than six weeks from passage of the Motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date for 8200 Southwest Freeway, LLC for the site located at 8200 Southwest Freeway, Houston, TX 77074.

MSM:AFI:CAE:JBG  
P:\PLANNING BRANCH\MSD\2009-015-8200SWRCA FOR PUBLIC HEARING #2009-015-8200SW.DOC  
C: Marty Stein, Wyanette Chan, Gary Drabek, Ceil Price

**REQUIRED AUTHORIZATION** CUIC ID# 20CAE49

<b>Finance Department:</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken., Deputy Director Planning and Development Services Division	<b>Other Authorization:</b>
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3

NOV 18 2009

MOTION NO. 2009 0799

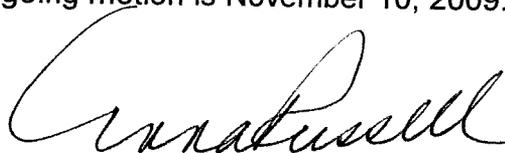
MOTION by Council Member Khan that the recommendation of the Director Department of Public Works and Engineering, to set a hearing date to consider the request for designation of a Banner District in the Upper Kirby District, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, November 18, 2009, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Lovell and carried.

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

PASSED AND ADOPTED this 4th day of November, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is November 10, 2009.

  
City Secretary

<b>SUBJECT:</b> Motion to set a public hearing date relating to a request for the designation of a Banner District in the Upper Kirby District	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  60
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 10/28/09	<b>Agenda Date</b> <del>NOV - 4 2009</del>
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE	<b>Council District affected:</b> C and G
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<b>For additional information contact:</b> Andrew F. Icken Phone: (713) 837- 0510 Deputy Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approval of a motion setting a public hearing date relative to a request for the designation of a Banner District in the Upper Kirby District.

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

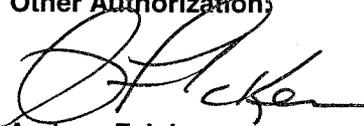
**BACKGROUND:**

The Department of Public Works and Engineering has received a request from the Upper Kirby Management district for the designation of a Banner District as defined in Section 40-30 of the City of Houston Code of Ordinances. The boundaries of the proposed banner district exist within the City Limits of the area defined as the Upper Kirby Management District. Placement of banners will be on specific sections of roadways within the Upper Kirby Management District as shown in the attached exhibit.

The Code of Ordinances defines that the City Council shall conduct a hearing to consider the merits of the request within 45 days. Upper Kirby submitted their request to the City Secretary on October 8, 2009.

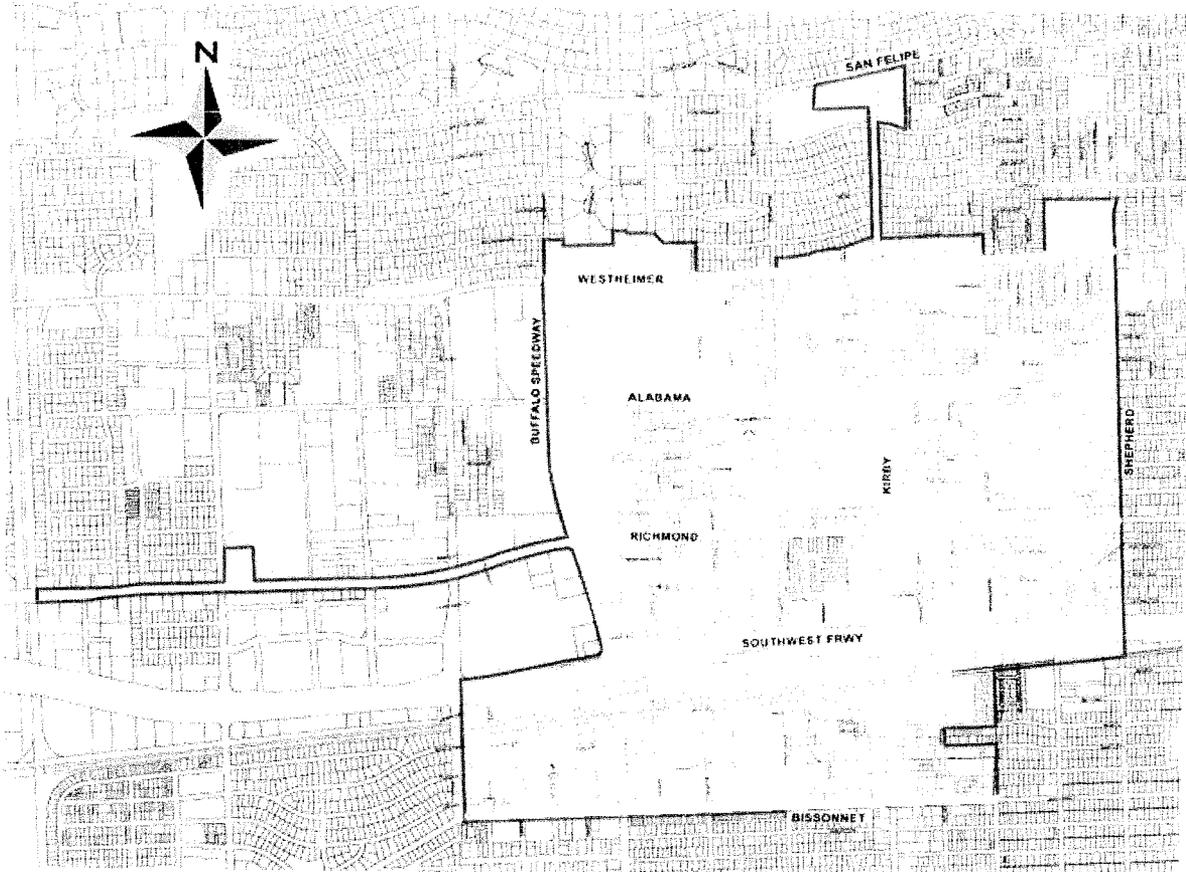
The Department of Public Works and Engineering is requesting that a public hearing be held on November 18, 2009, to consider the designation of a Banner District in the Upper Kirby Management District. During the hearing, Upper Kirby will present the merits of their request, including the following:

- 1) The area has paved streets with rights of way not less than 60 feet wide;
- 2) The land in use in the proposed district is primarily nonresidential; and
- 3) The designation of the proposed district would not endanger the health, safety, welfare and public convenience of the citizens of the city.

<p style="text-align: right;"><b>REQUIRED AUTHORIZATION 20AFI47</b></p>	
<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken Deputy Director Planning and Development Services

# EXHIBIT "A"

## Boundary Description



\*Highlighted major thoroughfares meet the following criteria:

- a. The area has paved public streets with rights-of-way not less than 60 feet wide;
- b. The land use in the proposed district is primarily nonresidential; and
- c. The designation of the proposed district would not endanger the health, safety, welfare and public convenience of the citizens of the city.

4  
NOV 18 2009

MOTION NO. 2009 0800

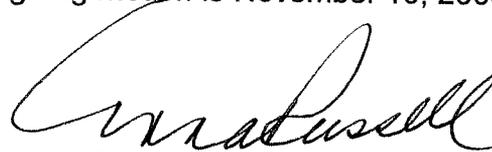
MOTION by Council Member Khan that the recommendation of the Director of the Finance Department, to set a hearing date to consider the Third Amendment to the Project and Financing Plan for the Tax Increment Reinvestment Zone Number Nineteen (Upper Kirby Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, November 18, 2009, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Green and carried.

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

PASSED AND ADOPTED this 4th day of November, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is November 10, 2009.

  
City Secretary

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**SUBJECT:** Motion establishing a public hearing date for a Third amendment to the Project Plan and Financing Plan for TIRZ No. 19 (Upper Kirby Zone).

**Category #**

**Page**  
1 of 1

**RCA #**

**Agenda Item#** *61*

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

Michelle Mitchell, Director  
Finance Department

**Origination Date**

*10/28/09*

**Agenda Date**

*NOV 4 2009*

**DIRECTOR'S SIGNATURE:**

*Michelle Mitchell*

Finance Department

**Council Districts affected:**

C, G

**For additional information contact:**

Ralph De Leon  
Tim Douglass

**Phone:** (713) 837-9573  
(713) 837-9857

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

Ord. 1999-0767, 07/21/99, Ord. 1999-0773, 07/28/99, Ord. 2007-0140, 01/31/07, Ord. 2008-0976, 11/05/08

**RECOMMENDATION: (Summary)**

Establish a public hearing date regarding amendments to the Project Plan and Financing Plan for TIRZ No. 19 (Upper Kirby Zone).

**Amount of Funding:** No Funding Required

**Finance Budget:**

**SOURCE OF FUNDING:**

General Fund

Grant Fund

Enterprise Fund

N/A

**SPECIFIC EXPLANATION:**

On September 16, 2009 the Board of Directors of the Upper Kirby Redevelopment Authority and the Board of Directors of TIRZ No. 19 (Upper Kirby Zone) approved amendments to the Project and Financing Plan for the Zone and have transmitted a proposed Third Amended Project and Financing Plan (the "Amended Plan") for City Council consideration. When initially created by City Council on July 21, 1999, the term of the TIRZ was established at 15 years. Due to the magnitude of mixed use development within the TIRZ, a greater demand continues to be placed on already distressed infrastructure than was originally projected. The proposed improvements included in the Amended Plan in tandem with an extension of the life of the TIRZ to December 31, 2029 will provide the assistance needed to adequately address future drainage, mobility, and quality of life issues resulting from existing and projected densities.

Per Section 311.011(e) of the Tax Code the ("TIRZ Act"), a public hearing must be held prior to the adopting an ordinance approving the Amended Plan. The Finance Department recommends establishing a public hearing for November 18, 2009.

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:**

*Tim Douglass*



BILL WHITE  
MAYOR

November 4, 2009

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: W.H.09  
date  
COUNCIL MEMBER: \_\_\_\_\_

5  
NOV 18 2009

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to City of Houston Electrical Code Section 203, I am appointing and reappointing the following individuals to the Electrical Board, subject to Council confirmation:

- Mr. Chris J. Fahrenthold, reappointment to Position One, for a term to expire January 2, 2011;
- Mr. Eliot L. Doucet, reappointment to Position Two, for a term to expire January 2, 2010;
- Mr. Harry Hughes, reappointment to Position Three, for a term to expire January 2, 2011;
- Mr. Antonio A. Orta, reappointment to Position Four, for a term to expire January 2, 2010;
- Mr. Larry S. Neal, reappointment to Position Five, for a term to expire January 2, 2011;
- Mr. Edward T. Dickerson, reappointment to Position Six, for a term to expire January 2, 2010, and to serve as Chair;
- Mr. Santosh Mukerji, reappointment to Position Seven, for a term to expire January 2, 2011;
- Ms. Piridy F. Nelson, appointment to Position Eight, for a term to expire January 2, 2010;
- Mr. Charles S. Prichard, reappointment to Position Nine, for a term to expire January 2, 2011;
- and
- Mr. Javier M. Ramos, reappointment to Position Ten, for a term to expire January 2, 1010.

The résumés are attached for your review.

Sincerely,

Bill White  
Mayor

BW:LC:jsk

Attachments

cc: Mr. N. A. Weiman, Division Manager, Code Enforcement, Public Works and Engineering Department



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

6  
NOV 18 2009

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: 11-5-09 date  
COUNCIL MEMBER: \_\_\_\_\_

November 4, 2009

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Section 335.035 of the Texas Local Government Code, I am appointing the following individual to the Harris County-Houston Sports Authority Board of Directors, subject to City Council confirmation:

Mr. Mark D. Lee, appointment to Position Two, for a term to expire August 31, 2010.

The résumé of the appointee is attached for your review.

Sincerely,

Bill White  
Mayor

BW:LC:jsk

Attachment

- 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







BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

8

NOV 18 2009

COPY TO EACH MEMBER OF COUNCIL:  
CITY SECRETARY: 11-4-09  
date  
COUNCIL MEMBER: \_\_\_\_\_

November 4, 2009

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to Chapter 26, Article I, of the City of Houston Code of Ordinances, I appoint and reappoint the following individuals to the Public Parking Commission, subject to City Council confirmation:

- Mr. Gary Mosley, appointment to Position Eight, for a term to expire December 31, 2011;
- Mr. Ricardo A. Baca Mares, reappointment to Position Ten, for a term to expire December 31, 2011;
- Mr. F. Xavier Peña, reappointment to Position Twelve, for a term to expire December 31, 2011;
- and
- Mr. Charles D. Reedstrom, reappointment to Position Fourteen, for a term to expire December 31, 2011.

The résumés are attached for your review.

Sincerely,

Bill White  
Mayor

BW:LC:jsk

Attachments

cc: Mr. Issa Dadoush, Director, General Services Department  
Ms. Liliana Rambo, Assistant Director, Parking Management



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

9

NOV 18 2009

November 4, 2009

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 11-4-09  
date

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

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Chapter 3802, Texas Special Districts Local Laws Code, I am nominating the following individuals for reappointment to the Westchase District Board of Directors, as recommended by the District Board of Directors, subject to Council confirmation:

- Ms. Amy Rushing, reappointment to Position One, for a term to expire June 1, 2013;
- Mr. Martin Wiltshire, reappointment to Position Two, for a term to expire June 1, 2013;
- Ms. Donna J. Flowers, reappointment to Position Three, for a term to expire June 1, 2013;
- Ms. Beth Van Winkle, reappointment to Position Four, for a term to expire June 1, 2013;
- Mr. Keith Josey, reappointment to Position Five, for a term to expire June 1, 2013;
- Mr. John N. Kelley, reappointment to Position Six, for a term to expire June 1, 2013;
- Mr. Douglas L. Elliott, reappointment to Position Seven, for a term to expire June 1, 2013; and
- Mr. Gary Baker, reappointment to Position Eight, for a term to expire June 1, 2013.

Résumés of the nominees are attached for your review.

Sincerely,

A handwritten signature in black ink that reads "Bill White".

Bill White  
Mayor

BW:LC:jsk

Attachments

cc: Mr. Jim Murphy, General Manager, Westchase District  
Ms. Jeanne H. McDonald, Attorney for the District, Westchase District

<b>SUBJECT:</b> Dedication Plaque New Fire Station 24 WBS No. C-000051-0001-4		<b>Page</b> 1 of 1	<b>Agenda Item</b> 10
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 11-10-09	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE</b> Issa Z. Dadoush, P.E. <i>Issa Dadoush 11/4/09</i>	<b>Council District(s) affected:</b> D
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JL Nisby</i> Phone: (832) 393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2002-0716, July 31, 2002 Ordinance No. 2008-0352, April 23, 2008
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**RECOMMENDATION:** Approve computer image for dedication plaque.

<b>Amount and Source Of Funding:</b> No Additional Funding Required.	<b>Finance Budget:</b>
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**SPECIFIC DESCRIPTION:** The General Services Department recommends that City Council pass a motion to approve a computer image for a dedication plaque (copy attached) for new Fire Station 24.

**PROJECT LOCATION:** Fire Station 24  
2526 Reed Rd. (573A)

**PROJECT DESCRIPTION:** This project constructed a new 11,100 sf fire station with three drive-thru apparatus bays, maintenance and EMT areas, living quarters, kitchen and lounge, exercise area, locker rooms and bathrooms and fuel island in accordance with the Houston Fire Department Design Manual.

**REPRESENTATION:** The plaque identifies the City of Houston elected officials and department heads who served when the project commenced as well as the individuals serving in those positions at the completion of the project.

IZD:JLN:HB:MCP:JW:jw

Attachment

c: Marty Stein, Issa Z. Dadoush, P.E., Jacquelyn L. Nisby, Phil Boriskie, File

**REQUIRED AUTHORIZATION**

CUIC#25CONS126

<b>General Services Department:</b> <i>Humberto Bautista</i> Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Other Authorization:</b>	<b>Houston Fire Department:</b> <i>Phil Boriskie</i> Phil Boriskie Fire Chief
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**Description**

Qty. 1

Components:  
22-1/2" h x 30" w - asi  
Bronze Plaque

**FIRE STATION 24  
CITY OF HOUSTON**

**2002  
LEE P. BROWN, MAYOR**

**DISTRICT COUNCIL MEMBERS**

BRUCE TATRO DISTRICT A  
CAROL MIMS GALLOWAY DISTRICT B  
MARK GOLDBERG DISTRICT C  
ADA EDWARDS DISTRICT D  
ADDIE WISEMAN DISTRICT E  
MARK ELLIS DISTRICT F  
BERT KELLER DISTRICT G  
GABRIEL VASQUEZ DISTRICT H  
CAROL ALVARADO DISTRICT I

**COUNCIL MEMBERS AT LARGE**

ANNISE D. PARKER POSITION 1  
GORDON QUAN POSITION 2  
SHELLEY SEKULA-GIBBS, M.D. POSITION 3  
MICHAEL BERRY POSITION 4  
CARROLL G. ROBINSON POSITION 5

**SYLVIA R. GARCIA CONTROLLER**

CHRIS CONNEALY, FIRE CHIEF HOUSTON FIRE DEPARTMENT  
MONIQUE MCILBRA BUILDING SERVICES DEPARTMENT  
PGAL ARCHITECT

**2009  
BILL WHITE, MAYOR**

**DISTRICT COUNCIL MEMBERS**

TONI LAWRENCE DISTRICT A  
JARVIS JOHNSON DISTRICT B  
ANNE CLUTTERBUCK DISTRICT C  
WANDA ADAMS DISTRICT D  
MIKE SULLIVAN DISTRICT E  
M.J. KHAN, P.E. DISTRICT F  
PAM HOLM DISTRICT G  
EDWARD GONZALEZ DISTRICT H  
JAMES G. RODRIGUEZ DISTRICT I

**COUNCIL MEMBERS AT LARGE**

PETER BROWN POSITION 1  
SUE LOVELL POSITION 2  
MELISSA NORIEGA POSITION 3  
RONALD C. GREEN POSITION 4  
JOLANDA "JO" JONES POSITION 5

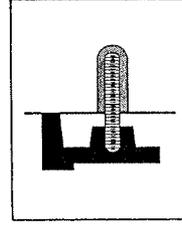
**ANNISE D. PARKER CONTROLLER**

PHIL BORISKE, FIRE CHIEF HOUSTON FIRE DEPARTMENT  
ISSA Z. DAOUSH, P.E. GENERAL SERVICES DEPARTMENT  
TIMES CONSTRUCTION, INC. GENERAL CONTRACTOR

22-1/2" h x 30" w - asi  
Cast Bronze Plaque  
Background Color: Light Oxide  
Background Texture: Leatherette

22-1/2"

30"



**Stud Mount  
Note: Client to Verify Type of Wall Plaque Will Be Mounted To**

**asi**  
Signage Installation  
8801 Jameel Rd.  
Suite 170  
Houston, TX 77040  
713.462.7222 Tel  
713.895.7516 Fax  
www.asisignage.com

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<b>Project:</b> Fire Station # 24	<b>Sign Type:</b> Cast Bronze Plaque
<b>Client:</b> Times Construction	<b>PM/Sales:</b> Christine Schultz
<b>Scale:</b> 3/16" = 1"	<b>Date:</b> 06-16-09
	<b>Drawn By:</b> EMR

<b>Revision 5:</b> 11-04-09	Client approval of this print is required prior to manufacturing. Your approval acknowledges that this print is correct and supersedes any previous drawings and/or specifications related to this order.
<b>Revision 2:</b> 08-07-09	
<b>Revision 3:</b> 10-16-09	
<b>Revision 4:</b> 10-23-09	

<b>Approved By:</b>	
<b>Date Approved:</b>	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

12

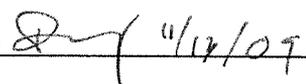
<b>SUBJECT:</b> Texas Commission on Environmental Quality (TCEQ)'s Annual Consolidated Water Quality (CWQ) fee for FY10	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 11
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 11-13-09	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	<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)**  
 Authorize payment of the TCEQ invoice for **\$1,320,929.35** for the annual Consolidated Water Quality (CWQ) fee for the City's wastewater treatment plants.

**Amount & Source of Funding:**  
**\$1,320,929.35** from the Water and Sewer System Operating Fund (8300)  11/12/09

**SPECIFIC EXPLANATION:**

This is a Request for Council Action (RCA) to authorize payment of an invoice received from the Texas Commission on Environmental Quality (TCEQ) for the annual Consolidated Water Quality (CWQ) fee that applies to the City of Houston's wastewater treatment plants.

The current invoice covers the period from September 1, 2009 to August 31, 2010 corresponding to TCEQ's fiscal year FY10. The annual assessment is based on the permitted flow and pollutants for each wastewater treatment plant. The fee rate schedule is found in TCEQ's regulations, - Title 30, Texas Administrative Code (TAC), Chapter 21: Water Quality Fees, Section 21.3. Fee Assessment.

The revenue resulting from the Consolidated Water Quality fee pays TCEQ's expenses to inspect wastewater treatment facilities and to enforce the provisions of the Texas Water Code. It also funds comprehensive monitoring of water quality for each river basin, conducted under the Texas Clean Rivers Program.

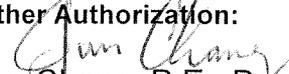
The attached invoice reflects a fee increase by the TCEQ. The 81st Legislature passed House Bill 1433 to increase the statutory cap set in the Texas Water Code for the Water Use Assessment Fee and the Consolidated Water Quality Fee from \$75,000 to \$100,000. That legislation also allows for annual adjustments based on the consumer price index up to a maximum amount of \$150,000. The TCEQ adopted rules to increase the Consolidated Water Quality Fee, Public Health Service Fee, and Water Use Assessment Fee at its July 8, 2009 agenda meeting, and the rules took effect July 30, 2009.

Prior to the adoption of the HB1433 and TCEQ rule changes, a coalition of the municipalities in Texas including the City of Houston and their lobbying teams worked to reduce the magnitude of the fee increase (the proposed statutory cap was \$200,000), however a significant increase was adopted. The increase is mainly in Water Use Assessment Fee (a net increase of approximately \$2.3M), the Consolidated Water Quality (CWQ) fee has also increased from \$1,175,230.20 for 2009 to \$1,320,929.35 for 2010.

Recommend that Council approve the Department of Public Works and Engineering's request to pay TCEQ the invoiced amount of \$1,320,929.35.

MSM:JC:DHB:RK:WS:ag

cc:   Waynette Chan           Jun Chang, P.E.           Dannelle H. Belhateche, P.E.   Susan Bandy, CPA  
       Gary Drabek               Marty Stein

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC# 20DHB316A</b>
<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Jun Chang, P.E., Deputy Director Public Utilities Division



TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

# INVOICE

COMPANY: CITY OF HOUSTON  
ACCOUNT: 23002078

DETACH BOTTOM PORTION AND RETURN WITH PAYMENT - KEEP TOP PORTION FOR YOUR RECORDS -

PAGE 1

ACCOUNT NO.	THIS INVOICE REFLECTS ALL PAYMENTS RECEIVED THROUGH:	LATE FEES	BALANCE DUE
23002078	OCT07, 09	0.00	1,320,929.35

INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	BALANCE
OCT31, 09	CWQ0026512	PERMIT 010495-119 FY10 CWQ ASSESSMENT FE	100,000.00	100,000.00
OCT31, 09	CWQ0026511	PERMIT 010495-116 FY10 CWQ ASSESSMENT FE	80,345.00	180,345.00
OCT31, 09	CWQ0026514	PERMIT 010495-126 FY10 CWQ ASSESSMENT FE	10,705.00	191,050.00
OCT31, 09	CWQ0026515	PERMIT 010495-133 FY10 CWQ ASSESSMENT FE	7,970.00	199,020.00
OCT31, 09	CWQ0026516	PERMIT 010495-135 FY10 CWQ ASSESSMENT FE	16,795.00	215,815.00
OCT31, 09	CWQ0026517	PERMIT 010495-139 FY10 CWQ ASSESSMENT FE	4,325.75	220,140.75
OCT31, 09	CWQ0026518	PERMIT 010495-142 FY10 CWQ ASSESSMENT FE	1,648.80	221,789.55
OCT31, 09	CWQ0026519	PERMIT 010495-146 FY10 CWQ ASSESSMENT FE	23,715.00	245,504.55
OCT31, 09	CWQ0026520	PERMIT 010495-148 FY10 CWQ ASSESSMENT FE	2,124.80	247,629.35
OCT31, 09	CWQ0026521	PERMIT 010495-149 FY10 CWQ ASSESSMENT FE	4,137.50	251,766.85
OCT31, 09	CWQ0026522	PERMIT 010495-150 FY10 CWQ ASSESSMENT FE	3,055.00	254,821.85
OCT31, 09	CWQ0026523	PERMIT 010495-151 FY10 CWQ ASSESSMENT FE	3,277.50	258,099.35
OCT31, 09	CWQ0026487	PERMIT 010495-002 FY10 CWQ ASSESSMENT FE	99,980.00	358,079.35
OCT31, 09	CWQ0026488	PERMIT 010495-003 FY10 CWQ ASSESSMENT FE	81,550.00	439,629.35

Please return coupon with payment. For questions concerning charges or site location, please call 512-239-4671.

1,320,929.35

See REVERSE SIDE for Explanation of Charges and TCEQ Contact Telephone Numbers.

PLEASE PAY THIS AMOUNT INCLUDE ACCOUNT NUMBER ON CHECK

CEQ VIPP Form AR41A 02-16-06

OCT07, 09

DETACH THIS PORTION AND RETURN WITH CHECK OR MONEY ORDER PAYABLE TO:

ACCOUNT NO.	BALANCE DUE
23002078	1,320,929.35



TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

CHECK HERE IF YOUR ADDRESS HAS CHANGED.  
PLEASE INDICATE ADDRESS CHANGE ON BACK

**INVOICES NOT PAID WITHIN  
30 DAYS OF INVOICE DATE WILL  
ACCRUE PENALTIES**

CITY OF HOUSTON  
ATTN: DANIELLE H BELHATECHE PE  
4545 GROVEWAY DR  
PUBLIC WORKS AND ENGINEERING  
HOUSTON TX 77087-1122

0023002078 1533360 01320929351031090

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

BILLING DATE: OCT07,09

ACCOUNT NO.: 23002078

PAGE 2

INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	BALANCE
OCT31,09	CWQ0026489	PERMIT 010495-009 FY10 CWQ ASSESSMENT FE	29,850.00	469,479.35
OCT31,09	CWQ0026490	PERMIT 010495-010 FY10 CWQ ASSESSMENT FE	9,955.00	479,434.35
OCT31,09	CWQ0026491	PERMIT 010495-016 FY10 CWQ ASSESSMENT FE	32,475.00	511,909.35
OCT31,09	CWQ0026492	PERMIT 010495-023 FY10 CWQ ASSESSMENT FE	17,910.00	529,819.35
OCT31,09	CWQ0026493	PERMIT 010495-030 FY10 CWQ ASSESSMENT FE	100,000.00	629,819.35
OCT31,09	CWQ0026494	PERMIT 010495-037 FY10 CWQ ASSESSMENT FE	100,000.00	729,819.35
OCT31,09	CWQ0026495	PERMIT 010495-050 FY10 CWQ ASSESSMENT FE	26,351.00	756,170.35
OCT31,09	CWQ0026496	PERMIT 010495-065 FY10 CWQ ASSESSMENT FE	10,705.00	766,875.35
OCT31,09	CWQ0026497	PERMIT 010495-075 FY10 CWQ ASSESSMENT FE	21,814.00	788,689.35
OCT31,09	CWQ0026498	PERMIT 010495-076 FY10 CWQ ASSESSMENT FE	80,345.00	869,034.35
OCT31,09	CWQ0026499	PERMIT 010495-077 FY10 CWQ ASSESSMENT FE	33,557.50	902,591.85
OCT31,09	CWQ0026500	PERMIT 010495-078 FY10 CWQ ASSESSMENT FE	36,805.00	939,396.85
OCT31,09	CWQ0026501	PERMIT 010495-079 FY10 CWQ ASSESSMENT FE	19,190.50	958,587.35
OCT31,09	CWQ0026502	PERMIT 010495-090 FY10 CWQ ASSESSMENT FE	100,000.00	1,058,587.35
OCT31,09	CWQ0026503	PERMIT 010495-095 FY10 CWQ ASSESSMENT FE	32,435.00	1,091,022.35
OCT31,09	CWQ0026504	PERMIT 010495-099 FY10 CWQ ASSESSMENT FE	19,410.00	1,110,432.35
OCT31,09	CWQ0026505	PERMIT 010495-100 FY10 CWQ ASSESSMENT FE	16,748.50	1,127,180.85
OCT31,09	CWQ0026506	PERMIT 010495-101 FY10 CWQ ASSESSMENT FE	17,910.00	1,145,090.85
OCT31,09	CWQ0026507	PERMIT 010495-109 FY10 CWQ ASSESSMENT FE	55,730.00	1,200,820.85
OCT31,09	CWQ0026508	PERMIT 010495-110 FY10 CWQ ASSESSMENT FE	32,682.50	1,233,503.35
OCT31,09	CWQ0026509	PERMIT 010495-111 FY10 CWQ ASSESSMENT FE	60,079.00	1,293,582.35
OCT31,09	CWQ0026510	PERMIT 010495-112 FY10 CWQ ASSESSMENT FE	3,577.00	1,297,159.35
OCT31,09	CWQ0026513	PERMIT 010495-122 FY10 CWQ ASSESSMENT FE	23,770.00	1,320,929.35

### PAYMENT AUTHORIZATION

NAME: WALID SAMI ALNEH

SIGNATURE: [Handwritten Signature]

FUND: 8300      ORG: 2000040004

OBJ: 120710      AMT: 1,320,929.35

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Payment approval for the sum of \$2,477,316.85 to the Texas Commission on Environmental Quality for water system fees for calendar year 2010		Apr	Page 1 of 1	Agenda Item # <i>12</i>
<b>FROM (Department or other point of origin)</b> Department of Public Works and Engineering:		<b>Origination Date</b> 11-10-09	<b>Agenda Date</b> NOV 18 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> Michael S. Marcotte, P.E., D.WRE, BCEE <i>Michael S. Marcotte 11/20/09</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Yvonne W. Forrest Phone: 713-837-7051 Senior Assistant Director		<b>Date and identification of prior authorizing Council action:</b> 1-3-08 - Motion No. 2008-0005 12-17-08 - Motion No. 2008-0901		
<b>RECOMMENDATION: (Summary)</b> That City Council approve payment of \$2,477,316.85 to the Texas Commission on Environmental Quality for the 2010 Water System Fees.				
<b>Amount of Funding:</b> \$2,477,316.85 <i>2/4/10/09</i>			<b>Finance Department:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input checked="" type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) Water & Sewer System Operating Fund No. 8300				
<b>SPECIFIC EXPLANATION:</b> The Department of Public Works and Engineering/ Drinking Water Operations Branch requests Council to approve payment of the Annual Water System Fees for the period of January 1, 2010 to December 31, 2010. These fees are paid to the Texas Commission on Environmental Quality (TCEQ) for regulatory activities required for this agency under the Federal Safe Drinking Water Act. These activities include sanitary surveys, plan reviews, coordination of chemical and bacteria sample collection and other technical assistance.  The attached invoice reflects a significant fee increase by the TCEQ. The 81st Legislature passed House Bill 1433 to increase the statutory cap set in the Texas Water Code for the Water Use Assessment Fee and the Consolidated Water Quality Fee from \$75,000 to \$100,000. That legislation also allows for annual adjustments based on the consumer price index up to a maximum amount of \$150,000. The TCEQ adopted rules to increase the Consolidated Water Quality Fee, Public Health Service Fee, and Water Use Assessment Fee at its July 8, 2009 meeting, and the rules took effect July 30, 2009.  Prior to the adoption of the HB1433 and TCEQ rule changes, a coalition of the municipalities in Texas including the City of Houston and their lobbying teams worked to reduce the magnitude of the fee increase (the proposed statutory cap was \$200,000), however a significant increase was adopted. As a result the City's Water System fee has increased from \$141,683.81 for 2009 to \$2,477,316.85 for 2010.  YWF:dt  cc: Michael S. Marcotte, P.E., D.WRE, BCEE Jun Chang, P.E. Marty Stein Waynette Chan Gary Drabek Yvonne W. Forrest				
<b>REQUIRED AUTHORIZATION</b>		<b>20YWF05</b>		
<b>Finance Department:</b>	<b>Other Authorization:</b> <i>Yvonne W. Forrest</i> Yvonne W. Forrest Senior Assistant Director	<b>Other Authorization:</b> <i>Jun Chang</i> Jun Chang, P.E. Deputy Director		

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

<b>SUBJECT:</b> Accept Work for Neighborhood Street Reconstruction (NSR) 446; WBS No. N-000378-0001-4, S-000500-0050-4, R-000500-0050-4.	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <i>13</i>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  11-11-09	<b>Agenda Date</b>  NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., D.WRE, BCEE., Director	<b>Council Districts affected:</b>  C <i>JM</i>
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<b>For additional information contact:</b>   J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone: (713) 837-7074</b>	<b>Date and Identification of prior authorizing Council Action:</b>  Ord. #2007-439 dated 04/04/2007
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**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$7,687,994.95 or 3.83% over the original Contract Amount, accept the Work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required. Total (original) appropriation of \$8,548,000.00 with \$7,385,625.00 from Street and Bridge Consolidated Construction Fund, Fund No. 4506 and \$1,162,375.00 from Water and Sewer System Consolidated Construction Fund, Fund No. 8500.

**PROJECT NOTICE/JUSTIFICATION:** This project was a part of the Neighborhood Street Reconstruction Program, and was required to improve the condition of residential streets in addition to enhancing the quality of life in the neighborhoods.

**DESCRIPTION/SCOPE:** This project consisted of reconstruction of the neighborhood streets. The proposed improvements consisted of concrete roadways with curbs, sidewalks and underground utilities. Claunch and Miller, Inc. designed the project with 540 calendar days allowed for construction. The project was awarded to JFT Construction, Inc. with an original Contact Amount of \$7,404,402.31.

**LOCATION:** The streets included in this project are listed below:

<u>Street</u>	<u>Limit</u>	<u>Key Map Grid</u>
Woodvalley	From Stella Link to Timberside	532 S, T
Sub Valley	From Latma to Timberside	532 N, P, S, T
Woodmeadow	From Woodvalley to Sun Valley	532 P, T
Westridge	From Sun Valley to Timberside	532 P
Kapri	From Woodvalley to Sun Valley	532 S, N
Marlive	From Woodvalley to Sun Valley	532 S, N
Riddlewood	From Woodvalley to Sun Valley	532 S, N
Linkmeadow	From Woodvalley to Sun Valley	532 S, N
Ilona	From Woodvalley to Sun Valley	532 S, N
Silverlake	From Woodvalley to Sun Valley	532 T, P
Timberside	From 610 Frontage Road to Westridge	532 T, P
Latma	From Westridge to 263 Feet West	532P

**REQUIRED AUTHORIZATION** CUIC ID # 20HA77

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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<b>Date:</b>	<b>SUBJECT:</b> Accept Work for Neighborhood Street Reconstruction (NSR) 446; WBS No. N-000378-0001-4, S-000500-0050-4, R-000500-0050-4.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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**CONTRACT COMPLETION AND COST:** The Contractor, JFT Construction, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 thru 3, and Sunday/ Holiday Overtime Cost is \$7,687,994.95 This is an increase of \$283,592.64 or 3.83% over the original Contract Amount.

The increased cost is a result of Change Order No. 1 thru 3 and difference between planned and measured quantities. This increase is primarily a result of overrun in Bid Item No. 7 – 8” PVC (AWAA C900) Class 150, Augured, Bid Item No. 19 – ¾” to 1” Single Long Side Res. Service Replacement, Bid Item No. 24 – Relocate Water Meter w/ Box, Bid Item No. 41 – 7” Reinforced Concrete Pavement, Bid Item No. 42 – 6” Reinforced Concrete Curb, Bid Item No. 44 – Install 6” Concrete Driveway, Bid Item No. 78 – Remove and Replace Yard Drain, Through Sidewalk , if Required, All Pipe Sizes, Adapters, and Appurtenances Complete in Place, Bid Item No. 95 - Street Lighting Conduit, 2-inch Sched 40 PVC, and Extra Unit Price Items, which were necessary to complete the work.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 20%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 18.39%. Contractor’s M/WBE performance evaluation was rated Satisfactory.

This item was reviewed by the MWBE committee on November 5th, 2009 but no action was taken due to lack of quorum.

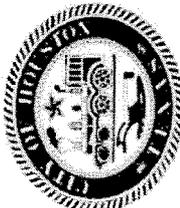
MSM:DRM:JTL:JAK:AH:ha

Z:\E&C Construction\South Sector\PROJECT FOLDER\N-000378-0001-4 (NSR 446)\Close-out Documentation\RCA\RCA - Closeout.doc

cc: Velma Laws Craig Foster Waynette Chan Marty Stein File N-0378-01/21.0.

**26/March/2007**  
**Neighborhood Street Reconstruction (NSR) 446**  
**GFS No. N-000378-0001-4**  
**Key Map Grid #'s 532 N, P, S, T**  
**Council Districts C**  
**List of Streets**

<u>Street</u>	<u>Limit</u>	<u>Key Map Grid</u>
1. Woodvalley	From Stella Link to Timberside	532 S,T
2. Sun Valley	From Latma to Timberside	532 N,P,S,T
3. Woodmeadow	From Woodvalley to Sun Valley	532 P,T
4. Westridge	From Sun Valley to Timberside	532 P
5. Kapri	From Woodvalley to Sun Valley	532 S,N
6. Marlive	From Woodvalley to Sun Valley	532 S,N
7. Riddlewood	From Woodvalley to Sun Valley	532 S,N
8. Linkmeadow	From Woodvalley to Sun Valley	532 S,N
9. Ilona	From Woodvalley to Sun Valley	532 S,N
10. Silverlake	From Woodvalley to Sun Valley	532 T,P
11. Timberside	From 610 Frontage Road to Westridge	532 T,P
12. Latma	From Westridge to 263 Feet West	532 P



**CITY OF HOUSTON**  
**Contract Compliance Section**  
**Verification of MWDBE Participation**

Clearance Request Date: 9/1/09 CCO Assigned: Tia Justice  
 Project Description or Number: NSR #446- Woodside Subdivision, Woodvalley, Sun Valley, Woodmeadow, etc.  
 Prime Contractor: JFT Construction, Inc.  
 MWDBE Goal: 20% Final Contract Price: \$7,687,994.95

MWDBE	Phone	Type of Services	Amount Paid Per Prime	Amount Paid Per MWDBE	Retainage	Comments
Bedo Construction Products, Inc.	713-466-9430	Aggregates, HDPE Pipe	\$502,940.00	\$502,940.00	\$0.00	
C. Sanchez Trucking	832-573-1877	Grout, Standard Cement Plug and Manhole Rehab.	\$455,645.00	\$455,645.00	\$0.00	
Martinez Guy & Maybik	281-679-0335	Clean /TV Sewer lines	\$25,105.00	\$25,105.00	\$0.00	
Mickie Service Company	713-682-7454	Asphalt & Concrete Repair	\$8,875.00	\$8,875.00	\$0.00	
Perez Construction Company	281-435-7040	Concrete Curb	\$3,614.00	\$3,614.00	\$0.00	
Traffic Control Specialist of Houston	281-570-7353	Traffic Control	\$132,600.00	\$132,600.00	\$0.00	
Two Way Barricade Equipment	281-272-9806	Traffic Control	\$209,250.00	\$209,250.00	\$0.00	
Traffic Systems Construction	281-337-1926	Street Light	\$76,163.00	\$76,163.00	\$0.00	
<b>TOTALS:</b>			<b>\$1,414,192.00</b>	<b>\$1,414,192.00</b>	<b>\$0.00</b>	

COMMENTS:

Actual Participation: 18.39% Date Submitted: 9-29-09  
 Prepared By: Tia Justice Date Completed: 9-29-09

January 14, 2009

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

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

Dear Mr. Scott:

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

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

Here are the actual participation factors:

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

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

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

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

Sincerely,

**JFT CONSTRUCTION, INC.**



Joseph Tahouh, P.E.

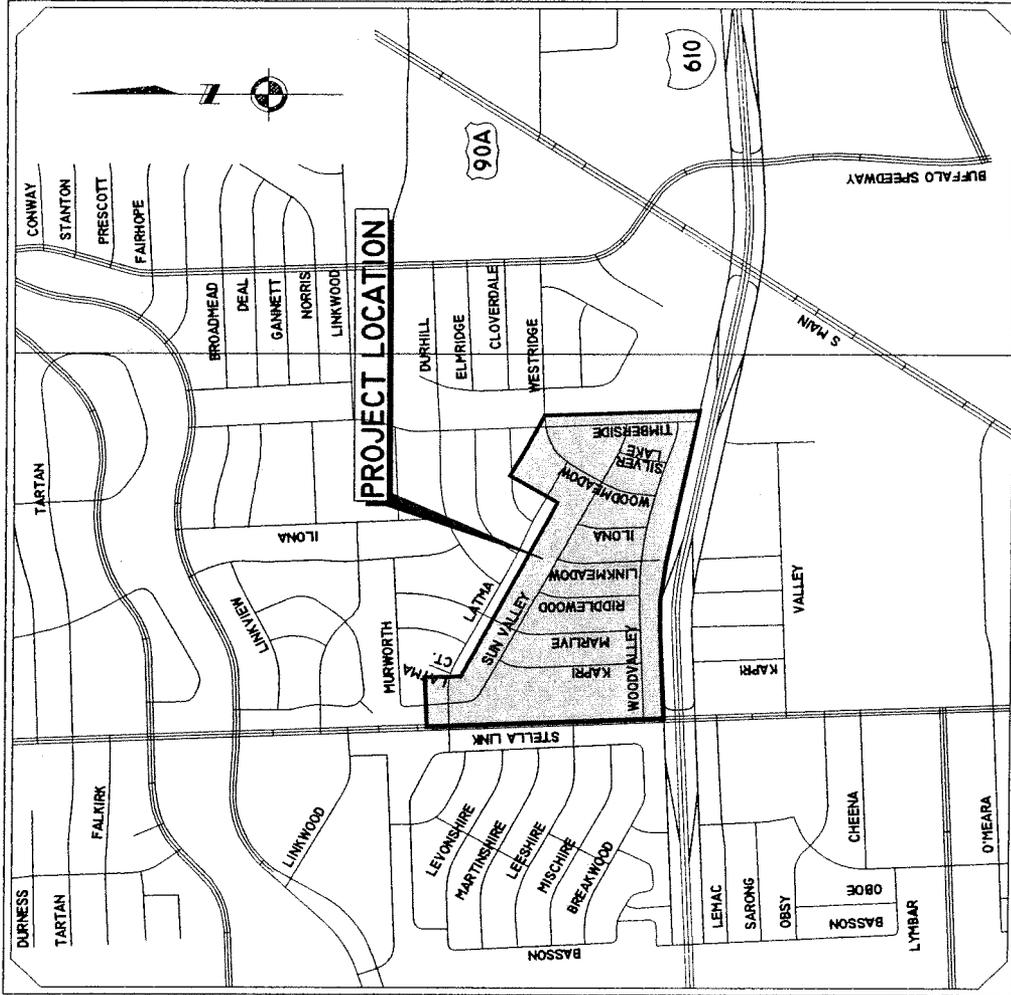
President

Cc: Mr. Donald Black, via e-mail: Donald.Black@cityofhouston.net  
The job (with affirmative action) A Job

# JFT Construction, Inc. Contract History Project

As of October 1, 2009

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	MWDBE Rating
1	1999 Safe sidewalks program: Calles Street, Hershe Street, N-0610A-Q4-3	\$323,111.19	0%	0.00%	02/19/01	No goal
2	1999 Safe sidewalks program: Harrisburg Blvd, Group 2, N-0610A-S5-3	\$292,109.84	0%	0.00%	03/22/01	No goal
3	1999 Safe sidewalks program: Package 2, Halpern, Maury, N-0610A-P5-3	\$373,639.03	0%	0.00%	03/22/01	No goal
4	1999 Safe sidewalks program: Alameda Plaza Drive, ect. N-0610A-Q9-3	\$180,921.09	0%	0.00%	09/10/01	No goal
5	Gessner/Warrenton relief storm sewers. M-0126-S3-3	\$1,483,376.24	17%	17.13%	05/07/02	Satisfactory
6	Chimney Rock from Ludington to Benning Road. N-0681-01-3	\$2,145,606.07	17%	16.71%	05/10/02	Satisfactory
7	Frostwood West drainage improvements. M-1001-01-3	\$2,201,098.55	17%	21.97%	01/21/03	Outstanding
8	2000 Safe sidewalk program in Southwest Houston, package 1. N-0610A-C1-3	\$468,300.00	0%	0.00%	10/06/03	No goal
9	San Felipe Road widening: Briargrove Dr. to Fountainview D., segment III. N-0565-03-3	\$7,269,459.30	17%	17.20%	06/24/04	Satisfactory
10	Storm drainage improv. in the Wilchester West Subdivision. M-0246-01-3	\$4,885,612.43	17%	20.20%	12/27/05	Outstanding
11	Ashford Forest, Nottingham Forest, etc. drainage improvements.	\$7,949,202.12	17%	17.89%	01/23/06	Satisfactory
12	NSR #436B - Briargrove Subdivision. N-000368-0003-4	\$9,549,916.50	17%	15.86%	12/26/08	Satisfactory
13	San Felipe between Fountainview and Chimney Rock. N-000750-0002-4	\$6,192,437.11	17%	15.77%	12/26/08	Satisfactory
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VICINITY MAP  
Not to Scale

KEY MAP NO. 532N, 532S, 532P and 532T  
GIMS MAP NO. 5254C & 5254D

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method WBS# R-000266-00B3-4		<b>Page</b> 1 of 1	<b>Agenda Item #</b>  14
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 10/9/09	<b>Agenda Date</b> NOV 18 2009
<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, E, F, H and I	
<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. 2005-1137, dated 10/12/2005	
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final contract amount of \$3,941,313.60, which is 1.82% under the original contract amount, accept the work, and authorize final payment.			
<b>Amount and Source of Funding:</b> No additional funding required. <i>U.P. 9/24/09</i> Original appropriation of \$4,335,397.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755.			
<b>SPECIFIC EXPLANATION:</b>			
<b>PROJECT NOTICE/JUSTIFICATION:</b> Under this project the contractor provided sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City.			
<b>DESCRIPTION/SCOPE:</b> This project consisted of sanitary sewer rehabilitation by cured-in-place pipe method. The project was awarded to Proline Technologies, N.A.L.L.C. with an original contract amount of \$4,014,389.77. The Notice to Proceed date was 01/27/2006 and the project had 730 calendar days for completion.			
<b>LOCATION:</b> The project was located at various locations within Council Districts B, C, E, F, H and I.			
<b>CONTRACT COMPLETION AND COST:</b> The contractor, Proline Technologies, N.A.L.L.C., has completed the work under the contract. The contract was completed within the contract time with an additional 60 days approved by Change Order No. 1. The final cost of the project is \$3,941,313.60, a decrease of \$73,076.17 or 1.82% under the original contract amount. Fewer point repairs were actually needed than anticipated.			
<b>MWDBE PARTICIPATION:</b> The MWDBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 14.53%. The contractor was awarded an "Unsatisfactory" rating from Affirmative Action. This item was reviewed by the MWBE committee on November 5th, 2009 <i>DBB</i> but no action was taken due to lack of quorum.			
MSM:JC:DHB:RK:JI:DR:mf Attachments			
c: Velma Laws Hamlet Hovsepien, P.E. Craig Foster			
Project File 4258-16		REQUIRED AUTHORIZATION	
		CUIC ID# 20DHB310 <i>NOT</i>	
<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Jun Chang</i> Jun Chang, P.E., Deputy Director Public Utilities Division	







March 9, 2009

Zonia Davila, Senior Contract Compliance Officer – Mayor's Office  
Affirmative Action & Contract Compliance  
611 Walker, 7<sup>th</sup> Floor  
Houston, Texas 77002

**Re: SANITARY SEWER REHABILITATION BY CIPP METHOD – WW#4258-16  
CONTRACT NO. 4600004772  
Failure to Meet M/W/DBE Goal**

Dear Mrs. Davila:

ProLine Technologies (ProLine) is hereby, providing an explanation as to our failure to meet the contract M/W/DBE goal. As you are aware, our consultant, Van Defibaugh, found a few inconsistencies between our records and those inputted into the B2Gnow system. Specifically, we realized that not all of ProLine's M/W/DBE subcontractors were listed in the audit reports and that the total contract amount shown for Advantage Manhole was incorrect (\$527k vs. \$273k).

Through several phone conversations with you and joint reviews of our documents summarizing our M/W/DBE payments, it was determined that neither LKT Services nor Double SV Construction were recognized M/W/DBE subcontractors by the City of Houston and, therefore, could not be credited towards ProLine's M/W/DBE subcontract goal. Furthermore, the correction of the contract amount for Advantage Manhole reduced ProLine's overall M/W/DBE percentage down to 14.61%.

We regretfully admit that there was miscommunication between our offices in Houston and Del Valle with regards to the vendor being used for materials procurement. Although we had indicated to the City of Houston that ProLine would be using Standard Cement Materials, Inc. as our materials procurement vendor, we instead used Double SV Construction, whom we were using as an MBE vendor with the City of Austin. It was ProLine's error to assume that Double SV Construction, being a certified MBE contractor (see attached certificate) with the South Central Texas Regional Certification Agency, would be a recognized MBE vendor with the City of Houston.

As can be seen in our M/W/DBE subcontractor summary (see attached spreadsheet), it was ProLine's intent to exceed the M/W/DBE goal set by the City of Houston. Although ProLine was unsuccessful in meeting the contract M/W/DBE goal, we hope that we have shown a good faith effort to achieve the targeted M/W/DBE percentage of 17%.

We apologize for our mistakes and shortcomings. If you have any questions or concerns, please feel free to contact me at (512) 801-8124.

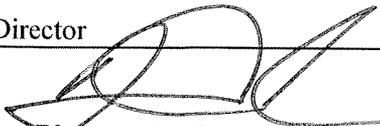
Sincerely,

Brian T. Susko  
CFO

attachments: MWDBE Subcontractor Summary  
Double SV - SCTRCA MBE Certification

cc: Lawrence Moody (COH – PWE)  
Steven Ham (COH – PWE)  
Van Defibaugh, P.E. (PMA)

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

<b>SUBJECT:</b> Accept Work for Abandonment of Northborough Wastewater Treatment Plant. WBS No. R-000536-0002-4.		Page <u>1</u> of <u>1</u>	Agenda Item # <u>15</u>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 11-11-09	<b>Agenda Date</b> NOV 18 2009
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		<b>Council Districts affected:</b> B 	
<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. #2006-753 dated 07/05/2006	
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final Contract Amount of \$3,303,692.87, which is 1.51% under the original Contract Amount, accept the Work and authorize the final payment.			
<b>Amount and Source of Funding:</b> No additional appropriation required. (Original appropriation of \$3,836,700.00 from Water and Sewer System Consolidated Construction Fund No. 755.)			

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's ongoing program North Corridor Consolidation Plan.

**DESCRIPTION/SCOPE:** The project consisted of abandonment of Northborough wastewater treatment plant, construction of a new lift station and 7,858 linear feet of 12-inch force main to divert flow to Northgate WWTP. CH2MHILL designed the project with 545 calendar days allowed for construction. The project was awarded to BRH-Garver Construction, L.P. with an original Contract Amount of \$3,354,183.00.

**LOCATION:** The project is located at 13131 North Freeway to 303 Benmar, Key Map Grids 372-L, Q & R and 373-N.

**CONTRACT COMPLETION AND COST:** The Contractor, BRH-Garver Construction, L.P. has completed the Work under subject Contract. The project was completed within the Contract Time with additional 8 days allowed by Change Order Nos. 1, 2, and 3. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Order Nos. 1, 2, and 3 is \$3,303,692.87, a decrease of \$50,490.13 or 1.51% under the original Contract Amount.

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

**M/WBE PARTICIPATION:** The M/WBE goal set for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 10.21%. The Contractor was awarded an "Unsatisfactory" rating for M/WBE compliance.

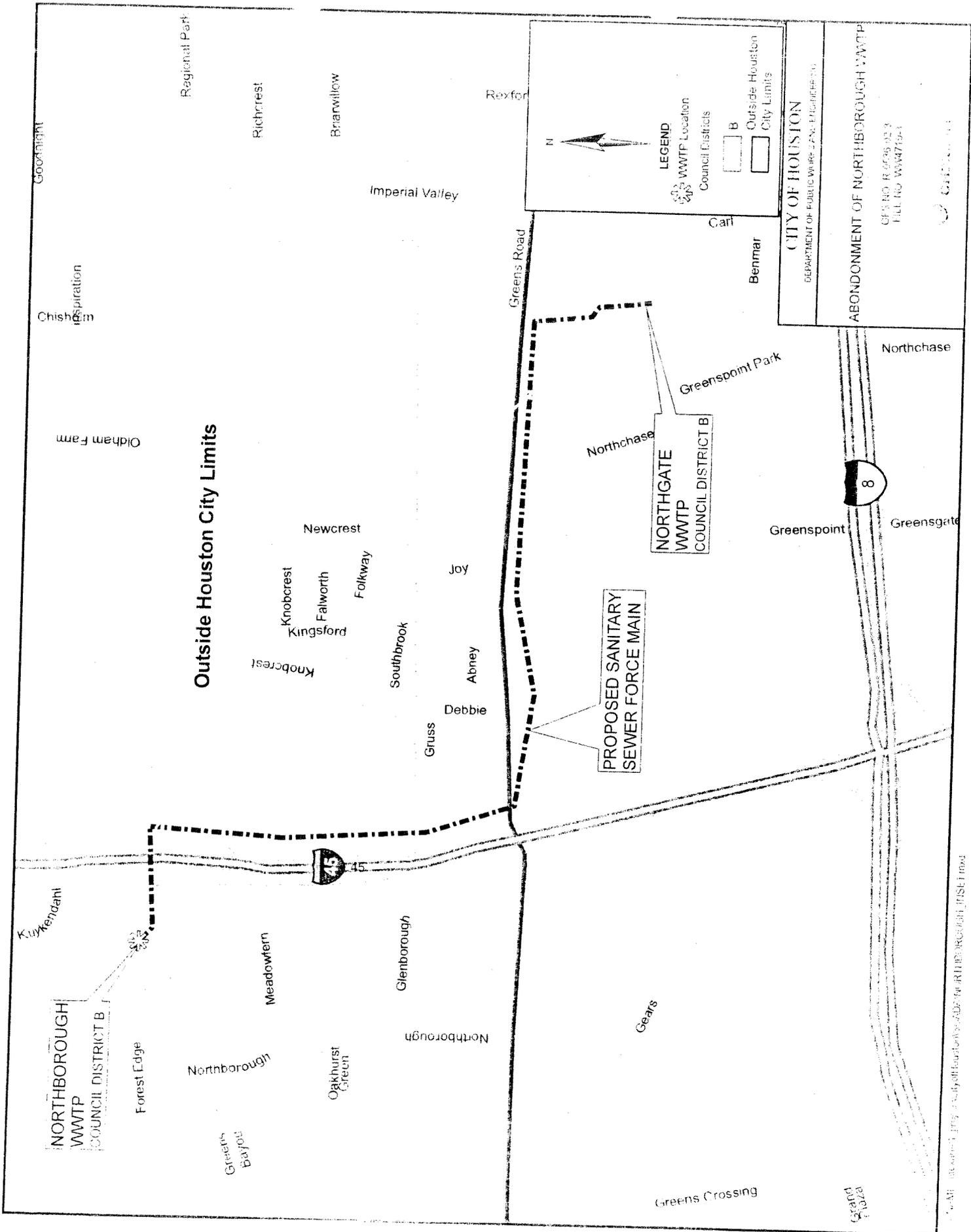
This item was reviewed by the MWBE committee on November 5th, 2009 but no action was taken due to lack of quorum.

MSM:DRM:JTL:  CWS:JW:mj  
 Z:\E&C Construction\Facilities\Projects\R-0536-02-3 Abandonment of Northborough WWTP\Closeout\RCA\RCA.DOC

c: File No. R-000536-0002-4 - Closeout

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20MZQ0129</b>
<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

NOT



**Outside Houston City Limits**

LEGEND

- City Limits
- Outside Houston City Limits
- Northgate WWTP Location
- Northgate WWTP Council Districts
- Northgate WWTP Council District B
- Northgate WWTP City Limits

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

**ABANDONMENT OF NORTHBOROUGH WWTP**  
GPS NO. R 0705 023  
FILE NO. WW47504

**PROPOSED SANITARY SEWER FORCE MAIN**

**NORTHGATE WWTP COUNCIL DISTRICT B**

**NORTHBOROUGH WWTP COUNCIL DISTRICT B**



# CITY OF HOUSTON

Office of the Mayor

**Bill White**

Mayor

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

June 23, 2008

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

T. 713.837.9000  
F. 713.837.9055  
www.houstontx.gov

Mr. Mike Garver  
BRH-Garver Construction, L.P.  
7600 Santa Fe Dr.  
Bldg. A-1 East  
Houston, TX 77061

**RE: WW# 4719-03 – Abandonment of the Northborough WWTP**

Dear Mr. Garver:

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

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

Per contract documents and the RCA (Request for Council Action), the following companies were listed to meet the 17% goal for this project:

<u>MWDBE Subcontractor</u>	<u>RCA Contracted Amount</u>	<u>Amount Used to Date</u>
Choctaw Pipe & Equipment	\$ 237,000.00	\$ 247,507.00
JA Gamez Trucking Services	\$ 6,000.00	\$ 18,445.50
Tish Cowan Photography*	\$ 0.00	\$ 1,752.00
Sam Special Coatings*	\$ 0.00	\$ 0.00
Standard Cement Materials, Inc.*	\$ 0.00	\$ 1,534.25
Work Zone Products, Inc.	\$ 8,000.00	\$ 6,624.43
Macaulay Control Company	\$ 48,221.00	\$ 43,375.00
Jimerson Underground, Inc.**	\$ 271,110.00	\$ 0.00
<b>Total:</b>	<b>\$ 570,331.00</b>	<b>\$ 319,238.18</b>

\*Added via Deviation – 4/22/08

\*\*Removed via Deviation – 4/22/08

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

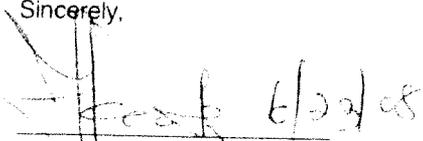
Our office has to determine if a contractor makes a good faith effort to meet the MWDBE goal on City of Houston projects. Compliance with the information required by this office will be a significant factor in evaluating your future participation in City of Houston contracts.

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

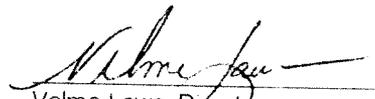
You must submit within ten (10) days upon receipt of this letter, your plan to meet the goal or demonstrate good faith efforts on this project as well as the compliance documents mentioned above for your company and your subcontractors. If you do not respond to this notice within the designated time frame, we will forward an official Notice of Non-Compliance to the administering department.

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

Sincerely,

  
Joseph Kurian, Division Manager  
Contract Compliance Section

**Read and Approved:**

  
Velma Laws, Director  
Affirmative Action and Contract  
Compliance

06/08:33

**BRH GARVER CONSTRUCTION, L.P.**  
**BRH Contracting, LLC, General Partner**

7600 S. Santa Fe, Bldg. A-1 East  
Houston, Texas 77061  
Phone: 713-921-2929 Fax: 713-921-2487

July 3<sup>rd</sup>, 2008

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

**RE: Abandonment of Northborough Lift Station**  
**GFS No. R-0536-02-3 (File No. WW4719-3)**  
**Subject: Forecast Utilization**

Dear Ms. Laws:

Thank you for your letter to Mr. Mike Garver of June 24<sup>th</sup>, 2008 who has asked me to respond on his behalf.

Please find attached copy of worksheet table that demonstrates forecast utilization of MWBE subcontracting companies for Abandonment of Northborough WWTP Project. Despite our good faith efforts, BRH-Garver forecasts that the measure it is likely to reach will be 16.2 % overall, some 0.8% shortfall from the overall Target Goal of 17% minimum. The division between product supply and subcontract services is aimed at 50%. It is forecast, however, that the subcontract utilization portion of the target, currently at 8.78%, will indeed exceed the 8.5% minimum.

BRH-Garver would stress that this is a forecast only and that it continues with its aim of achieving the target. The forecast also depends on successful certification of Alamo Environmental and the value of work it will bring to this project. I would refer to my letter of June 24<sup>th</sup> that requests the City of Houston to consider such value should its MWBE application prove to be successful.

If there are any questions your office may have on the figures tabulated, would you please contact me or, our Project Manager for Northborough, Breff Cooling, at our offices.

Sincerely,



"Peck" Boswell  
President  
For and on behalf of BRH-Garver Construction LP  
Enc.

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**CITY OF HOUSTON**  
**Contract Compliance Section**  
**Verification of MWDBE Participation**

Clearance Request Date: 7/30/09 CCO Assigned: Jean Abercrombie  
 Project Description or Number: WW #4719-03 - Abandonment of the Northborough Wastewater Treatment Plant. R-0536-02-3. 4600006061.  
 Prime Contractor: BRH-Garver Construction, L.P.  
 MWDBE Goal: 17% Final Contract Price: \$3,303,692.87

MWDBE	Phone	Type of Services	Amount Paid Per Prime	Amount Paid Per MWDBE	Retainage	Comments
Choctaw Pipe & Equipment, Inc.			\$247,507.00	\$247,507.00	\$0.00	Confirmed/B2GNow
J. A. Gamez, Trucking Services			\$18,765.50	\$18,765.50	\$0.00	Confirmed/B2GNow
Macaulay Controls Company			\$48,221.00	\$48,221.00	\$0.00	Confirmed/B2GNow
Ocanas Constructors Company			\$0.00	\$0.00	\$0.00	Confirmed/B2GNow
Sam Special Coatings, Inc.			\$5,058.00	\$5,058.00	\$526.00	Confirmed/B2GNow
Standard Cement Materials, Inc.			\$1,534.25	\$1,534.25	\$80.75	Confirmed/B2GNow
Tish Cowan Photography			\$1,752.00	\$1,752.00	\$0.00	Confirmed/B2GNow
Windrose Land Services, Inc.			\$7,280.00	\$7,280.00	\$0.00	Confirmed/B2GNow
Workzone Products, Inc.			\$6,624.33	\$6,624.33	\$0.00	Confirmed/B2GNow
<b>TOTALS:</b>			<b>\$336,742.08</b>	<b>\$336,742.08</b>	<b>\$606.75</b>	

**COMMENTS:**  
 BRH Garver missed meeting the 17% goal by 7.01% (\$231,510.04). Letters notifying the company of its shortfall were sent on 12/31/2007, 2/21/2008, and 6/23/2008. Discussions in person with Breffni Cooling, BRH-Garver Project Manager took place during field audit visits on 3/23/2007, 10/19/2007, 2/8/2008, and 10/31/2008. An e-mail request to Breffni Cooling for Good Faith Efforts documentation was made on 2/13/2009. Response letters were received from Peck Boswell on 6/24/2008 and 7/3/2008 and two deviation requests were made 4/10/2008, and 6/30/2008. The CCO was unable to contact Ocanas Constructors to find out why they did not work on the contract as all phones/faxes/e-mails were disconnected.

Actual Participation: 10.21% Date Submitted: 8/3/2009  
 Prepared By: Jean Abercrombie Date Completed: 8/18/2009

# BRH-Garver Construction, L. P. Contract History Report

As of September 11, 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" VM 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
19	Brays Bayou Detention Site M 000260-0005-4	\$5,305,299.24	22%	16.77%	06/18/09	Unsatisfactory
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**O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**

**SUBJECT:** Accept Work for On-Call Rehabilitation to Large Diameter Water Lines, Valves, and Appurtenances - Package 5. WBS No. S-000701-0004-4. Page 1 of 1 Agenda Item # **16**

**FROM (Department or other point of origin):** Department of Public Works and Engineering **Origination Date:** 11-12-09 **Agenda Date:** NOV 18 2009

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

**For additional information contact:**   
J. Timothy Lincoln, P.E. **Phone:** (713) 837-7074 **Date and Identification of prior authorizing Council Action:** Ord. No. 2006-460 Dated: 05/10/2006

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$2,054,356.65, which is 31.52% 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 \$3,450,500.00 from Water and Sewer System Consolidated Construction Fund No. 755.)

**PROJECT NOTICE/JUSTIFICATION:** This project included on-call construction/rehabilitation to primarily large diameter water lines, valves, and appurtenances (24-inch diameter and greater) at various locations in the city. The scope of the work included coordination with the City Engineer to develop appropriate rehabilitation solutions, installation remedies, bedding and backfilling utilities, and restoring the surface around the area of work. The City issued work orders over a 24-month period.

**DESCRIPTION/SCOPE:** The Work of the Contract was for rehabilitation to utilities in various locations throughout the City of Houston. The scope of the Work was determined by work orders from time to time on an as-needed basis. The locations of the Work were also established by the work orders. Drawings, appropriate specifications and geotechnical and environmental reports, as required or as available, were provided with each work order. Lockwood, Andrews, & Newnam, Inc. designed the project with 730 calendar days allowed for construction. The project was awarded to Reytec Construction Resources, Inc. with an original Contract Amount of \$3,000,000.00 and an adjustment factor of 1.120.

**LOCATION:** The project is located throughout the City.

**PREVIOUS HISTORY AND SCOPE:** The Contractor, Reytec Construction Resources, Inc. has completed the Work under the subject Contract. The project was completed within the Contract Time with 270 additional days approved by Change Order Nos. 4 and 6. The final cost of the project, including overrun and underrun of estimated bid quantities and Change Order Nos. 1 through 6 is \$2,054,356.65, a decrease of \$945,643.35 or 31.52% under the Original Contract Amount. The decreased cost is due to non-availability of Work Orders.

**M/WBE PARTICIPATION:** M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 8.91%. The Contractor achieved an "Unsatisfactory" rating for MWDBE Compliance.

  
MSM:DRM:JTL.CWS:PK:mq  
Z:\E&C Construction\North Sector\PROJECT FOLDER\10700-05 (On-Call #5)\21.0 Close Out\RCA\RCA.DOC  
c: File No. S-000701-0004-4 - 21.0

REQUIRED AUTHORIZATION		CUIC ID# 20MZQ116
<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

MT



**CITY OF HOUSTON**  
Office of the Mayor

**Interoffice**

Correspondence  
Affirmative Action and  
Contract Compliance  
Division

To: Marty Stein  
Agenda Director

From: Velma Laws  
Director

A handwritten signature in black ink, appearing to read "Velma Laws".

Date: November 9, 2009

Subject: **Probationary Status of Reytec, Inc.**

As a result of receiving an "Unsatisfactory" rating on Project S-000701-0004-4 (On Call Rehabilitation to Large Diameter Water Lines WW# 10700-05 4600004263), Reytec was placed on probation for 6 months beginning September 9, 2009. The decision to place this firm on probation instead of issuing a Notice of Intent to Sanction was based on the following:

- The "Unsatisfactory" rating was issued in May 2009, was based on a project whose work began in June 2006 and ended in June 2008.
- In January 2009, Affirmative Action & Contract Compliance staff met with representatives from Reytec to discuss measures that will avoid negative ratings in the future.

Since receiving the notice of probationary status, Reytec has met with the Assistant Director and Contract Compliance Manager, and designated an individual within the firm that will be solely responsible for MWBE compliance. Additionally, Reytec is exceeding the goals on its three most recent contracts.

Placing a firm on probation means that we will more closely monitor S/MWBE utilization on all active City of Houston projects in order to ascertain if a contractor has implemented procedures or strategies to cure previous deficiencies, and/or if sufficient documentation has been provided to demonstrate "Good Faith Efforts".

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

11/09:18

# Boytel Construction Resources, Inc.

1901 Hollister St.  
Houston, Texas 77080  
713-957-4003 - Office  
713-681-0077 - Fax

City of Houston  
Affirmative Action and Contract  
Compliance Division  
611 Walker  
Houston, Texas 77002

Attn: Zonia Davila

RE: Water #10700-05- On Call Rehabilitation to Large Diameter Water Lines, Valves  
and Appurtenances Package 5

Ms. Davila,

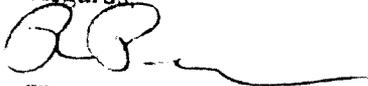
Although we've worked diligently to achieve the MBE requirements for the above referenced project, it appears we will fall short of the required participation goals. Due to the nature of emergency, On-Call Rehabilitation projects such as this, the reasons are as follows:

- 1) No specific contract documents such as plans, specifications, material requirements, are given to us at time of contract award. Specific contract documents are issued when a work order is released based on the particular scope of the work order. Therefore no contract documents are available to forward to MBE subcontractors and /or suppliers at the time of contract award.
- 2) The scope of the work for each work order within this type of contract varies significantly from one work order to the next.
- 3) No preparation time is allowed from the city for the required repairs once a work order is issued. We are normally required to mobilize to a jobsite within 8 - 24 hours of notification.
- 4) The type of work generally required for these repairs is highly specialized with very few MBE sub-contractors qualified to do this work.
- 5) Work orders are, more often than not, given in off-hours on emergency bases, making it extremely difficult to contact the very few qualified MBE sub-contractors or suppliers within the preferred timeframe allotted for the repair by COH.
- 6) Once a work order is issued, we are under extreme time pressure by COH to complete the repairs in as minimal a time as possible in order to minimize the impact on water services to commercial and residential customers. This pressure does not allow us time to follow a normal subcontract award process - i.e. Define and distribute project scope and specifications, allowing time for bidding, bid evaluation, verifying insurances, payment and performance bonding, etc., thereby greatly inhibiting our ability to operate under the preferred terms.

- 7) On the rare occasion that we are given some preparation time, we have made good faith efforts to engage MBE subcontractors and/or suppliers
- 8) On several occasions materials are supplied by the COH therefore preventing us from using MBE suppliers.

Please accept these points as legitimate reasons for falling short of the required participation goals. These types of projects present certain difficulties and we are making every effort possible to meet the goals. We appreciate the efforts of COH Affirmative Action in this matter. We understand how important this program is to the City. We are a product of this program and would not be where we are today if this program did not exist. As we continue to grow, we continue to learn how to better manage the program. Although we sometimes continue to struggle with meeting the requirements, as we have stated, we are more interested in developing MWDBE companies through mentoring than we are showing Good Faith Effort and we will continue to work in that direction. We are available at any time to further discuss these issues with you or anyone else in your department.

Regards,



Thomas "Rusty" Pena  
Vice President  
Reytec Construction Resources  
(832) 435-3323

# CITY OF HOUSTON

## Contract Compliance Section

### Verification of MWDBE Participation

Clearance Request Date: 21-Apr-09  
 Project Description/#  
 Prime Contractor:  
 MWDBE Goal:

Water #10700-05 - On-Call Rehabilitation to Large Diameter WL, Package 5 S-000701-0004 4 #4600004263  
 Reytec Construction Resources, Inc.  
 CCO Assigned: Zonia Davila  
 17% Final Amount: \$2,054,356.56

MWDBE	Phone Number	Type of Services	Amount Paid Per Prime	Amount Paid Per MWDBE	Retainage Held	Verified By:
Access Data Supply, Inc.	(713) 439-0370		\$36,934.17	\$36,934.17	\$0.00	B2Gnow/confirmed
CBIC Construction Development, L. P	(713) 838-7108	Directional Drilling	\$81,334.90	\$81,334.90	\$0.00	B2Gnow/confirmed
Deanie Hayes, Inc.	(281) 392-2183	Aggegates	\$45,649.48	\$45,649.48	\$0.00	B2Gnow/confirmed
Houston Barricade and Supply, LLC	(832) 878-5741	Traffic control	\$1,926.86	\$1,926.86	\$0.00	B2Gnow/confirmed
Mata Turf, Inc.	(713) 896-9532	Sodding	\$2,160.00	\$2,160.00	\$0.00	B2Gnow/confirmed
Rebar Supply Company, Ltd.	(713) 937-8999	Rebar supply	\$643.52	\$643.52	\$0.00	B2Gnow/confirmed
Semarck Landscape Services, Inc.	(713) 339-4340	Irrigation	\$900.00	\$900.00	\$0.00	B2Gnow/confirmed
Shumaker-Harvey Equipment Company, Inc.	(713) 692-9019					B2Gnow/confirmed
Tandem Truck Service	(281) 442-2050	Trucking	\$1,397.25	\$150.00	\$0.00	B2Gnow/confirmed
Traffic Control Products	(713) 446-6849	Signs	\$11,359.30	\$1,397.25	\$0.00	B2Gnow/confirmed
Tricon Precast, Ltd.	(281) 931-9832	Concrete	\$525.53	\$11,359.30	\$0.00	B2Gnow/confirmed
<b>Total:</b>			<b>\$182,981.01</b>	<b>\$182,981.01</b>	<b>\$0.00</b>	

COMMENTS:

Actual Participation: 8.91%

Date Submitted: May 18, 2009

Prepared By: [Signature]

Date Completed: May 18, 2009

5/18/2009

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

<b>SUBJECT:</b> Accept Work for 42-inch Water Line along Holmes, Parcel Three, Uptown, Taintor, and West Airport Boulevard from 4300 feet west of Kirby to Hiram Clarke. WBS. No. S-000900-00AD-4.	Page <u>1</u> of 1	Agenda Item # <span style="float: right; font-size: 2em;">17</span>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 11-11-09	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> Michael S. Marcotte, P.E., D. WRE, BCEE, Director	<b>Council Districts affected:</b> D
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<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director <div style="text-align: right; margin-top: 10px;"> <b>Phone:</b> (713) 837-7074                 </div>	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2007-654 dated 06/06/2007
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$6,960,494.98, which is 7.98% 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 \$8,763,700.00 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. This project is required to increase circulation and availability of water in the Sims Bayou Pump Station service area.

**DESCRIPTION/SCOPE:** The project consisted of 12,229 linear feet of 42-inch water line, valves, and appurtenances, including pavement replacement. Lockwood, Andrews & Newnam, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Texas Sterling Construction, LP. with an original Contract Amount of \$7,563,792.00.

**LOCATION:** The project is located along Holmes, Parcel Three, Uptown, Taintor, and West Airport Boulevard from 4300 feet west of Kirby in the northeast to Hiram Clarke in the southwest. The project is located in Key Map grids 532-W, X, & Y, 571-H, and 572-A, B, & E.

**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 23 additional day 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 \$6,960,494.98, a decrease of \$603,297.02 or 7.98% under the original Contract Amount.

The cost underrun is due to the difference between planned and measured quantities. This decrease is primarily a result of the Work not requiring use of Clean Air Incentive Items and most Extra Unit Price Items.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 22.00%. According to Affirmative Action and Contract Compliance Division, the actual participation was 13.74%. The Contractor achieved a "Satisfactory" rating for the MWDDBE Compliance.

This item was reviewed by MWBE committee on November 5th, 2009 but no action was taken due to lack of quorum.

MSM:DRM:JTL:JLS:JM:mg  
 Z:\E&C Construction\North Sector\PROJECT FOLDER\S-000900-00AD-4 42 inch along Holmes, Parcel Three,Uptown, Taintor & W. Airport\Closeout\RCA\RCA\_Closeout.DOC

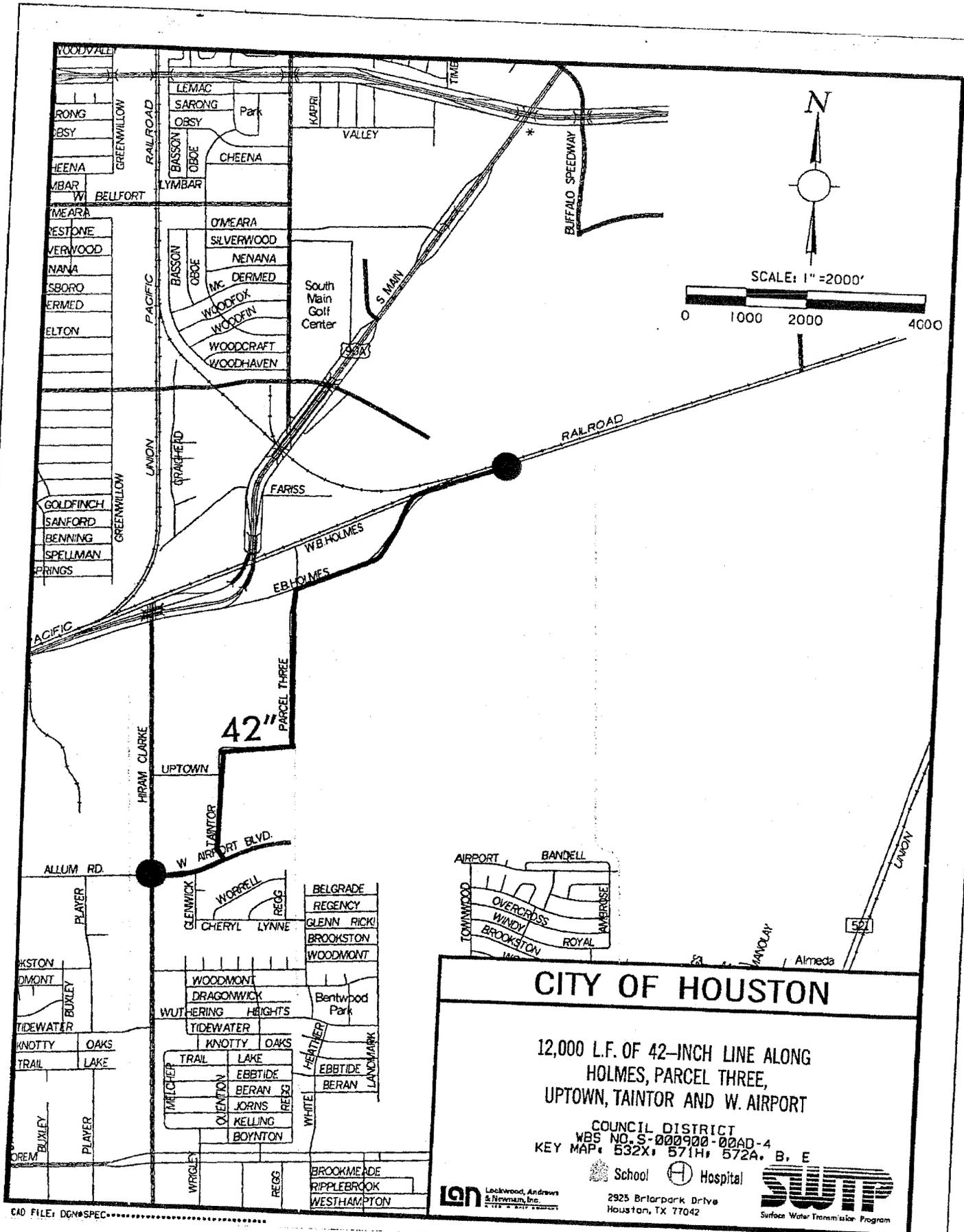
c: File No. S-000900-00AD-4 - Closeout

**REQUIRED AUTHORIZATION      CUIC ID# 20MZQ128**

<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
--	---

NOX

17



**CITY OF HOUSTON**

**12,000 L.F. OF 42-INCH LINE ALONG  
HOLMES, PARCEL THREE,  
UPTOWN, TAINTOR AND W. AIRPORT**

COUNCIL DISTRICT  
WBS NO. S-000900-00AD-4  
KEY MAP: 532X, 571H, 572A. B, E

 School   
  Hospital



2925 Briarpark Drive  
Houston, TX 77042  
Surface Water Transmission Program

**lan** Lockwood, Andrews & Newnam, Inc.

CAD FILE: DGM\*SPEC.....

PLOTTED ON: \*\*\*\*DATE\*\*\*



# CITY OF HOUSTON

Office of the Mayor

## Interoffice

Correspondence  
Affirmative Action and  
Contract Compliance  
Division

To: Gary Norman  
Public Information Officer  
Public Works & Engineering

From: Velma Law  
Director

Date: February 26, 2008

Subject: **42" Water Line along Holmes and  
Hiram Clarke**  
WBS Number S-000900-00AD-4

We have reviewed and evaluated Texas Sterling Construction (TSC) Company's Good Faith Efforts as it relates to the project listed above. Our findings show that TSC's M/W/BE goal was set at 14% MBE, 5% WBE and 3% SBE.

- Initially, their Good Faith Efforts reflected an overall M/W/BE percentage of 16.72%
- Mesa Rod Busters was hired by TSC to install slope paving, dowels and 8" concrete
- Mesa Rod Busters was unable to perform the concrete and slope paving because one of the original partners of Mesa Rod Busters left the project and the remainder of Mesa's company could not perform this type of work
- Mesa Rod Busters signed up for \$586,191 which equates to 7.7% of the total dollars committed to the M/W/BE goal
- TSC immediately began to search for other M/W/BEs that could perform this type of work and do it quickly, otherwise the project could not continue. TSC sent e-mails, faxes and letters to various qualified and certified M/W/BEs. TSC also sent notices to the Houston Minority Business Council and other agencies, seeking additional M/W/BEs to perform this type of work
- TSC found an M/W/BE - Vaquero Construction - but their bid was higher than what Mesa had quoted and would have cost the COH an additional \$144,370
- All other M/W/BEs that TSC contacted did not bid on this project
- There is no additional work that can be subcontracted

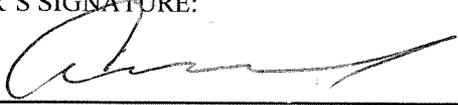
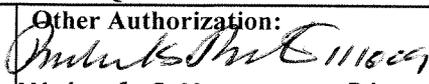
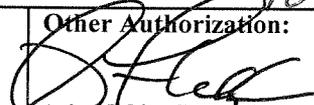
NOTE: As part of the Good Faith Efforts review process, our office reviews the General Contractor's historical data as it relates to past history of meeting or exceeding their M/W/BE goals. TSC has had a total of 34 contracts with the COH. Of these, 18 were rated Outstanding, 14 were rated Satisfactory, 1 Unsatisfactory (June 20, 2006) and 1 had no M/W/BE goal.

Since Mesa Rod Busters was unable to perform slope paving, dowels and 8" concrete and TSC was unable to find an M/W/BE that could perform this work, we recommend approval of TSC's Good Faith Efforts request.

02:08:71



REQUEST FOR COUNCIL ACTION

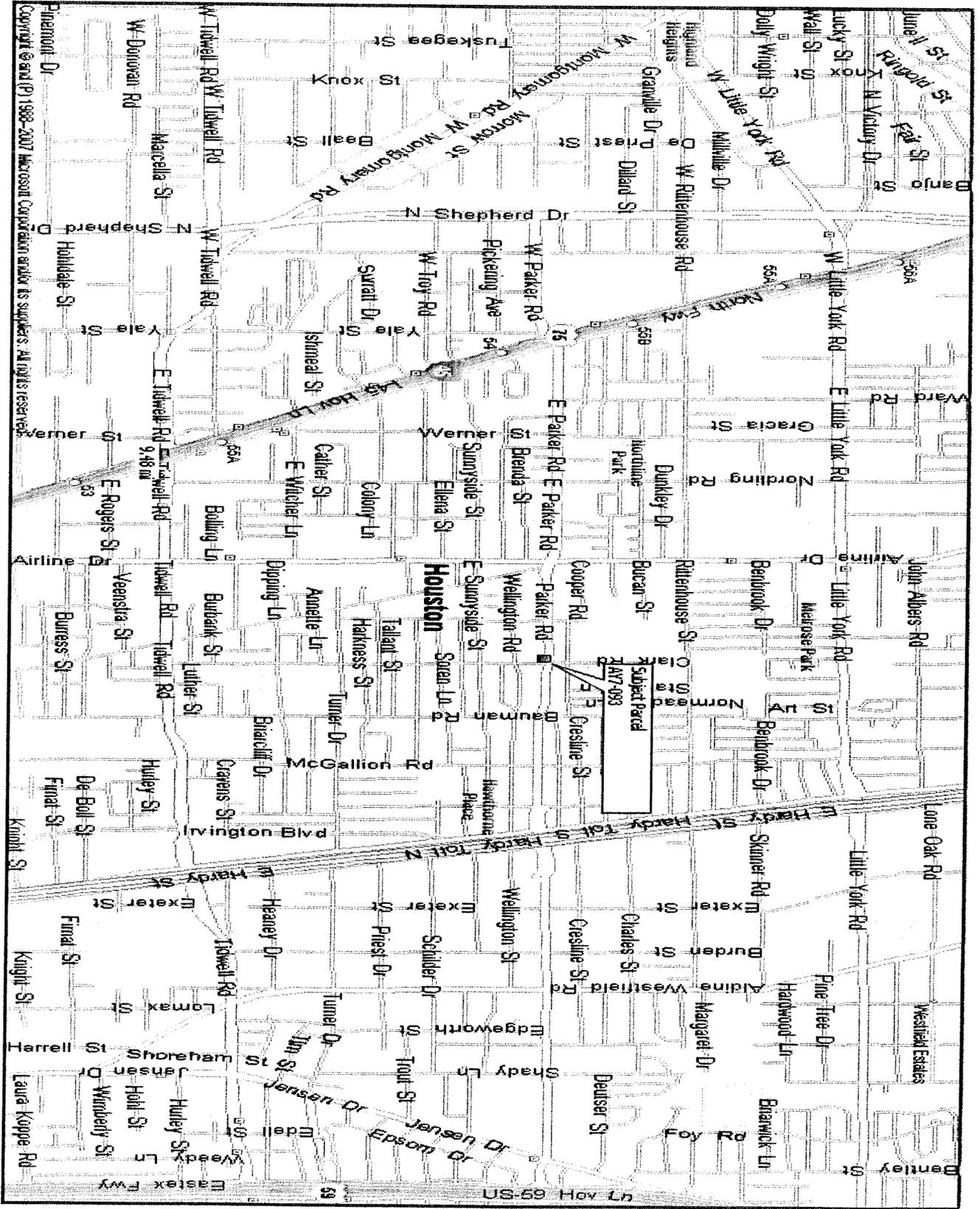
SUBJECT: Parcel AY7-093; City of Houston v. Jose Luis Balderas and Mary Grace Haney Dabbs, et al., Cause No. 938,946; Parker Road Paving Improvements Project (Fulton - Hardy); WBS/CIP No. N-000620-0001-2-01; L.D. File No. 052-0800050-025		Page 1 of 2	Agenda Item #  <b>18</b>
FROM (Department or other point of origin): Legal Department - Real Estate Division Arturo Michel, City Attorney		Origination Date 10/16/09	Agenda Date  NOV 18 2009
145 DIRECTOR'S SIGNATURE: 	Council District affected:  "H" Edward Gonzalez; Key Map 413X		
	For additional information contact: <b>Russell G. Richardson</b> <i>RSR</i> Phone: 832.393.6285 (alternatively Joseph N. Quintal 832.393.6286)	Date and identification of prior authorizing Council action: Authorizing Ord.# 2008-1075, psd. 12/03/08; BAO# 2007-1067, psd. 9/19/07	
<b>RECOMMENDATION:</b> (Summary) That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and withdraw the City's objections to the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$62,088.93; No appropriation needed as funding will be provided by previously approved Appropriation Ordinance No. 2007-1067, psd. 9/19/07. Street & Bridge Consolidated Construction Fund 4506 CIP # N-00663A-00RE-2-01			
<b>SPECIFIC EXPLANATION:</b>  The project will provide for right-of-way acquisition, engineering and construction of two 24 foot-wide concrete roadways with curbs, sidewalks, street lighting and the necessary underground utilities. The project will improve traffic circulation and drainage in the service area.  This eminent domain proceeding involves the acquisition of a permanent easement in and to a parcel of land containing 713 square feet (0.0210 acre) of land located at 164 Parker Road. The property is improved with a one story, single family residence and is owned by Jose Luis Balderas and Mary Grace Haney Dabbs. The landowner Jose Luis Balderas accepted the City's final offer of \$55,027.00 to purchase the property, but was unable to convey clear marketable title. Efforts by Public Works & Engineering to locate the missing heir were unsuccessful, and the matter was referred to the Legal Department to initiate eminent domain proceedings. The Legal Department retained the same appraiser utilized by Public Works & Engineering in making the final offer to update the appraisal report and testify at the Special Commissioners' Hearing.  <b>Property:</b> 713 square feet (0.0164 acre) permanent easement  <b>City's Testimony Before the Special Commissioners:</b> \$55,037.00 (i.e. \$4.00 psf for the land being acquired, \$7,401.00 for the improvements within the taking and \$47,636.00 as damages to the remainder)  <b>Award of Special Commissioners:</b> \$55,037.00. The Legal Department filed Objections to the Award of Special Commissioners to preserve the City's legal and procedural options pending City Council's consideration and approval of this matter.			
<b>REQUIRED AUTHORIZATION</b>			
h:\mark\balderasrca.wpd	<b>Other Authorization:</b>  Michael S. Marcotte, Director P. E., D. WRE, BCEE		<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

*msl*

Date 10/16/09	SUBJECT: Parcel AY7-093; Parker Road Paving Improvements Project (WBS#N-000620-0001-2); LD File#052-0800050-025	Originator's Initials RGR/JNQ	Page __2__ of __2__
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The "**Costs of Court**" are as follows, to wit: \$172.00 filing fee; \$1,000.00 Special Commissioners' fees (i.e. \$500.00 x1 + \$250.00 x 1 + \$125.00 x 2); \$304.93 Court Reporter's fee; \$900.00 Publication fee; \$550.00 Attorney Ad Litem's fee; \$200.00 Service of process; \$3,925.00 Appraiser's fee; **Total: \$7,051.93**. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

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



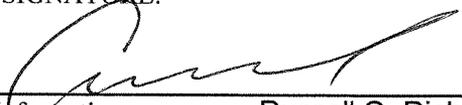
AREA MAP

Parcel A Y7-093 (Parker Road Project Houston, Texas

Copyright © and (P) 1988-2007 Microsoft Corporation under its supplies. All rights reserved.

SUBJECT: Parcel AY7-285; City of Houston v. An Hoang Nguyen and Lien Kim Tran, et al., Cause No. 937,364; Hirsch Road Reconstruction Project (Kelly - Crosstimbers) WBS/CIP No. N-000617-0001-2-01; Legal Department File No. 052-0800017-033.	Page 1 of 2	Agenda Item #  <b>19</b>
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FROM (Department or other point of origin): Legal Department - Real Estate Division Arturo Michel, City Attorney	Origination Date 10/01/09	Agenda Date NOV 18, 2009
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DIRECTOR'S SIGNATURE:  	Council District affected:  "B" Jarvis Johnson; Key Map#454P
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For additional information contact: Russell G. Richardson <i>RGR</i> Phone: 832.393.6285 (alternatively Joseph N. Quintal 832.393.6286)	Date and identification of prior authorizing Council action: BAO# 2008-146, psd. 02/20/08
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**RECOMMENDATION:** (Summary)  
 That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court, withdraw the City's objections to the Award of Special Commissioners and enter an Agreed Final Judgment in this cause disposing of this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.

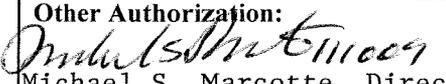
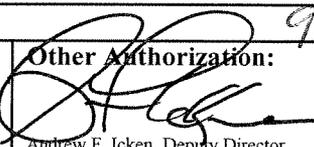
**Amount and Source of Funding:**  
 \$113,577.00; No appropriation needed as funding will be provided by previously approved Appropriation Ordinance No. 2008-146, psd. 02/20/08. Street & Bridge Consolidated Construction Fund(4506)  
 CIP# N-00663A-00RE-2-01 *Hevon*

**SPECIFIC EXPLANATION:**

The Hirsch Road Reconstruction Project (Kelly - Crosstimbers) will provide for right-of-way acquisition, engineering and construction of two 24-foot concrete roadways with curbs, sidewalks, street lightning and the necessary underground utilities. Phase 1: Kelly - Bennington with a grade separation. Phase 2: Bennington - Crosstimbers. The improvements will upgrade the existing roadway to major thoroughfare standards.

This eminent domain proceeding involves the fee simple acquisition of 9,953 square feet (0.2285 acre) of land out of a parent tract containing 18,510 square feet (0.4249 acre). The subject property is situated within the boundaries of Phase 1 of the project which includes a grade separation to transverse a railroad corridor. The property is owned by An Hoang Nguyen and Lien Kim Tran. The property is improved with a 3,000 square-foot commercial structure previously utilized as a convenience store. The City's taking will bring the new right-of-way line within eight feet (8') of the commercial structure and the Hirsch Road will be at an inclining grade. The City's final offer of \$64,818.00, in March 2008, to purchase the needed property was rejected by the landowners' legal representative and no counter-offer was submitted. Efforts by Public Works & Engineering to negotiate the purchase of the subject property were unsuccessful and the matter was referred to the Legal Department to initiate eminent domain proceedings. The Legal Department retained the same appraiser utilized by Public Works & Engineering in making the City's final offer to value the property and testify at the Special Commissioners' Hearing. The appraiser updated his appraisal report for the hearing, and presented the following revised conclusions and opinions of market value for the Special Commissioners consideration.

**City's Testimony for the Special Commissioners:** \$96,863.00 (i.e. \$2.25 psf for the land being acquired; \$6,519.00 for the improvements thereon and \$67,950.00 for damage to the remainder)

h:\mark\nguyenrca.wpd Other Authorization:	<b>REQUIRED AUTHORIZATION</b>	
	Other Authorization:  Michael S. Marcotte, Director P.E., D.WRE, BCEE	Other Authorization:  <i>90AH220</i> Andrew F. Icken, Deputy Director Planning and Development Services Division

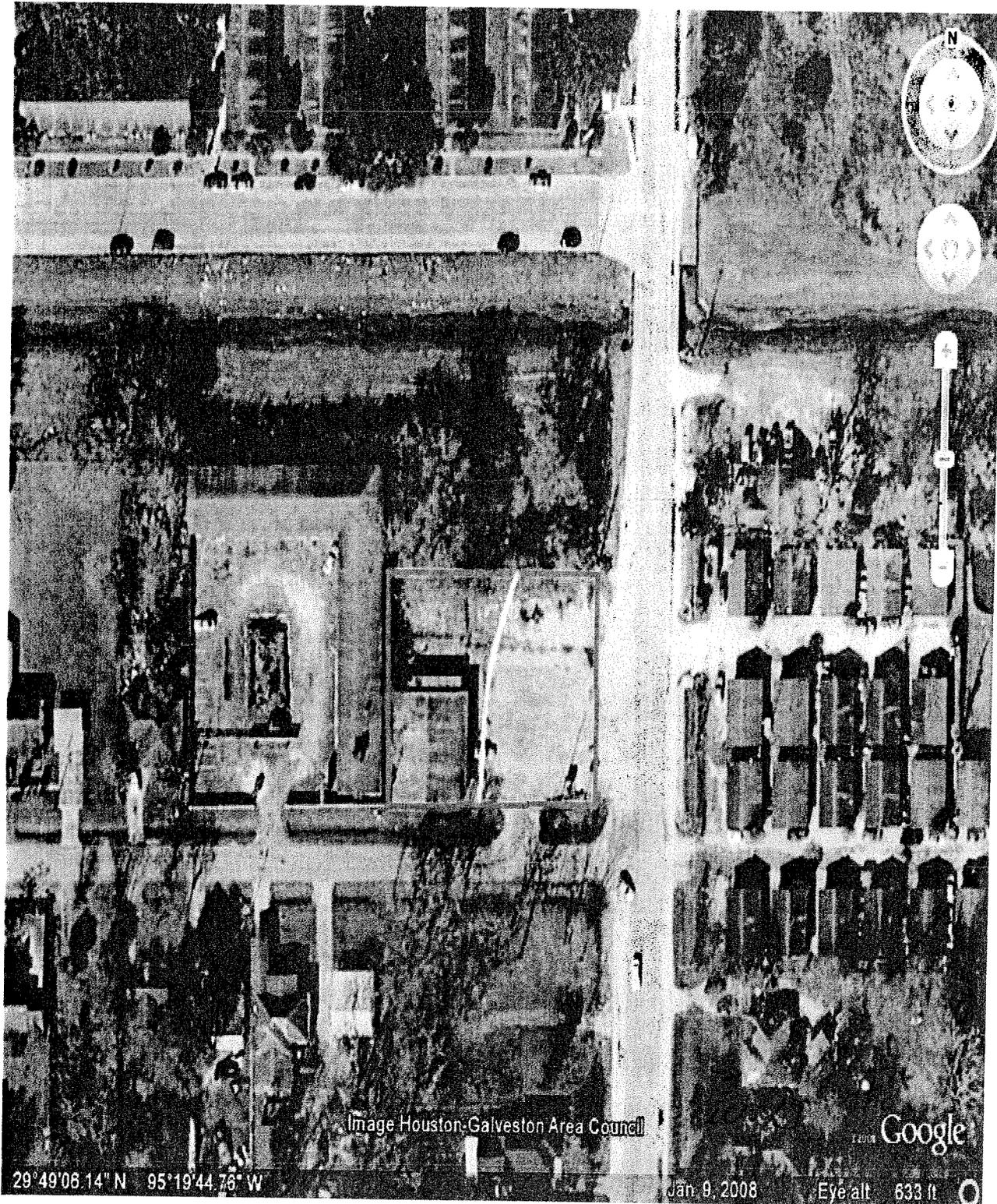
Date 10/01/09	SUBJECT: Parcel AY7-285; An Hoang Nguyen & Lien Kim Tran; Cause No. 937,364; Hirsch Road Reconstruction Project; L.D. No. 052-0800017-033	Originator's Initials RGR/JNQ	Page 2 of 2
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**Agreed Award of Special Commissioners:** \$105,000.00 The Legal Department filed Objections to the Award of Special Commissioners in this case to preserve the City's legal and procedural options pending City Council's consideration and approval of this matter.

The "**Costs of Court**" are as follows, to wit: \$172.00 filing fee; \$405.00 Service of process fee; \$1,350.00 Special Commissioners' fees (i.e. \$450.00 x 3); \$6,650.00 Appraiser's fee; **Total:** \$8,577.00. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court, withdraw the City's objections to the Award of Special Commissioners and enter an Agreed Final Judgment in this cause disposing of this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.

SUBJECT AERIAL





**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8543**

**Subject:** Approve an Appropriating Ordinance and Authorize the Purchase of Hardware through the City's Master Agreement with the Texas Department of Information Resources S17-H23478

Category #  
4

Page 1 of 2

Agenda Item

*201209*

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

**Origination Date**  
November 09, 2009

**Agenda Date**  
NOV 18 2009

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

**Council District(s) affected**  
All

**For additional information contact:**  
Janis Benton Phone: (832) 393-0004  
Douglas Moore Phone: (832) 393-8724

**Date and Identification of prior authorizing Council Action:**  
Ord No. 2008-1217 ; 12/29/2008

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$3,165,998.00 from the Equipment Acquisition Consolidated Fund (Fund 1800) and authorize the purchase of hardware for the Information Technology Department in the total amount of \$706,000.00 through the City's Master Agreement with the Texas Department of Information Resources (DIR).

Award Amount: \$3,165,998.00

**Finance Budget**

\$3,165,998.00 - Equipment Acquisition Consolidated Fund (1800) WBS # X-680001

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$3,165,998.00 from the Equipment Acquisition Consolidated Fund (Fund 1800) and authorize the purchase of hardware for the Information Technology Department in the total amount of \$706,000.00 through the City's Master Agreement with the Texas Department of Information Resources (DIR) and that authorization be given to issue a purchase order to DIR's Go Direct vendor, Hewlett Packard Company.

A contract with Dyonyx, L.P. was awarded on December 29, 2008 by Ordinance No. 2008-1217 to provide labor, equipment, supplies, supervision, maintenance, and training necessary to implement the new Active Directory and Exchange system across the City's technology network infrastructure. The City's goal is to continue to provide a secure, robust and up-to-date computing environment capable of supporting external and internal user needs for City of Houston employees, citizens and partners.

A future council action will be required to appropriate funds to incorporate the Houston Police Department's Groupwise Email System to the new Microsoft Exchange 2007 environment and the migration of the Novell NetWare Directory Service to Microsoft Active Directory.

**Status of Implementation**

The purpose of this contract is to (1) implement Enterprise Microsoft Active Directory, (2) upgrade the outdated citywide Microsoft Exchange (email) system, and (3) upgrade the existing Microsoft Office desktop software. The current Exchange system (Microsoft Exchange 5.5) is no longer supported by Microsoft.

Currently, the Project team has been able to complete three of the twelve phases: Initiation, Assessment, and Design. Along the way, the Project team has accomplished many significant milestones in these three phases including the completion of the User / Departmental Surveys to gather requirements, Proof of Concept to validate migration plans, a Final Email (Exchange) infrastructure design, a Skeletal Active Directory design, and the Bill of Material for the hardware and software.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 11/9/2009	Subject: Approve an Appropriating Ordinance and Authorize the Purchase of Hardware through the City's Master Agreement with the Texas Department of Information Resources S17-H23478	Originator's Initials MS	Page 2 of 2
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**Benefits Upon Project Completion**

- Ensuring City employees have single sign-on access to the resources they need
- Foundation for employee self-help websites which distribute information real-time
- Better management of personnel information, computer resources and printers
- Provide a common directory to ensure the most accurate, relevant info is available to users
- Simplification of system management; strengthen network security and enhanced interoperability
- Human resource and equipment consolidation and organizational scalability
- Technology support cost reduction and savings

The cost breakdown for the next implementation phase of the new active directory and exchange system is as follows:

- \$706,000.00 - HP Hardware (Purchased through DIR's Go-Direct Vendor, Hewlett Packard Company and designated reseller: Criner Daniels, a City of Houston certified MWBE).
- \$2,459,998.00 - SAN Hardware and continued professional services (To be utilized from existing COH Contract No. 4600009373 with Dyonyx, L.P.)
- 
- \$3,165,998.00 – Total**

**M/WBE Participation**

The Dyonyx, L.P. contract was issued as a goal-oriented contract with a 35% M/WBE participation level; the contractor is currently meeting the 35% goal.

Buyer: Murdock Smith III

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8537

Subject: Emergency Retaining Wall Repairs at the Sims North Wastewater Treatment Plant for the Public Works & Engineering Department S12-E23128

Category # 4

Page 1 of 1

Agenda Item

2/2/17

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

Origination Date November 02, 2009

Agenda Date NOV 18 2009

DIRECTOR'S SIGNATURE [Signature]

Council District(s) affected 1

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) Approve an ordinance authorizing the appropriation of \$227,218.00 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500) and approve payment to Boyer, Inc. in the total amount of \$227,218.00 for emergency retaining wall repairs at the Sims North Wastewater Treatment Plant (SWWTP) for the Public Works & Engineering Department.

Payment Amount: \$227,218.00

Finance Budget

\$227,218.00 - Water and Sewer System Consolidated Construction Fund (Fund 8500) WBS R-000019-0056-4

SPECIFIC EXPLANATION: The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$227,218.00 out of the Water and Sewer System Consolidated Construction Fund. It is further recommended that City Council approve payment to Boyer, Inc. in the total amount of \$227,218.00 for emergency retaining wall repairs at the Sims North Wastewater Treatment Plant (SWWTP) for the Public Works & Engineering Department.

In November 2008, a post Hurricane Ike inspection of the SWWTP by City engineers revealed that the retaining wall sheet piles that protect the SWWTP from falling into the bayou were severely damaged during the weather event. It was determined that the retaining wall sheet piles and earthen berm damage exposed the wastewater treatment facility to potential flooding and the possibility of raw sewage and wastewater treatment chemicals overflowing and contaminating Sims Bayou and the surrounding area during the next heavy rain event. The Strategic Purchasing Department issued a purchase order to address the emergency.

The scope of work required the contractor to provide all labor, supervision, materials, equipment and transportation necessary to completely repair the damaged retention walls at the SWWTP facility. Services included, but were not limited to immediate earthen berm damage mitigation and elevation; removal and installation of retention wall sheet piles; demolition of the existing concrete drive; construction of concrete caps, ramps and embankments; utilization of a floating barge to remove and transport dirt and debris from the project site; and a tar and epoxy coating of the retention walls.

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

Buyer: Martin L. King

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

copy

NDT

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8548**

**Subject:** Approve Spending Authority to Lease High-Speed Document Printers and Associated Accessories from the State of Texas Procurement and Support Services Contract for the Houston Police Department S17-H23485

Category #  
4

Page 1 of 1

Agenda Item

22

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

**Origination Date**  
November 05, 2009

**Agenda Date**  
NOV 18 2009

**DIRECTOR'S SIGNATURE**

*MS*  


**Council District(s) affected**  
1

**For additional information contact:**

Joseph Fenninger *JAF 11/6/09* Phone: (713) 308-1708  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve spending authority to lease high-speed document printers and associated accessories from the State of Texas Procurement and Support Services (TPASS) Contract in an amount not to exceed \$969,871.12 for the Houston Police Department.

Award Amount: \$969,871.12

**Finance Budget**

\$969,871.12 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the spending authority to lease high-speed document printers and associated accessories from the State of Texas Procurement and Support Services (TPASS) Contract in an amount not to exceed \$969,871.12 for the Houston Police Department (HPD) and that authorization be given to issue purchase orders to the State contract vendor, Xerox Corporation, for a 60-month term upon approval of City Council.

The scope of work requires the contractor to provide all labor, materials, supervision and transportation necessary to furnish and install the following three high-speed document printers: Nuvera 120, Docutech 6115, and a Xerox X700 and all associated accessories which consist of a freeflow PC, freeflow scanner, and a freeflow server. The printers will be installed at the HPD Print Shop located at 1200 Travis. Additionally, the contractor will be required to remove and dispose of all existing obsolete machinery from the premises and provide a minimum of two hours of training per operator on the usage of the printers.

The Department operates its own print shop due to the highly sensitive nature of material/information printed. The Department's investigative divisions rely on the HPD print shop for fast turnaround as well as the security it provides when printing materials relative to sting operations, ongoing investigations, promotional testing and Homeland Security. All HPD forms and bound books used at the HPD Training Academy are also printed by the HPD Print Shop. Xerox equipment is the only equipment that has the capability to tape-bind the printed books used throughout HPD. This feature saves on manpower and provides for a rapid turnaround time while producing a professional-looking product.

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

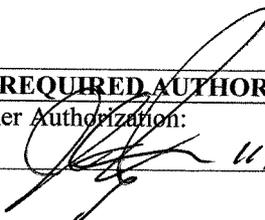
Buyer: Murdock Smith III

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

 11/6/09

*MS*

22

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8152

Subject: Approve the Purchase of Maintenance, Repair, and Operating Supplies through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for Various Departments S05-E23442

Category #  
4

Page 1 of 2

Agenda Item

23

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

Origination Date  
November 12, 2009

Agenda Date  
NOV 18 2009

DIRECTOR'S SIGNATURE

*Calvin D. Wells*

Council District(s) affected  
All

For additional information contact:

Calvin D. Wells Phone: (832) 393-8700  
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of maintenance, repair, and operating (MRO) supplies in an amount not to exceed \$2,519,669.38 through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for various departments.

Estimated Spending Authority: \$2,519,669.38

Finance Budget

- \$1,705,966.91 General Fund (1000)
- \$ 30,000.00 BSD - In-House Renovation Revolving Fund (1003)
- \$ 50,501.56 Fleet Management Fund (1005)
- \$ 18,755.03 Building Inspection Fund (2301)
- \$ 26,246.47 Stormwater Fund (2302)
- \$ 18,755.03 Greater Houston Trans & Emer Center Fund (2402)
- \$ 316,133.58 HAS-Revenue Fund (8001)
- \$ 353,310.80 PWE-W & S System Operating Fund (8300)
- \$2,519,669.38 Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approved the purchase of MRO supplies in an amount not to exceed \$2,519,669.38 for a two-year term, through the Master Intergovernmental Cooperative Purchasing Agreement (MICPA) with U.S. Communities for various departments and that authorization be given to make purchases using purchase orders and the City's Purchasing Card, as needed, to the U.S. Communities Lead Public Agency contractor Home Depot U.S.A., Inc.

The MICPA with U.S. Communities' Lead Public Agency contractor will provide MRO supplies for the Houston Airport System and the Public Works & Engineering, Parks & Recreation, Fire, and Health & Human Services Departments and will significantly reduce the amount of staff time require to develop specifications and bid items for general and specialty hardware, building and construction equipment and materials, building supplies and tools. The utilization of the MICPA allows the City to leverage numerous existing U.S. governmental contracts with over 38,000 participating agencies with an estimated purchasing power value of \$1.5 billion annually. Moreover, the City will receive the most favorite nation rate. As a result, the City shall capitalize on significant cost savings. Additionally, by participating in the MICPA the City would (1) save approximately 12% off of the current retail prices (2) receive a 2% volume rebate incentive paid annually and (3) receive additional deep discounts by leveraging its buying power through Home Depot's pro-bid room.

The City is eligible to participate in the U.S. Communities Purchasing Alliance as set out in Section 791.011 of the Government Code and such purchases satisfy State bid laws as set out in Section 791.025 of the Government Code.

REQUIRED AUTHORIZATION

NOT

Finance Department:

Other Authorization:

Other Authorization:

Date: 11/12/2009	Subject: Approve the Purchase of Maintenance, Repair, and Operating Supplies through the Master Intergovernmental Cooperative Purchasing Agreement with U.S. Communities for Various Departments S05-E23442	Originator's Initials DH	Page 2 of 2
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Buyer: Desiree Heath

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

**ESTIMATED SPENDING AUTHORITY**

DEPARTMENT	FY10	OUT YEARS	TOTAL
Houston Airport System	\$84,294.00	\$231,839.58	\$316,133.58
Public Works & Engineering	\$140,947.39	\$387,870.30	\$528,817.69
Parks & Recreation	\$210,000.00	\$577,479.00	\$787,479.00
Fire	\$79,998.00	\$419,982.28	\$499,980.28
Health & Human Services	\$3,268.11	\$9,005.48	\$12,273.59
General Services	\$55,000.00	\$319,985.24	\$374,985.24
<b>Grand Total</b>	<b>\$573,507.50</b>	<b>\$1,946,161.88</b>	<b>\$2,519,669.38</b>

# City of Houston and The Home Depot Partnership

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## **Stores and Personnel**

- 21 stores in and around the Houston area
- The Home Depot employs 2990 associates in this market



# Houston Community Involvement & Donations

## 2006

- KaBoom Playground for the KIPP Academy \$47,200.00
- Rebuilding Houston together \$27,250.00
- Scout troop 46 \$3,000.00
- Houston Habitat for Humanity \$5,000.00
- Red Cross Chapter \$10,000.00
- The Imani School \$2,000.00

## 2007

- - KaBoom Playground for the Salvation Army Boys and Girls Club \$47,200.00
- YMCA greater Houston area \$1,000.00
- Rebuilding Houston together \$26,418.00
- Volunteer Houston \$10,000.00
- Red Cross Chapter \$10,000.00
- Texas Children's Hospital Foundation \$5,000.00
- Houston Parks and Recreation Dept. \$4,000.00
- Bonita House of Hope \$400.00



# **Leverage Our buying power to Lower Your Costs**

- Pro Bid Room for larger quantities of material allows our merchants to negotiate the best price for a given commodity which we pass on to you.
- Pricing generally comes back lower than our normal everyday retail price on most bids.
- Turn around is generally 24-48 hours
- City of Houston will be identified at all Contractor Desks as a Priority Customer with an associate specifically assigned to this account.



# Reporting

- Your agency provides purchase card information to the Home Depot via either spreadsheet or input them online via secure website.
- The Home Depot can provide to you at no charge, purchase card sales activity on all cards registered.
- Reporting will be provided to you monthly, quarterly etc.



# Delivery

- Next day delivery can be provided of all materials.
- Cutoff time for next day delivery is 3pm.
- Generally the materials will be delivered from the store the order was placed at.
- Our Pro District Managers are at your disposal to help in coordinating and filling your orders through any of the 21 Local stores that serve the Houston area.
- There is a \$59 fee for delivery. We are working with the local store management to work out possible deliveries at no cost.
- This would apply on all orders over a set dollar amount. We will continue to work on this issue and provide our solution very soon.



# Eco Friendly

- The Home Depot was named the Energy Star Retail partner of the Year for 2006 and 2007
- The Home Depot sells more Forest Stewardship Counsel (FSC) certified wood than any other retailer in America.
- Product categories include Paint (low VOC), Energy Star rated appliances, Low flow toilets, Lighting, Thermostats, Insulation, Low E coated windows.
- Detailed Eco Options section located at [www.homedepot.com](http://www.homedepot.com)





# CITY OF HOUSTON

# Interoffice

Administration & Regulatory Affairs Department  
Strategic Purchasing Division (SPD)

Correspondence

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

From: Desiree R. Heath

Date: October 5, 2009

Subject: MWBE Participation Form

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

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

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

If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: N/A Estimated Dollar Amount: \$2,519,669.38

Anticipated Advertisement Date: 11/1/2008 Solicitation Due Date: 11/1/2008

Goal On Last Contract: N/A Was Goal met: Yes  No

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

Name and Intent of this Solicitation:

Intergovernmental Agreement between the City of Houston (COH) and the County of Maricopa for the purchase of retail and wholesale supplies from Home Depot.

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

The COH user departments will utilize this contract to purchase general and specialty hardware, building and construction equipment and materials, building supplies, tools, and related maintenance, repair, and operating supplies from the 21 stores in and around the Houston area. Due to the fact that department personnel will be going to the retail stores to obtain their purchases, there is no commercially acceptable function for M/WBE participation. Therefore, SPD is requesting an 0% goal approval.

Concurrence:

Desiree R. Heath  
SPD Initiator

Desiree R. Heath  
Division Manager

Robert Gallegos  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

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

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

RECEIVED

OCT 07 2009

24  
NOV 18 2009

MOTION NO. 2009 0820

MOTION by Council Member Khan that nominations for the City of Houston representative of the Harris County Appraisal District Board of Directors, for a two year term ending December 31, 2011, be closed.

Seconded by Council Member Sullivan and carried.

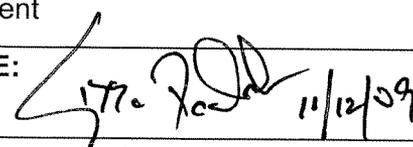
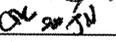
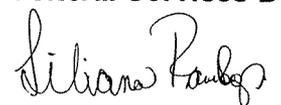
Mayor White, Council Members Lawrence, Johnson, Adams, Sullivan, Khan, Holm, Gonzalez, Rodriguez, Brown, Lovell, Noriega, Green and Jones voting aye  
Nays none  
Council Member Clutterbuck absent

PASSED AND ADOPTED this 10th day of November 2009.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is November 16, 2009.

City Secretary

Mr. Gary W. Stein was nominated by Council Member Green.

<b>SUBJECT:</b> Towing of Unauthorized Vehicles from Residential Permit Parking Areas		<b>Page</b> 1 of 1	<b>Agenda Item</b> 26
<b>FROM: (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 11-12-09	<b>Agenda Date</b> NOV 18 2009
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E.  11/12/09		<b>Council Districts affected:</b> All	
<b>For additional information contact:</b> Liliana Rambo, CAPP  Phone: 713-853-8193 Jacquelyn L. Nisby  Phone: 832-393-8023		<b>Date and identification of prior authorizing Council Action:</b>	
<b>RECOMMENDATION:</b> Approve an ordinance amending Chapters 8 and 26 of the Code of Ordinances to be consistent with State law regarding towing of vehicles from residential permit parking areas by Parking Enforcement Officers.			
<b>Amount and Source of Funding:</b> Not Applicable		<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> During the 81 <sup>st</sup> Legislative Session, the City of Houston recommended and the Texas Legislature passed a bill authorizing Parking Enforcement Officers to tow vehicles parked in Residential Parking Permit (RPP) areas without the appropriate permit. The law became effective September 1, 2009.			
<b>Background:</b> Section 26-293 of the City Code of Ordinances prohibits parking in RPP areas during certain hours without a valid permit. RPP areas are designated by city council when neighborhoods demonstrate chronic commuter parking problems – vehicles from outside the neighborhood regularly occupy curbside parking spaces, causing traffic congestion and insufficient curbside parking in the neighborhood. RPP areas are identified with signage that recites the dates and times of the restrictions as well as the universal signage for towing.			
Parking Enforcement Officers (PEOs) issue citations to vehicles for parking without a permit in RPP areas. However, merely issuing citations to vehicles illegally parked in RPP areas does not solve the immediate problem of inadequate parking for neighborhoods; the vehicles need to be removed. Currently, PEOs must notify Houston Police Department (HPD) officers to have an illegally-parked vehicle towed because, under state law, a peace officer must authorize a tow unless a vehicle has been immobilized (“booted”). Because police officers often have more pressing matters to attend to, it may be several hours before HPD is able to respond to a request from a PEO to dispatch a tow truck pursuant to Section 8-126 of the City Code of Ordinances.			
Therefore, the General Services Department recommends that City Council amend Chapters 8 and 26 of the Code of Ordinances to comply with the Texas Occupations Code §2308.354(c), which provides that <u>employees designated by a municipality may be authorized to request towing of vehicles parked illegally in a residential area where on-street parking is regulated by municipal ordinance and designated as tow-away zones.</u>			
This change in state law enables the City to grant PEOs the limited authority to have illegally-parked vehicles towed from RPP areas to licensed, authorized storage facilities. The amendments were presented to the Transportation Infrastructure and Aviation Committee on November 12, 2009 recommended it be placed on City Council Agenda. IZD:LR:JLN:TC:mli c : Marty Stein, Police Chief Harold Hurtt, Jacquelyn L. Nisby, Arturo Michel			
<b>REQUIRED AUTHORIZATION</b>		CUIC ID #25MLI009	
<b>General Services Department:</b>  Liliana Rambo, CAPP Assistant Director Parking Management Division		<b>Other Authorization:</b>	

**Sec. 8-101**

26  
NOV 18 2009

Parking enforcement officer has the meaning ascribed in section 26-2 of this Code.

*Police scene* means a place at which (i) an accident has taken place that is subject to a field investigation conducted by a law enforcement officer, (ii) a law enforcement officer has recovered a stolen vehicle, (iii) a vehicle has been abandoned in a roadway, (iv) a custodial arrest by a law enforcement officer has taken place, or (v) a vehicle is otherwise subject to removal or impoundment pursuant to law by a law enforcement officer, parking enforcement officer or personnel designated by the police chief.

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**Sec. 8-115. When towing from public property authorized.**

No person shall tow, carry or transport any motor vehicle without the consent of the vehicle owner from any public street, alley, road, right-of-way, or park except under the direction and authority of a law enforcement officer acting in his official capacity or a parking enforcement officer or personnel designated by the police chief acting pursuant to section 26-298 of this Code.

**Sec. 8-116. Wrecker slip for towing vehicle under direction of law enforcement officer.**

(a) Except as otherwise provided in subsection (c) of this section, no person shall tow, carry or transport a motor vehicle under the direction or authority of a law enforcement officer, parking enforcement officer or personnel designated by the police chief unless a wrecker slip has been issued to the wrecker driver by the officer. Such wrecker slip shall be filled out by the law enforcement officer, parking enforcement officer or personnel designated by the police chief on a form designated by the chief of police. The wrecker slip shall contain the following information:

- (1) A complete description of the vehicle to be towed, including the license plate number and the vehicle identification number;
- (2) Any visible damage to the inside or outside of the vehicle;
- (3) Any personal property contained within the vehicle that is visible from outside that vehicle;
- (4) Any visible missing parts or paraphernalia;
- (5) The location from which the vehicle is being towed;
- (6) The date and time the vehicle is picked up by the auto wrecker;

- (7) The reason the vehicle is being towed;
- (8) The police private storage lot or other police designated location to which the vehicle is to be towed;
- (9) The state license plate number of the auto wrecker being used for the tow;
- (10) The signature and employee number of the law enforcement officer, parking enforcement officer or personnel designated by the police chief authorizing the tow; and
- (11) The signature, legibly printed name, and state driver license number of the wrecker driver.

(b) The wrecker driver signing the wrecker slip shall be responsible to account for the vehicle at all times until the vehicle has been accepted by an agent of the destination set out in the wrecker slip. No fee shall be charged for towing any vehicle under the direction and authority of a law enforcement officer, parking enforcement officer or personnel designated by the police chief unless the wrecker driver has obtained a completed wrecker slip. The wrecker driver shall cause the vehicle to be delivered without delay to the location designated on the wrecker slip and may not redirect the vehicle to another destination unless:

- (1) Authorization has been obtained from the operator of the police private storage lot specified on the wrecker slip on a form specified by the police department to take the vehicle to another police private storage lot and the form is delivered to the police private storage lot accepting the vehicle for storage along with the original wrecker slip; or
- (2) Verbal authorization has been given by a supervisor in the auto dealers detail of the police department and noted on the wrecker slip.

(c) In accordance with orders established by the chief of police for that purpose, the signature and employee number of the authorizing officer as required in this section may be affixed to the wrecker slip by the wrecker driver by facsimile. The provisions of this authorization shall be limited to circumstances where the authorizing officer is not present at the police scene but is able to view the police scene from a remote location by televised link and/or able to communicate with the wrecker driver by telephone or radio.

---

**Sec. 8-117. Notice to registered owner of vehicle when vehicle towed on order of police without owner's consent.**

(a) Whenever a motor vehicle registered with the State of Texas has been towed without the consent of the vehicle owner but upon authorization of a law enforcement officer acting in his official capacity or a parking enforcement officer or personnel

designated by the police chief acting pursuant to section 26-298 of this Code, the responsible law enforcement agency shall endeavor to give notice by regular mail to the last known registered owner within 48 hours of the time the vehicle was towed. The notice shall inform the vehicle owner of the name and address of the storage lot where the vehicle is being held.

(b) Once a law enforcement officer, parking enforcement officer or personnel designated by the police chief has authorized a tow under this section, the wrecker slip has been signed and the services commenced, the services shall remain nonconsent towing services under the auspices of the authorizing agency and may not be changed to a consent tow.

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**Sec. 8-120. V.I.N. inspection; transport authorization.**

(a) It shall be unlawful for any wrecker driver to attach or cause or permit any auto wrecker to be attached to any motor vehicle without first personally inspecting the manufacturer's permanent vehicle identification number affixed to the motor vehicle to be transported.

(b) It shall be unlawful for any wrecker driver to attach or cause or permit any auto wrecker to be attached to any motor vehicle on which the manufacturer's permanent vehicle identification number has been removed or is not permanently affixed or is not clearly legible or that, upon visual examination of the manufacturer's permanent vehicle identification number, shows any evidence whatsoever of its possibly having been changed, altered or obliterated in whole or in part.

(c) It is a defense to prosecution under subsection (a) or (b) that the wrecker driver obtained, prior to attaching or causing or permitting the auto wrecker to be attached to the transporting vehicle and retained in his possession at all times while transporting the vehicle, a legible written authorization for the transport of the vehicle issued by a law enforcement officer, parking enforcement officer or personnel designated by the police chief setting forth:

- (1) The law enforcement officer's printed name, signature and badge number, if applicable, of the law enforcement officer, parking enforcement officer or personnel designated by the police chief;
- (2) The state license plate number of the auto wrecker;
- (3) The printed name and signature of the wrecker driver;
- (4) A description of the transported vehicle;
- (5) The place to which the transported vehicle is authorized to be towed; and

- (6) The date upon which the tow is authorized to be conducted.

The aforesaid police or parking enforcement transport authorization shall be required in addition to any other authorization required by law for the transportation of the vehicle, and the possession of a wrecker slip issued under section 8-116 of this Code shall not constitute a defense under this subsection. An authorization issued under this subsection shall only be a defense for the transport of the vehicle designated thereon by the wrecker driver and auto wrecker identified thereon to the place designated thereon on the date authorized thereon.

---

**Sec. 8-121. Removal of or tampering with vehicles at police scene without consent of vehicle driver or before police investigation completed.**

(a) No wrecker driver shall remove any vehicle that is involved in a police scene and requires towing or attach his auto wrecker to such a vehicle until a law enforcement officer responsible for the police scene authorizes the moving of the vehicle.

(b) The fact that no law enforcement officer is present at a police scene when an auto wrecker arrives shall not constitute an exception to this section, and it shall be the duty of any vehicle owner desiring to tow or haul any vehicle from the police scene to cause the police department of the city to be notified and to await the arrival of a law enforcement officer and the completion of his investigation.

(c) Taking into consideration the location of the vehicle insofar as it may obstruct traffic, traffic conditions, and related factors of traffic management, law enforcement officers shall afford any vehicle owner who is present at a police scene and is able and willing to do so a reasonable time to make arrangements with a wrecker driver of his choice for a consent tow. However, in the event that the vehicle owner of a vehicle involved in a police scene is not present or is incapable of making or unwilling to make his own arrangements with a wrecker driver to remove the vehicle within a reasonable time, the investigating law enforcement officer shall give such orders as may be necessary to remove the vehicle from the street through a police-authorized tow.

(d) The provisions of this section shall not apply to vehicles detained for police investigation or other purposes as authorized by state and federal law, which may be removed by police department auto wreckers or as otherwise directed by the law enforcement officer in charge of the police scene, to vehicles towed from residential parking permit areas pursuant to section 26-298 of this Code, or to tows on freeways conducted pursuant to section 8-127 of this Code.

---

**Sec. 8-124. Oral report to police of tows authorized by persons other than vehicle owner.**

Whenever a wrecker driver is authorized to pick up and tow any vehicle when such authorization was given by someone other than the vehicle owner, the wrecker driver shall make an oral or electronic report to the police department within one hour of the time the vehicle was picked up. An electronic report shall be filed using an authorized electronic reporting system implemented by the police department. In an oral report the wrecker driver shall inform the police department of the license plate number of the vehicle towed, its vehicle identification number, the location from which the vehicle was towed, the date and time the vehicle was towed, and the location to which the vehicle was towed. This section shall not apply when the vehicle was towed pursuant to authorization by a city police officer, a parking enforcement officer or other personnel designated by the police chief acting pursuant to section 26-298 of this Code and the wrecker driver has signed the copy of the wrecker slip retained by the city police department.

---

**Sec. 26-6. Parking enforcement officers.**

(a) Parking enforcement officers shall enforce the provisions of this chapter by issuance of a parking citation on the official form prescribed by the director for such notices. Parking enforcement officers shall not have any power of arrest under the authority conferred by this section nor shall they have the authority to order a vehicle removed or impounded for violation of the provisions of this chapter except pursuant to section 26-298 of this Code. Parking enforcement officers shall be issued appropriate identification by the parking official and shall be issued the necessary forms to carry out their duties.

(b) Peace officers and other persons designated by the parking official for that purpose shall enforce the provisions of this chapter and state laws and regulations relating to the stopping, standing and parking of motor vehicles by issuance of citations on the official form prescribed by the director. Persons who are not peace officers may issue citations, but they shall not have the power of arrest. Persons designated under this section shall be issued appropriate identification and the necessary citation forms to carry out their duties. The persons shall account to the parking official for all citations issued and for all citation forms provided to them.

---

**ARTICLE VI. RESIDENTIAL PARKING PERMITS**

**DIVISION 1. GENERALLY**

**Sec. 26-291. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commuter vehicle* means a motor vehicle, other than a 'resident vehicle' as defined herein, that is parked in a residential area in which it is not registered with the Texas Department of Transportation.

\* \* \*

**Sec. 26-297. Adjudication.**

Cases involving violations of the parking provisions of this article shall be adjudicated before adjudication hearing officers of the municipal courts judicial department.

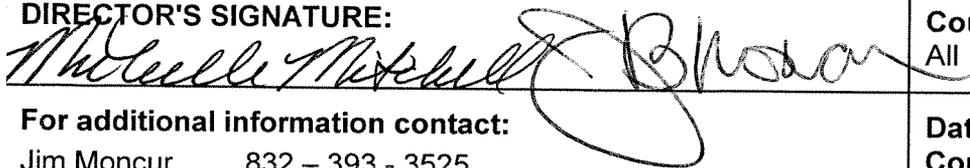
**Sec. 26-298. Removal of vehicle.**

Pursuant to Texas Occupations Code Section 2308.354(a), in a residential parking permit area designated by the traffic engineer as a tow-away zone, a parking enforcement officer or personnel designated by the police chief may authorize the towing of a vehicle parked in violation of this article. When a vehicle is towed pursuant to this section, the Houston Police Department shall be the responsible law enforcement agency for purposes of section 8-117 of this Code.

**Secs. 26-298-299--26-310. Reserved.**

<b>SUBJECT:</b> An Ordinance Supplementing City of Houston Ordinance No. 2004-299 Authorizing Issuance of City of Houston, Texas Combined Utility System Commercial Paper Notes, Series B, in an aggregate principal amount not to exceed \$700 million.	<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b> 27
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<b>FROM (Department or other point of origin):</b> Finance Department and Office of City Controller	<b>Origination Date:</b> 11/13/2009	<b>Agenda Date</b> NOV 18 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> Jim Moncur 832 - 393 - 3525 Charles Leal 713 - 837 - 9892	<b>Date and identification of prior authorizing Council action:</b> ORDINANCE NO. 2004-299 ORDINANCE NO. 2004-368
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**RECOMMENDATION:** An Ordinance Supplementing City of Houston Ordinance No. 2004-299 authorizing issuance of City of Houston, Texas Combined Utility System ("CUS") Commercial Paper ("CP") Notes, Series B, in an aggregate principal amount not to exceed \$700 million; prescribing the terms and conditions thereof; providing for the payment thereof; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such commercial paper notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, security and delivery of such commercial paper notes, including the approval of an issuing and paying agency agreement, credit agreement and dealer agreement; approving the use of an offering memorandum in connection with such sale; making other provisions regarding such commercial paper notes and matters incident thereto; and authorizing a co-bond counsel agreement.

<b>Amount of Funding:</b>	<b>Not Applicable</b>	<b>Finance Dept Budget:</b>
<b>Source of Funding:</b>	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund
	<input type="checkbox"/> Other (Specify)	<input type="checkbox"/> Enterprise Fund

**SPECIFIC EXPLANATION:**

Starting in 1993, City Council began authorizing CP programs to provide appropriation capacity and "on time" funding for various capital expenditures of the City. The issuance of CP has provided an expedient, cost-effective method of accessing cash and providing interim financing. CP notes are later refinanced into long term debt more closely matching the useful life of the project or equipment being financed.

This Ordinance is for the creation of a new CP program to be designated as CUS CP Series B. The aggregate amount of CP capacity to be added is up to \$700 million.

Recent downgrades and negative market perception of the banks currently supporting the CUS CP program Series A has resulted in higher interest rates and, in some cases, an inability to access the CP market to fund the CUS Capital Improvement Program ("CIP"). Therefore, the Finance Working Group ("FWG") recommends creating a new CUS CP program, Series B backed by higher rated banks to support the CUS CIP. The CUS plans to discontinue their current CP program, Series A, by the credit facility's renewal date of June 2010.

**REQUIRED AUTHORIZATION**

<b>Finance Department Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date:</b>  11/13/2009	<b>Subject:</b> An Ordinance Supplementing City of Houston Ordinance No. 2004-299 Authorizing Issuance of City of Houston, Texas Combined Utility System Commercial Paper Notes, Series B, in an aggregate principal amount not to exceed \$700 million.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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Based on the most favorable terms offered, the Mayor and City Controller recommend agreements with multiple banks to support up to \$700 million in CP. Recommended banks include J.P. Morgan Chase, Wells Fargo and Bank of Nova Scotia. Recommended co-bond counsel are Andrews Kurth LLP and Edgardo E. Colon, P. C.

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

**Recommendation**

The FWG recommends approval of this transaction.

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA #

**SUBJECT: AN ORDINANCE RELATING TO THE RETAIL GAS RATES OF CENTERPOINT ENERGY ENTEX; DENYING THE COMPANY'S PROPOSED RATE INCREASE AND MAINTAINING CURRENT RATES IN EFFECT FOR CUSTOMERS WITHIN THE CITY OF HOUSTON**

Category #

Page 1 of 1

Agenda Item#

**28**

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

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

**Origination Date**

November 11, 2009

**Agenda Date**

NOV 18 2009

**DIRECTOR'S SIGNATURE:**

**Council Districts affected:**

All

**For additional information contact:**

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

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

Ord. No. 2009-0750, passed 8/12/09  
Ord. No. 2009-0985, passed 10/14/09

**RECOMMENDATION: (Summary)**

Adopt an ordinance relating to the retail gas rates of CenterPoint Energy Entex; Denying the Company's Proposed Rate Increase and Maintaining Current Rates in Effect for Customers within the City of Houston.

**Amount of Funding:** N/A

**FIN Budget:**

**SOURCE OF FUNDING:** [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)  
N/A

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department (ARA) recommends that Council adopt an ordinance relating to the retail gas rates of CenterPoint Energy Entex; denying the Company's proposed rate increase and maintaining current rates in effect for customers within the City of Houston. CenterPoint is a domestic energy delivery company that provides natural gas distribution services in the Houston metropolitan area. The City of Houston exercises original jurisdiction over the rates, operations and services of CenterPoint under the provisions of the Gas Utility Regulatory Act ("GURA") for customers inside city limits.

On July 31, 2009, CenterPoint filed a Statement of Intent to Increase Rates within the Houston Division. CenterPoint's proposed changes would affect approximately 395,095 City of Houston customers including 368,400 residential, 24,248 small general service, and 2,447 large general service customers.

According to the utility's Statement of Intent, CenterPoint seeks a total base rate increase of 11.8% or \$25.4 million. After taking into account this year's significant decreases in natural gas costs, the net increase equates to 3.1% overall. If CenterPoint's proposed rates were adopted, the fixed customer charge for residential customers would increase from \$10.50 to \$14.75 per month — a 40.48% increase. The increase would impact residential customers only with no changes to the fixed rates for the small general service and large general service customers. However, the Company's proposed changes to commodity charges would impact all customer classes. The combined impact would result in an overall increase for residential customers and decreases for the small general service and large general service customers.

On August 12, 2009, City Council approved Ordinance No. 2009-750 suspending the new rates for 90 days beyond the proposed September 4, 2009 effective date to December 3, 2009. The suspension of the rates was approved to allow for the City to engage a team of experts to review the rate case, request information from the Company related to the proposed increase and allocation of the increase, and assist in the preparation of a final rate recommendation to City Council. During the suspension period, the City also scheduled public meetings (October 5 and October 7, 2009) to allow ratepayers the opportunity to voice quality of service concerns and/or objections to the proposed rate change.

CenterPoint filed a parallel rate case at the Railroad Commission for the Company's Houston Division customers receiving service in unincorporated or "environs" areas. Houston intervened with a Coalition of Cities in the Railroad Commission proceeding to fully participate in discovery, pre-filed testimony, and at the November 4 – 6, 2009 hearing on the merits. The Hearing Examiner will accept post trial briefing before he issues his Proposal for Decision to the Railroad Commission. The Commission will likely render its decision by early February.

During the November 10, 2009 Public Hearing before City Council, the City's rate experts presented a summary of their findings and recommendations related to CenterPoint's proposed rate increase. The Company was given the opportunity to voice any opposition or counterargument. CenterPoint has declined to enter into settlement negotiations with the City. Therefore, it is recommended that City Council approve an ordinance: (1) denying the proposed new rates; (2) ordering CenterPoint to reimburse the City's rate case expenses; and, (3) maintaining existing rates for CenterPoint's Houston customers. The effect of the Denial will likely be an appeal by CenterPoint to the Railroad Commission where it will be consolidated into the parallel gas rate case pending there. The City has and will continue to be a full participant in that proceeding at the Railroad Commission.

**REQUIRED AUTHORIZATION**

ARA Director:

68

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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Campbell Woods Subdivision, Sections 1 - 3 as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <i>29</i>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 15, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> A
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating all improved single-family residential lots in the Campbell Woods Subdivision, Sections 1 - 3 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Campbell Woods Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Campbell Woods Civic Club. Notification was mailed to 474 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Two (2) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on September 9, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:  
 Decision of the Hearing Official  
 Prohibited Yard Parking Requirement Application  
 Letter of Support  
 Map of the proposed requirement area / land use

xc: Marty Stein, Agenda Director  
 Anna Russell, City Secretary  
 Arturo G. Michel, City Attorney  
 Don Cheatham, Land Use Division, Legal Department  
 Chief Hurtt, HPD  
 Alfred Moran, ARA

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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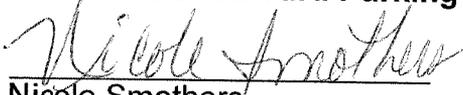
# Prohibited Yard Parking Requirement Area No. P090612

## Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p><b>The application area contains at least five contiguous block faces.</b></p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p><b>85% of the proposed application area is developed as single-family residential.</b></p>
X		<p><i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i></p> <p><b>The president of the Campbell Woods Civic Club has signed a letter of support.</b></p>
X		<p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p><b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b></p>

**The Prohibited Yard Parking Requirement Area meets the criteria.**


10-7-09  
 Nicole Smothers, Date  
 Hearing Official, Presiding



## THE CITY OF HOUSTON, TEXAS

**Decision of the Hearing Official**  
**September 9, 2009 Prohibited Yard Parking Ordinance Hearing**  
Agenda Item III: Campbell Woods Civic Club  
Application No.: P090612

### Authority

The undersigned is authorized to hear this matter as a hearing officer duly appointed in accordance with the procedures set forth in Section 28-303(l) of the Code of Ordinances, City of Houston, Texas (the "Code").

### Date, Time and Place of Proceedings

These proceedings were conducted at City Council Chambers, City Hall Annex, 900 Bagby in Houston, Texas, on September 9, 2009 beginning at 3:02 p.m. and concluding at 3:30 p.m.

### Notice

Notice of these proceedings was given to all parties to the extent and in the manner required by Sections 28-303(h), 28-303(i) of the Code as applicable.

Signs were posted in the designated areas and notice was given through at least one other authorized method within the time mandated by Section 28-303 (h) of the Code.

A written protest of this application was timely filed with the director within 20 days after the date of the director's notice letter in compliance with Section 28-303(j) of the Code.

### Recording of Proceedings

These proceedings  were  were not recorded.

If recorded, the following method was used:

Audio CD

### **Application Area**

If approved, this ordinance would prohibit the parking of vehicles on unimproved surfaces in the front and side yards of single family residences in the following area:

Description:

The application boundary area extends North from Emnora Lane to Neuens Road and from East of Campbell Road to Crestdal Drive.

### **Parties**

The following parties were present and spoke on the record:

Applicant(s) or person(s) in support of Ordinance: Marilyn Marek, Joseph C. Mooney, Jr., Patsy G. Thomas and Elouise Mayson

Protestor(s) or person(s) in opposition of Ordinance: Jim Hadash and Robert Doolie

### **Exhibits**

Exhibit No. 1

Offered by: Marilyn Marek

### **Decision**

#### **Approval Criteria**

The application or petition complied with Section 28-303(c) of the Code.

YES       NO

The evidence presented shows that the residential area described in the application or petition contains at least five contiguous blockfaces.

YES       NO

The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.

YES       NO

**Decision on Application**

In light of the foregoing, the Hearing Officer finds that the application submitted by The Campbell Woods Civic Club and signed by Marilyn Marek, which application was submitted pursuant to Section 28-303 of the Code, is

recommended for approval       denied

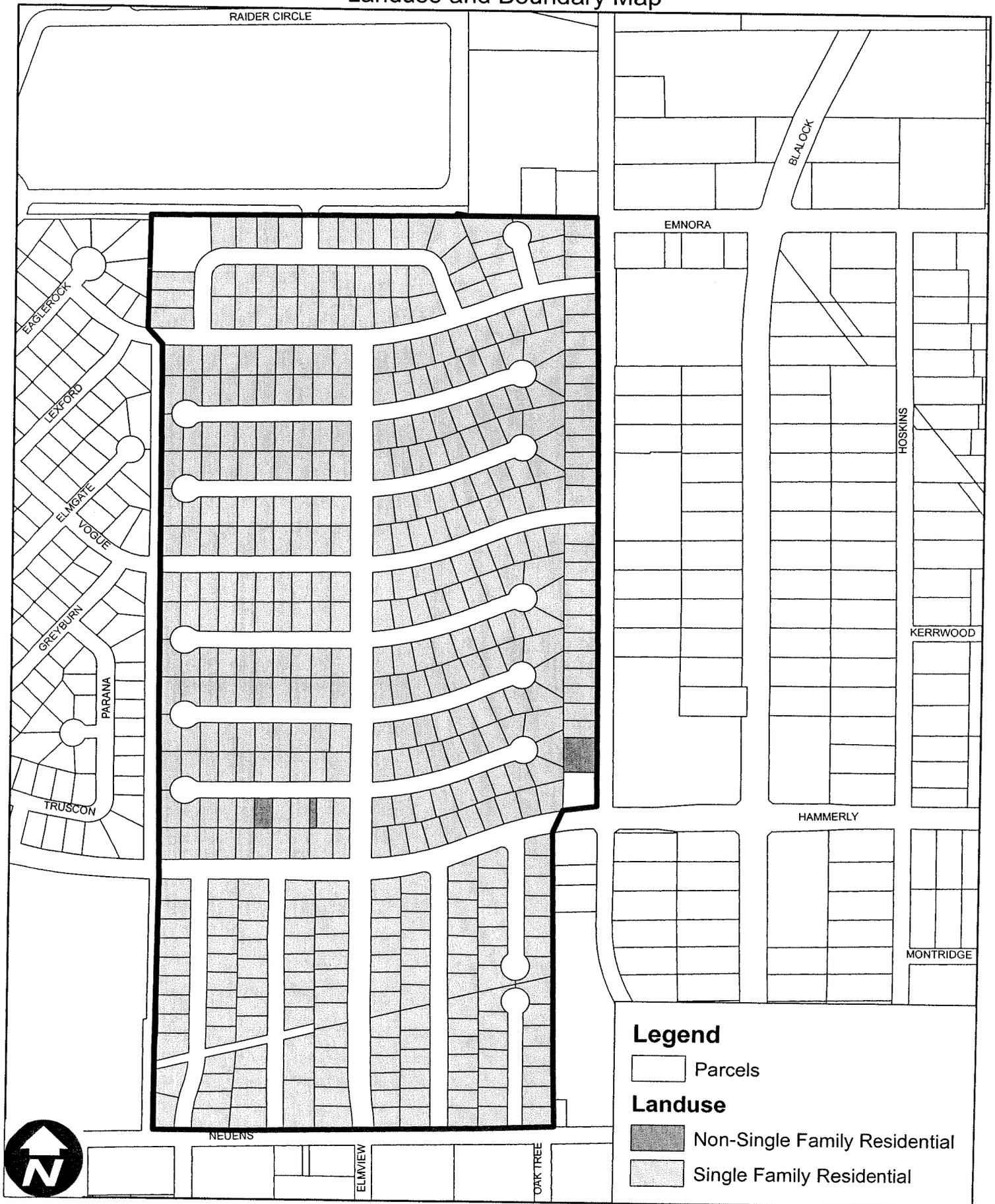
If recommended for approval, the Hearing Official recommends that the City Council pass an ordinance prohibiting the parking of vehicles and equipment on any unimproved surface in the front or side yard areas of an improved single family residential lot within the boundaries designated in the application.

If denied, pursuant to Section 28-303(m) of the Code, the Hearing Officer has not found that the evidence presented at the hearing demonstrates to the satisfaction of the Hearing Officer that the likelihood that the parking of vehicles or equipment in the front or side yards of residences in the residential area has caused, or is presently causing, a diminution in the value of the residences in such area, degrades the aesthetic appearance of the neighborhood, or tends to damage underground infrastructures leading to the loss of water or other conditions contrary to the public interest.

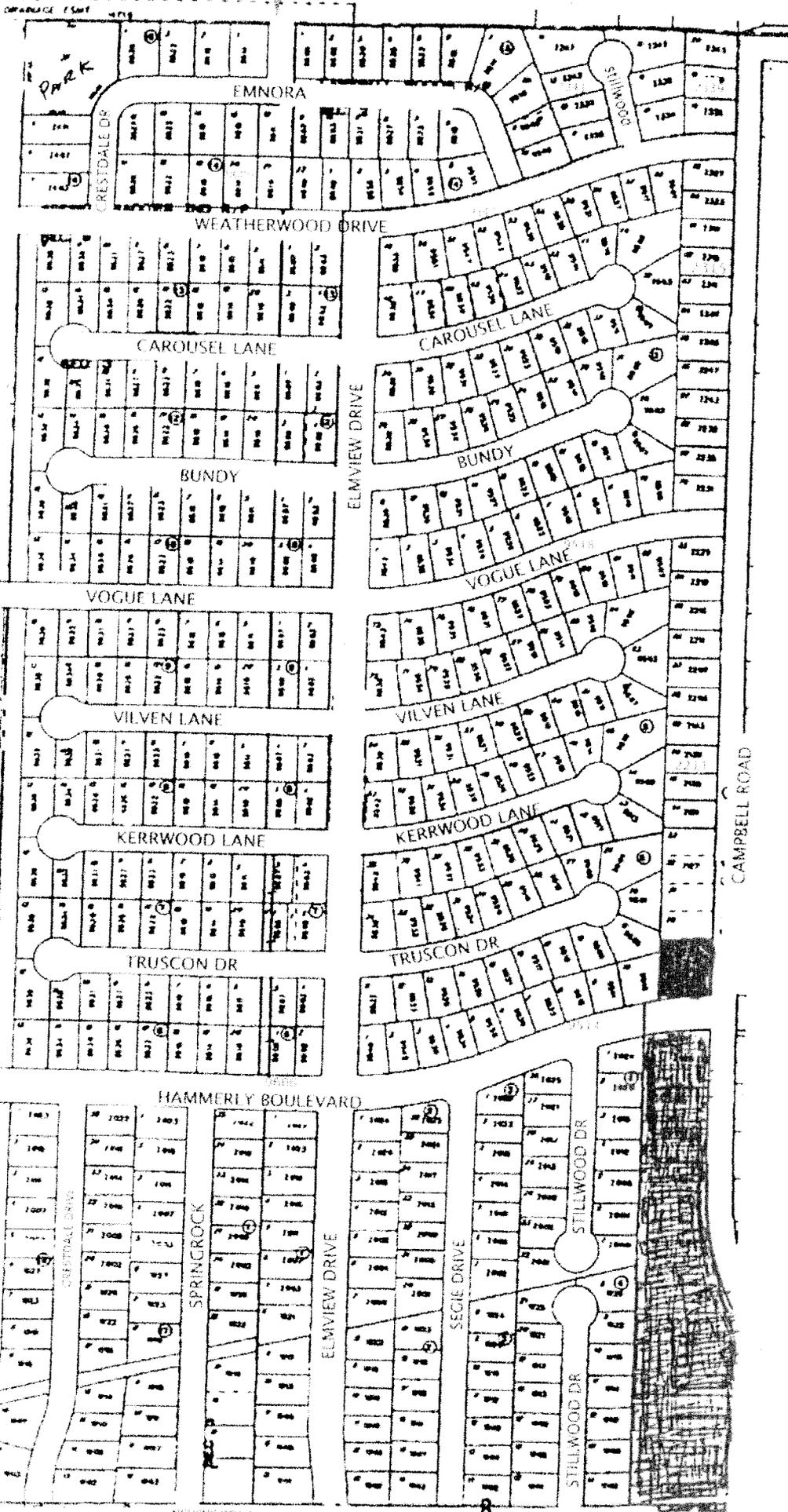
Signed this 15th day of September, 2009

By: *Nicole B. Snodgrass*  
Hearing Official, Presiding

P090612  
Campbell Woods Civic Club  
Landuse and Boundary Map



SPRING ROCK LANE



*Handwritten notes:*

1. 1st block from top left

2. 2nd block from top left

3. 3rd block from top left

4. 4th block from top left

5. 5th block from top left

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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Mangum Manor Subdivision, Sections 1 - 3 as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>30</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 21, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> A
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating all improved single-family residential lots in the Mangum Manor Subdivision, Sections 1 - 3 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Mangum Manor Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Mangum Manor Civic Club. Notification was mailed to 337 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Three (3) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on August 26, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:  
Decision of the Hearing Official  
Prohibited Yard Parking Requirement Application  
Letter of Support  
Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Don Cheatham, Land Use Division, Legal Department  
Chief Hurtt, HPD  
Alfred Moran, ARA

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# Prohibited Yard Parking Requirement Area No. P090515

## Hearing Official's Approval

### Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> <b>The application area contains at least five contiguous block faces.</b>
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> <b>79.7% of the proposed application area is developed as single-family residential.</b>
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> <b>The president of the Mangum Manor Civic Club has signed a letter of support.</b>
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> <b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b>

**The Prohibited Yard Parking Requirement Area meets the criteria.**



Nicole Smothers,  
Hearing Official, Presiding

10-19-09  
Date



## THE CITY OF HOUSTON, TEXAS

**Decision of the Hearing Official**  
**August 26, 2009 Prohibited Yard Parking Ordinance Hearing**  
Agenda Item II: Mangum Manor Subdivision  
Application No.: P090515

### Authority

The undersigned is authorized to hear this matter as a hearing officer duly appointed in accordance with the procedures set forth in Section 28-303(l) of the Code of Ordinances, City of Houston, Texas (the "Code").

### Date, Time and Place of Proceedings

These proceedings were conducted at Council Chambers, City Hall Annex, 900 Bagby in Houston, Texas, on August 26, 2009 beginning at 3:03 p.m. and concluding at 4:02 p.m.

### Notice

Notice of these proceedings was given to all parties to the extent and in the manner required by Sections 28-303(h), 28-303(i) of the Code as applicable.

Signs were posted in the designated areas and notice was given through at least one other authorized method within the time mandated by Section 28-303 (h) of the Code.

A written protest of this application was timely filed with the director within 20 days after the date of the director's notice letter in compliance with Section 28-303(j) of the Code.

### Recording of Proceedings

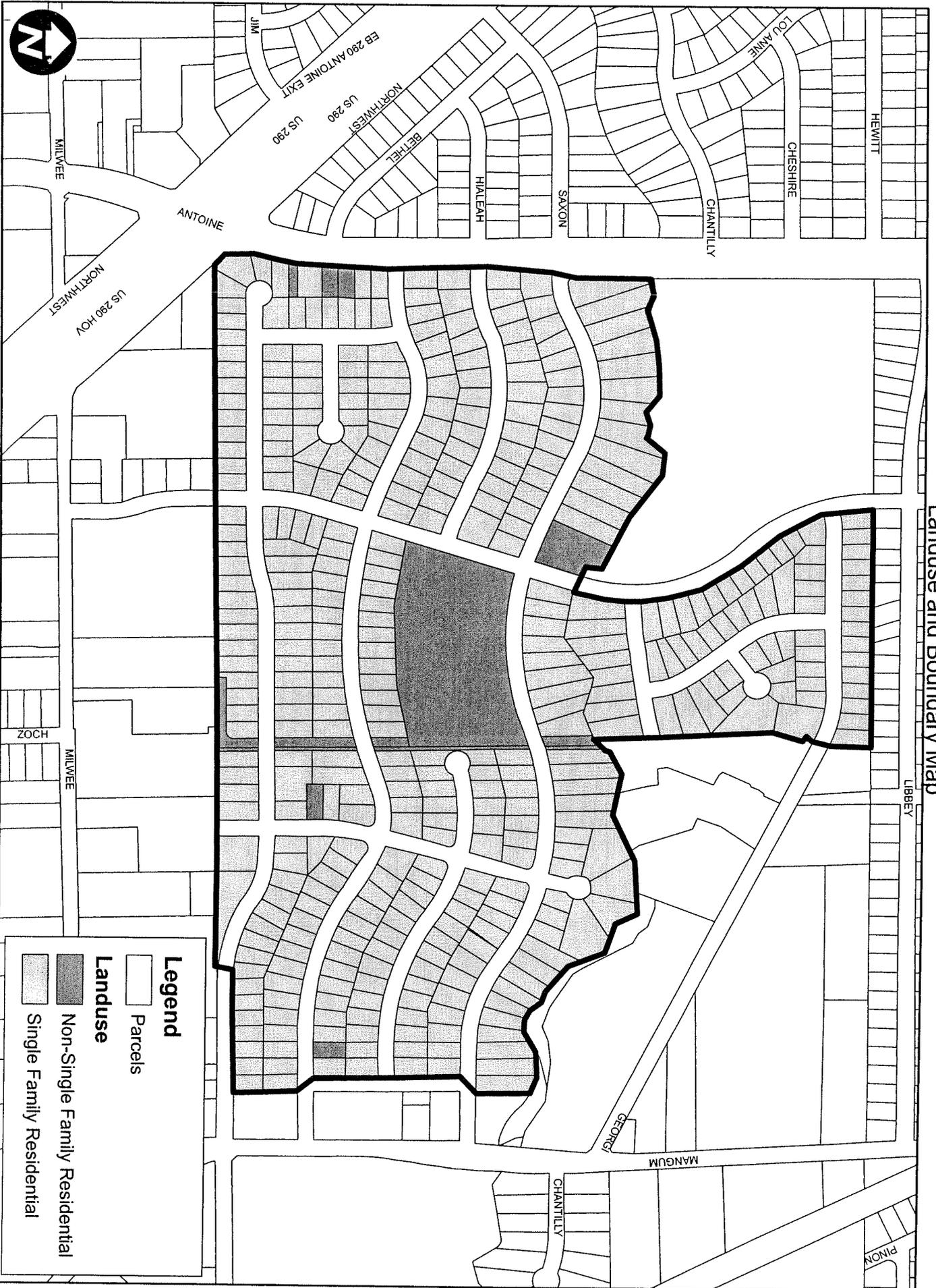
These proceedings  were  were not recorded.

If recorded, the following method was used:

Audio CD

P090515

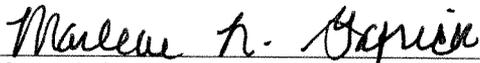
Mangum Manor Civic Club  
Landuse and Boundary Map



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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in Shadow Oaks Subdivision, Sections 1 – 6 and 5 PAR R/P; Moss Oaks Subdivision, Sections 1, 2 and 3 U/R; Wildewood Forest Subdivision, Sections 1 & 2; Spring Lea Subdivision, Section 1; Parkercrest Subdivision; and Beckham Place Subdivision R/P as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em; font-weight: bold;">31</div>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 16, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b>  	<b>Council District affected:</b> A
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in Shadow Oaks Subdivision, Sections 1 – 6 and 5 PAR R/P; Moss Oaks Subdivision, Sections 1, 2 and 3 U/R; Wildewood Forest Subdivision, Sections 1 & 2; Spring Lea Subdivision, Section 1; Parkercrest Subdivision; and Beckham Place Subdivision R/Pas a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.**

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Shadow Oaks Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Shadow Oaks Civic Club. Notification was mailed to 1,141 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Ten (10) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on July 29, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:  
 Decision of the Hearing Official  
 Prohibited Yard Parking Requirement Application  
 Letter of Support  
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director  
 Anna Russell, City Secretary  
 Arturo G. Michel, City Attorney  
 Don Cheatham, Land Use Division, Legal Department  
 Chief Hurtt, HPD  
 Alfred Moran, ARA

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# Prohibited Yard Parking Requirement Area No. P090514

## Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p><b>The application area contains at least five contiguous block faces.</b></p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p><b>87% of the proposed application area is developed as single-family residential.</b></p>
X		<p><i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i></p> <p><b>The president of the Shadow Oaks Civic Club has signed a letter of support.</b></p>
X		<p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p><b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b></p>

**The Prohibited Yard Parking Requirement Area meets the criteria.**

Nicole Smothers      10-2-09  
 Nicole Smothers,      Date  
 Hearing Official, Presiding



## THE CITY OF HOUSTON, TEXAS

**Decision of the Hearing Official  
July 29, 2009 Agenda Item IX: Shadow Oaks Sections 1 – 6, Moss Oaks  
Sections 1 - 3, Wildewood Forest Sections 1 – 2, Spring Lea, Parkcrest,  
Beckham Place Subdivisions**

### Authority

The undersigned is authorized to hear this matter as a hearing officer duly appointed in accordance with the procedures set forth in Section 28-303(l) of the Code of Ordinances, City of Houston, Texas (the "Code").

### Date, Time and Place of Proceedings

These proceedings were conducted at 611 Walker, 6<sup>th</sup> Floor in Houston, Texas, on July 29, 2009 beginning at 3:06 p.m. and concluding at 4:26 p.m.

### Notice

Notice of these proceedings was given to all parties to the extent and in the manner required by Sections 28-303(h), 28-303(i) of the Code as applicable.

Signs were posted in the designated areas and notice was given through at least one other authorized method within the time mandated by Section 28-303 (h) of the Code.

A written protest of this application was timely filed with the director within 20 days after the date of the director's notice letter in compliance with Section 28-303(j) of the Code.

### Recording of Proceedings

These proceedings  were  were not recorded.

If recorded, the following method was used:

Audio CD

## Application Area

If approved, this ordinance would prohibit the parking of vehicles on unimproved surfaces in the front and side yards of single family residences in the following area:

Description:

North from Larston Street to Barwood Drive and East from Mapleton Drive to Conrad Sauer Drive

## Parties

The following parties were present and spoke on the record:

Applicant(s) or representative(s) of Applicant(s): Gail D. Clarke

Protester(s) No. 1 or representative(s) of Protestor(s) No. 1: Russell Hibbs

## Exhibits

Exhibit No. 1

Offered by: Gail D. Clarke

## **Decision**

### Approval Criteria

The application or petition complied with Section 29-303(c) of the Code.

YES       NO

The evidence presented shows that the residential area described in the application or petition contains at least five contiguous blockfaces.

YES       NO

The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.

YES       NO

### Decision on Application

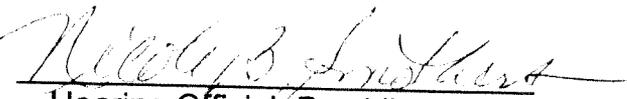
In light of the foregoing, the Hearing Officer finds that the application submitted by Shadow Oaks Civic Association and signed by Gail D. Clarke, which application was submitted pursuant to Section 28-303 of the Code, is

recommended for approval     denied

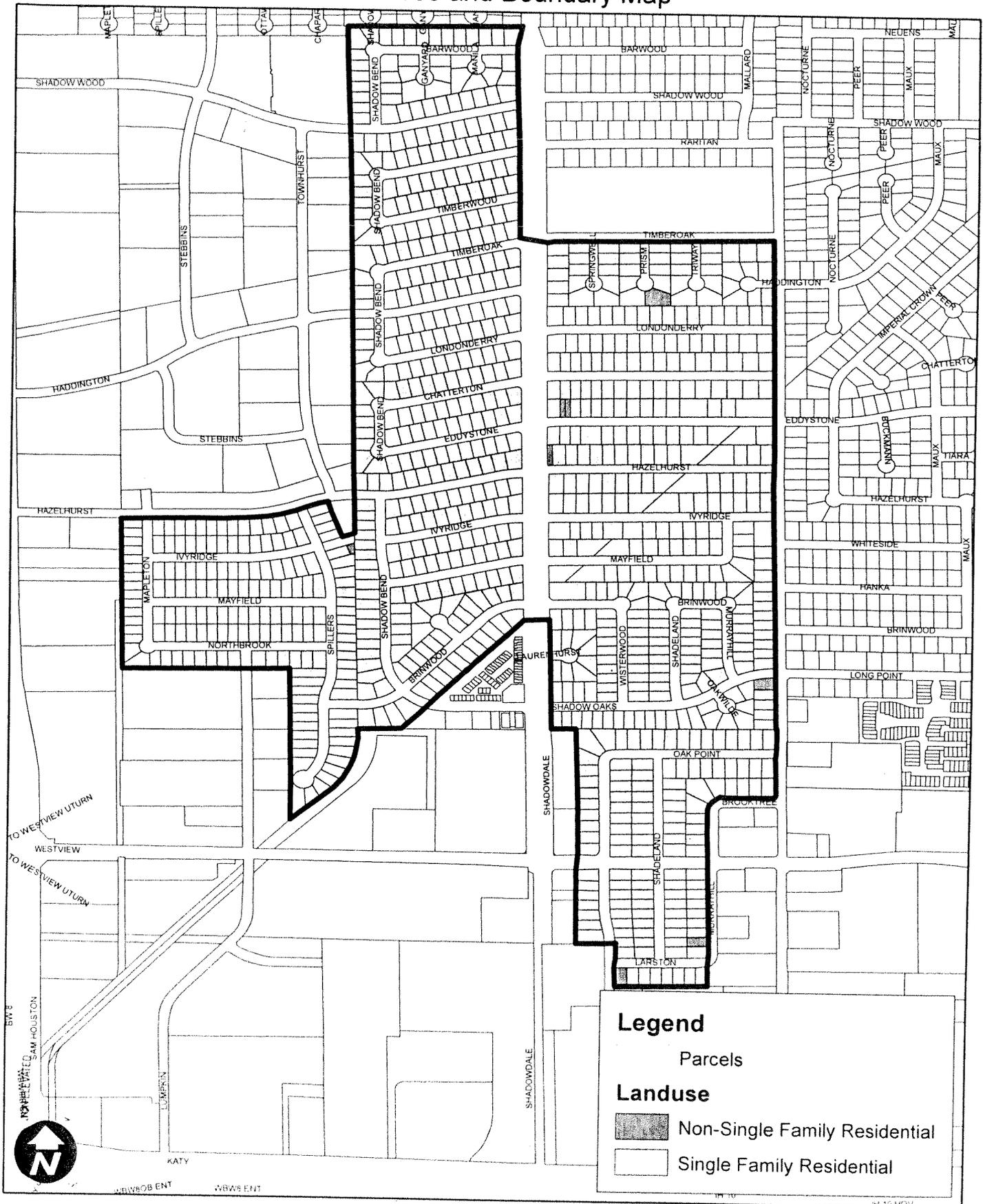
If recommended for approval, the Hearing Official recommends that the City Council pass an ordinance prohibiting the parking of vehicles and equipment on any unimproved surface in the front or side yard areas of an improved single family residential lot within the boundaries designated in the application.

If denied, pursuant to Section 28-303(m) of the Code, the Hearing Officer has not found that the evidence presented at the hearing demonstrates to the satisfaction of the Hearing Officer that the likelihood that the parking of vehicles or equipment in the front or side yards of residences in the residential area has caused, or is presently causing, a diminution in the value of the residences in such area, degrades the aesthetic appearance of the neighborhood, or tends to damage underground infrastructures leading to the loss of water or other conditions contrary to the public interest.

Signed this 20th day of August, 2009

By:   
Hearing Official, Presiding

P090514  
 Shadow Oaks Civic Club  
 Landuse and Boundary Map



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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Spring Branch Valley Subdivision as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <i>32</i>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 21, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Ms. Marlene L. Gafrick</i>	<b>Council District affected:</b> A
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating all improved single-family residential lots in the Spring Branch Valley Subdivision as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Spring Branch Valley Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Spring Branch Valley Civic Club. Notification was mailed to 411 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Four (4) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on August 26, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:  
Decision of the Hearing Official  
Prohibited Yard Parking Requirement Application  
Letter of Support  
Map of the proposed requirement area / land use

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Don Cheatham, Land Use Division, Legal Department  
Chief Hurtt, HPD  
Alfred Moran, ARA

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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Prohibited Yard Parking Requirement Area No. P090611

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> <b>The application area contains at least five contiguous block faces.</b>
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> <b>88.7% of the proposed application area is developed as single-family residential.</b>
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> <b>The president of the Spring Branch Valley Civic Club has signed a letter of support.</b>
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> <b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b>

The Prohibited Yard Parking Requirement Area meets the criteria.

Nicole B. Smothers      10-19-09  
Nicole Smothers,      Date  
Hearing Official, Presiding



## THE CITY OF HOUSTON, TEXAS

**Decision of the Hearing Official**  
**August 26, 2009 Prohibited Yard Parking Ordinance Hearing**  
Agenda Item III: Spring Branch Valley Subdivision  
Application No.: P090611

### Authority

The undersigned is authorized to hear this matter as a hearing officer duly appointed in accordance with the procedures set forth in Section 28-303(l) of the Code of Ordinances, City of Houston, Texas (the "Code").

### Date, Time and Place of Proceedings

These proceedings were conducted at Council Chambers, City Hall Annex, 900 Bagby in Houston, Texas, on August 26, 2009 beginning at 3:03 p.m. and concluding at 4:02 p.m.

### Notice

Notice of these proceedings was given to all parties to the extent and in the manner required by Sections 28-303(h), 28-303(i) of the Code as applicable.

Signs were posted in the designated areas and notice was given through at least one other authorized method within the time mandated by Section 28-303 (h) of the Code.

A written protest of this application was timely filed with the director within 20 days after the date of the director's notice letter in compliance with Section 28-303(j) of the Code.

### Recording of Proceedings

These proceedings  were  were not recorded.

If recorded, the following method was used:

Audio CD

### **Application Area**

If approved, this ordinance would prohibit the parking of vehicles on unimproved surfaces in the front and side yards of single family residences in the following area:

Description:

The application boundary area extends North from Norton Drive to Emnora Lane and from East of Gessner Road to West Sam Houston Parkway North.

### **Parties**

The following parties were present and spoke on the record:

Applicant(s) or representative(s) of Applicant(s): Robert Reyer, Josh Wadley

Protester(s) No. 1 or representative(s) of Protestor(s) No. 1: Mario Flores

### **Exhibits**

Exhibit No. 1

Offered by: Robert Reyer

### **Decision**

#### **Approval Criteria**

The application or petition complied with Section 28-303(c) of the Code.

YES       NO

The evidence presented shows that the residential area described in the application or petition contains at least five contiguous blockfaces.

YES       NO

The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.

YES       NO

**Decision on Application**

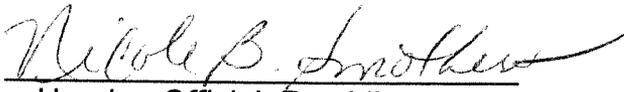
In light of the foregoing, the Hearing Officer finds that the application submitted by The Spring Branch Valley Civic Club and signed by Robert Reyer, which application was submitted pursuant to Section 28-303 of the Code, is

recommended for approval       denied

If recommended for approval, the Hearing Official recommends that the City Council pass an ordinance prohibiting the parking of vehicles and equipment on any unimproved surface in the front or side yard areas of an improved single family residential lot within the boundaries designated in the application.

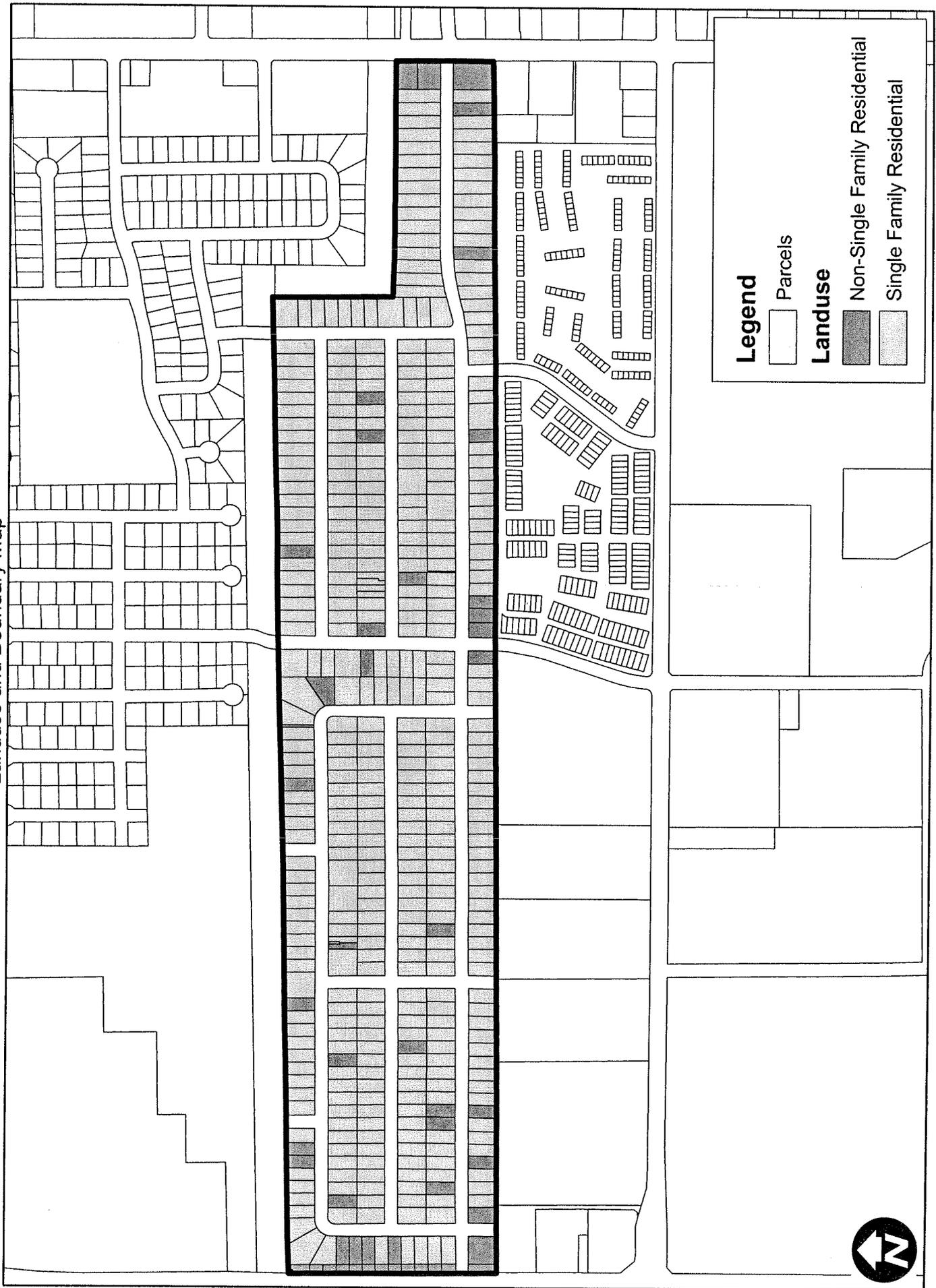
If denied, pursuant to Section 28-303(m) of the Code, the Hearing Officer has not found that the evidence presented at the hearing demonstrates to the satisfaction of the Hearing Officer that the likelihood that the parking of vehicles or equipment in the front or side yards of residences in the residential area has caused, or is presently causing, a diminution in the value of the residences in such area, degrades the aesthetic appearance of the neighborhood, or tends to damage underground infrastructures leading to the loss of water or other conditions contrary to the public interest.

Signed this 9th day of September, 2009

By:   
Hearing Official/Presiding

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Spring Branch Valley Civic Club  
Landuse and Boundary Map



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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Westwood Subdivision, Sections 1 – 2 and Westwood Subdivision Section 5, excluding Blocks 1 & 6 as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b>  <b>33</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 16, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> C
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating all improved single-family residential lots in the Westwood Subdivision, Sections 1 – 2 and Westwood Subdivision Section 5, excluding Blocks 1 & 6 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Westwood Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Westwood Civic Club. Notification was mailed to 518 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Three (3) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on July 29, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:  
 Decision of the Hearing Official  
 Prohibited Yard Parking Requirement Application  
 Letter of Support  
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director  
 Anna Russell, City Secretary  
 Arturo G. Michel, City Attorney  
 Don Cheatham, Land Use Division, Legal Department  
 Chief Hurtt, HPD  
 Alfred Moran, ARA

# Prohibited Yard Parking Requirement Area No. P090513

## Hearing Official's Approval

### Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> <b>The application area contains at least five contiguous block faces.</b>
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> <b>80% of the proposed application area is developed as single-family residential.</b>
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> <b>The president of the Westwood Civic Club has signed a letter of support.</b>
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> <b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b>

**The Prohibited Yard Parking Requirement Area meets the criteria.**

  
Nicole Smothers,  
Hearing Official, Presiding

10-2-09  
Date



## THE CITY OF HOUSTON, TEXAS

### Decision of the Hearing Official July 29, 2009 Agenda Item IV: Westwood Subdivision South

#### Authority

The undersigned is authorized to hear this matter as a hearing officer duly appointed in accordance with the procedures set forth in Section 28-303(l) of the Code of Ordinances, City of Houston, Texas (the "Code").

#### Date, Time and Place of Proceedings

These proceedings were conducted at 611 Walker, 6<sup>th</sup> Floor in Houston, Texas, on July 29, 2009 beginning at 3:06 p.m. and concluding at 4:26 p.m.

#### Notice

Notice of these proceedings was given to all parties to the extent and in the manner required by Sections 28-303(h), 28-303(i) of the Code as applicable.

Signs were posted in the designated areas and notice was given through at least one other authorized method within the time mandated by Section 28-303 (h) of the Code.

A written protest of this application was timely filed with the director within 20 days after the date of the director's notice letter in compliance with Section 28-303(j) of the Code.

#### Recording of Proceedings

These proceedings  were  were not recorded.

If recorded, the following method was used:

Audio CD

### Application Area

If approved, this ordinance would prohibit the parking of vehicles on unimproved surfaces in the front and side yards of single family residences in the following area:

Description:

North from Omera Drive to Woodhaven Street and from East of Basson Drive to Stella Link Road

### Parties

The following parties were present and spoke on the record:

Applicant(s) or representative(s) of Applicant(s): Judy Mathis

Protester(s) No. 1 or representative(s) of Protestor(s) No. 1: Jay Goldberg

Protester(s) No. 2 or representative(s) of Protestor(s) No. 2: Vernon Thompson

### Exhibits

Exhibit No. 1

Offered by: Judy Mathis

Exhibit No. 2

Offered by: Jay and Karen Goldberg

### **Decision**

#### Approval Criteria

The application or petition complied with Section 29-303(c) of the Code.

YES       NO

The evidence presented shows that the residential area described in the application or petition contains at least five contiguous blockfaces.

YES       NO

The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.

YES       NO

**Decision on Application**

In light of the foregoing, the Hearing Officer finds that the application submitted by Westwood Civic Club and signed by Judy Mathis, which application was submitted pursuant to Section 28-303 of the Code, is

recommended for approval       denied

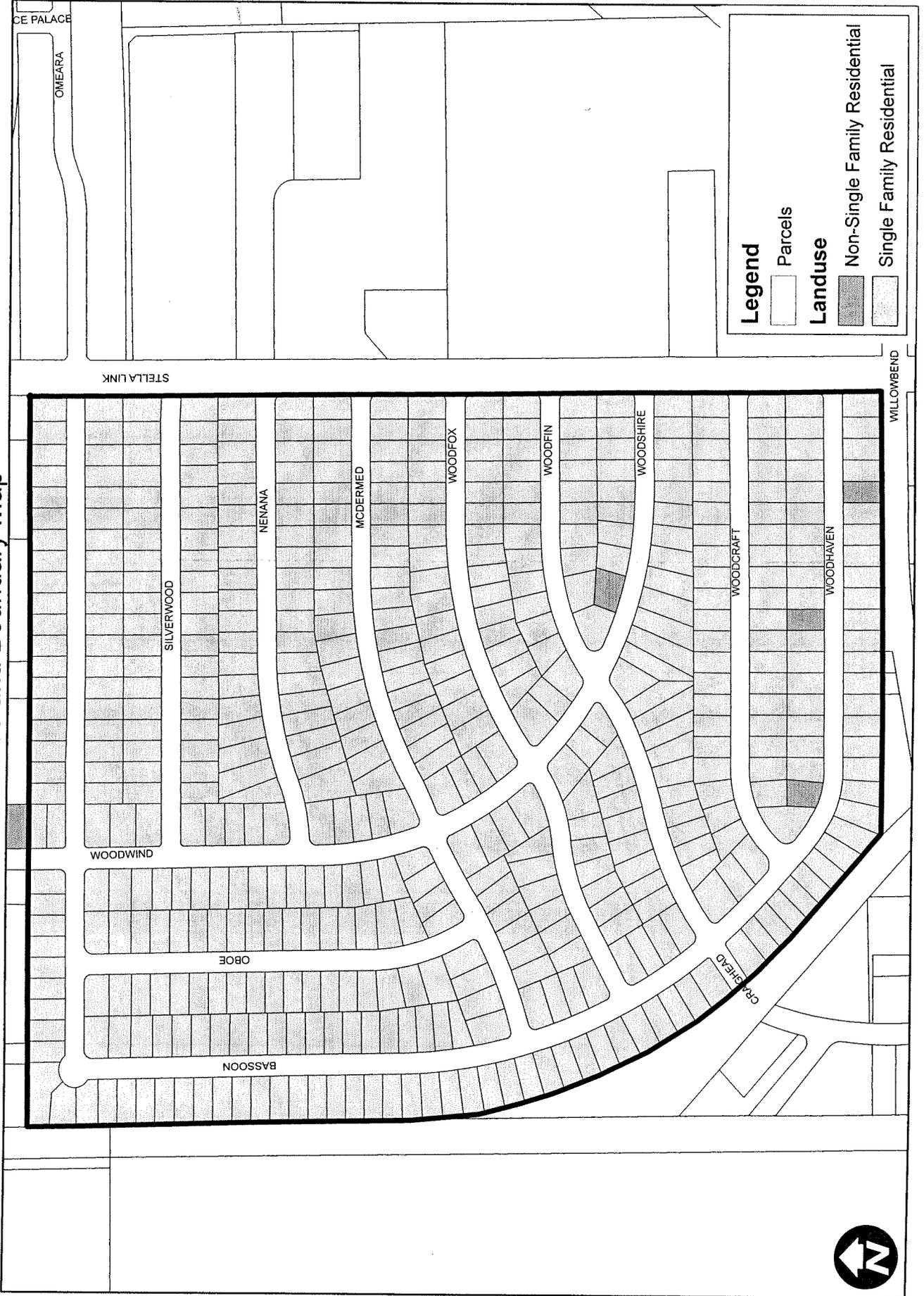
If recommended for approval, the Hearing Official recommends that the City Council pass an ordinance prohibiting the parking of vehicles and equipment on any unimproved surface in the front or side yard areas of an improved single family residential lot within the boundaries designated in the application.

If denied, pursuant to Section 28-303(m) of the Code, the Hearing Officer has not found that the evidence presented at the hearing demonstrates to the satisfaction of the Hearing Officer that the likelihood that the parking of vehicles or equipment in the front or side yards of residences in the residential area has caused, or is presently causing, a diminution in the value of the residences in such area, degrades the aesthetic appearance of the neighborhood, or tends to damage underground infrastructures leading to the loss of water or other conditions contrary to the public interest.

Signed this 20th day of August, 2009

By:   
Hearing Official, Presiding

P090513  
Westwood Civic Club  
Landuse and Boundary Map



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Westwood Subdivision, Section 4, excluding Res A & B & Tr A, Block 32 and Westwood ETON Condo Section 5 R/P, excluding Res A, Block 7, Tr 1A, Block 7 as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>34</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 16, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> C
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating all improved single-family residential lots in the Westwood Subdivision, Section 4, excluding Res A & B & Tr A, Block 32 and Westwood ETON Condo Section 5 R/P, excluding Res A, Block 7, Tr 1A, Block 7 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Westwood Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Westwood Civic Club. Notification was mailed to 237 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One (1) protest was timely filed with the Planning and Development Department. The Hearing Official held a public hearing on July 29, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:  
Decision of the Hearing Official  
Prohibited Yard Parking Requirement Application  
Letter of Support  
Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Don Cheatham, Land Use Division, Legal Department  
Chief Hurtt, HPD  
Alfred Moran, ARA

Prohibited Yard Parking Requirement Area No. P090512

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> <b>The application area contains at least five contiguous block faces.</b>
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> <b>76% of the proposed application area is developed as single-family residential.</b>
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> <b>The president of the Westwood Civic Club has signed a letter of support.</b>
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> <b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b>

The Prohibited Yard Parking Requirement Area meets the criteria.

Nicole Smothers      10-2-09  
Nicole Smothers,      Date  
Hearing Official, Presiding

P090512  
Westwood Civic Club  
Landuse and Boundary Map



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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Meadowcreek Village Subdivision, Sections 1 - 11; Meadowcreek Village Subdivision, Section 12 Extn & R/P; Meadowcreek Woods Patio Homes Subdivision and Forest Oaks Subdivision, Section 1 as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b>  <b>35</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 21, 2009	<b>Agenda Date</b>  NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> E
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating all improved single-family residential lots in the Meadowcreek Village Subdivision, Sections 1 - 11; Meadowcreek Village Subdivision, Section 12 EXTN & R/P; Meadowcreek Woods Patio Homes Subdivision and Forest Oaks Subdivision, Section 1 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Meadowcreek Village Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Meadowcreek Civic Club. Notification was mailed to 1381 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Five (5) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on September 2, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:  
Decision of the Hearing Official  
Prohibited Yard Parking Requirement Application  
Letter of Support  
Map of the proposed requirement area / land use

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Don Cheatham, Land Use Division, Legal Department  
Chief Hurtt, HPD  
Alfred Moran, ARA

*MS*  
*MS*

# Prohibited Yard Parking Requirement Area No. P090516

## Hearing Official's Approval

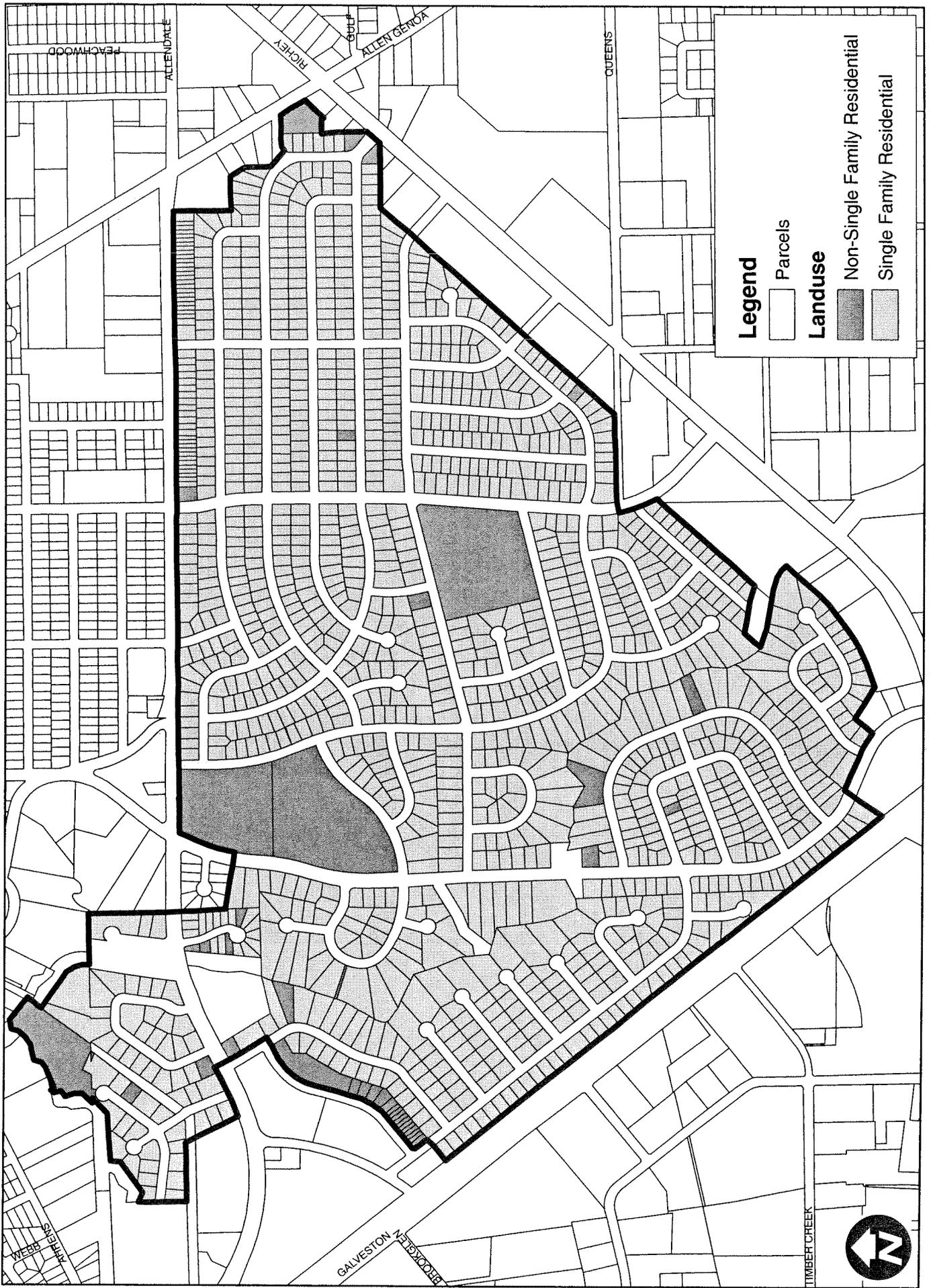
### Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> <b>The application area contains at least five contiguous block faces.</b>
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> <b>95.2% of the proposed application area is developed as single-family residential.</b>
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> <b>The president of the Meadowcreek Village Civic Club has signed a letter of support.</b>
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> <b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b>

**The Prohibited Yard Parking Requirement Area meets the criteria.**

  
Nicole Smothers, 10-19-09  
Hearing Official, Presiding Date

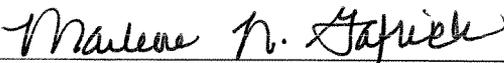
# Meadowcreek Village Civic Club Landuse and Boundary Map



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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Trailwood Village Subdivision, Sections 1, 3 - 6 and Section 2 Replat as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>36</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 30, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> E
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-28-09
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating all improved single-family residential properties in the Trailwood Village Subdivision, Sections 1, 3 - 6 and Section 2 Replat as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Trailwood Village Community Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Trailwood Village Community Association. Notification was mailed to 789 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Ten (10) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on October 7, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

Attachments:  
 Decision of the Hearing Official  
 Prohibited Yard Parking Requirement Area Application  
 Letter of Support  
 Map of the proposed requirement area / land use

xc: Marty Stein, Agenda Director  
 Anna Russell, City Secretary  
 Arturo G. Michel, City Attorney  
 Don Cheatham, Senior Assistant City Attorney  
 Chief Hurtt, HPD  
 Alfred Moran, ARA

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

# Prohibited Yard Parking Requirement Area No. P090613

## Hearing Official's Approval

### Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> <b>The application area contains at least five contiguous block faces.</b>
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> <b>91.1% of the proposed application area is developed as single-family residential.</b>
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> <b>The president of the Trailwood Village Community Association has signed a letter of support.</b>
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> <b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b>

**The Prohibited Yard Parking Requirement Area meets the criteria.**

Nicole Smothers      10-28-09  
Nicole Smothers,      Date  
Hearing Official, Presiding



## THE CITY OF HOUSTON, TEXAS

### **Decision of the Hearing Official**

### **October 7, 2009 Prohibited Yard Parking Ordinance Hearing**

Agenda Item IV: Trailwood Village Community Association

Application No.: P090613

### **Authority**

The undersigned is authorized to hear this matter as a hearing officer duly appointed in accordance with the procedures set forth in Section 28-303(l) of the Code of Ordinances, City of Houston, Texas (the "Code").

### **Date, Time and Place of Proceedings**

These proceedings were conducted at City Council Chambers, City Hall Annex, 900 Bagby in Houston, Texas, on October 7, 2009 beginning at 3:07 p.m. and concluding at 3:32 p.m.

### **Notice**

Notice of these proceedings was given to all parties to the extent and in the manner required by Sections 28-303(h), 28-303(i) of the Code as applicable.

Signs were posted in the designated areas and notice was given through at least one other authorized method within the time mandated by Section 28-303 (h) of the Code.

A written protest of this application was timely filed with the director within 20 days after the date of the director's notice letter in compliance with Section 28-303(j) of the Code.

### **Recording of Proceedings**

These proceedings  were  were not recorded.

If recorded, the following method was used:

Audio CD

**Application Area**

If approved, this ordinance would prohibit the parking of vehicles on unimproved surfaces in the front and side yards of single family residences in the following area:

Description:

The application boundary area extends North from Kingwood Drive to Trailwood Village Drive and from East of Woodland Hills Drive to Trailwood Village Square.

**Parties**

The following parties were present and spoke on the record:

Applicant(s) or person(s) in support of Ordinance: There were no parties present in support of the ordinance

Protestor(s) or person(s) in opposition of Ordinance: Krien Verberknoes, Wayne Beenken, Debra Rico and Manny Alonso

**Decision**

**Approval Criteria**

The application or petition complied with Section 28-303(c) of the Code.

**YES**       **NO**

The evidence presented shows that the residential area described in the application or petition contains at least five contiguous blockfaces.

**YES**       **NO**

The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.

**YES**       **NO**

### Decision on Application

In light of the foregoing, the Hearing Officer finds that the application submitted by Trailwood Village Community Association and signed by Margaret Carlson, which application was submitted pursuant to Section 28-303 of the Code, is

recommended for approval     denied

If recommended for approval, the Hearing Official recommends that the City Council pass an ordinance prohibiting the parking of vehicles and equipment on any unimproved surface in the front or side yard areas of an improved single family residential lot within the boundaries designated in the application.

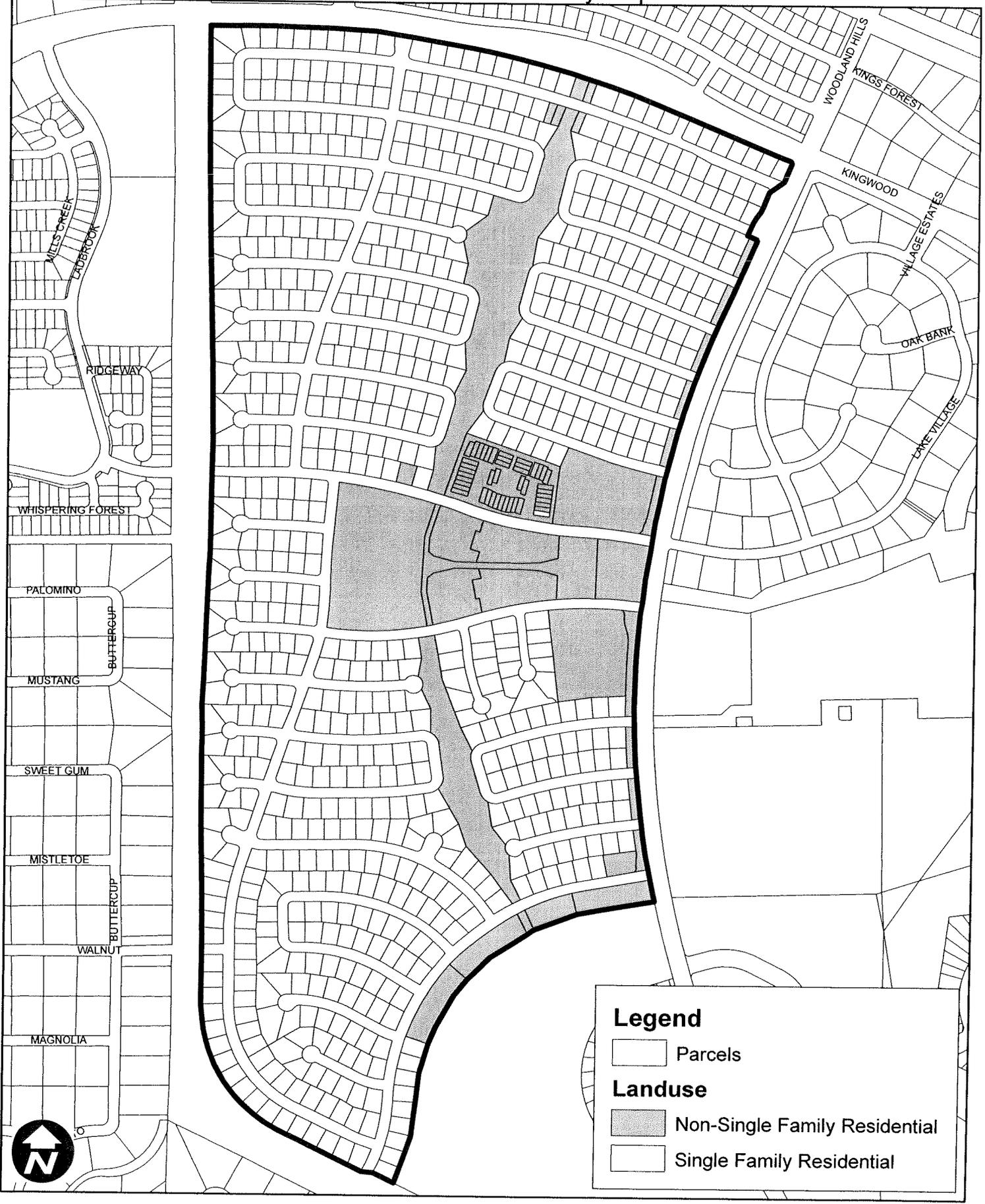
If denied, pursuant to Section 28-303(m) of the Code, the Hearing Officer has not found that the evidence presented at the hearing demonstrates to the satisfaction of the Hearing Officer that the likelihood that the parking of vehicles or equipment in the front or side yards of residences in the residential area has caused, or is presently causing, a diminution in the value of the residences in such area, degrades the aesthetic appearance of the neighborhood, or tends to damage underground infrastructures leading to the loss of water or other conditions contrary to the public interest.

Signed this 15th day of October, 2009

By: *Michelle B. Smothers*  
Hearing Official, Presiding

P090613

# Trailwood Village Community Association Landuse and Boundary Map



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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Catalina Square Subdivision, Sections 1 - 5 as a Prohibited Yard Parking Requirement Area.	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>37</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 16, 2009	<b>Agenda Date</b>  NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Marlene L. Gafrick</i>	<b>Council District affected:</b> F
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating all improved single-family residential lots in the Catalina Square Subdivision, Sections 1 - 5 as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Catalina Square Improvement Committee initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Catalina Square Improvement Committee. Notification was mailed to 468 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Since no protests were filed and the application meets the requirements, the Director is forwarding the application to City Council for consideration.

It is recommended that the City Council adopt an ordinance establishing a Prohibited Yard Parking Requirement Area.

- Attachments:  
 Planning Director's Approval  
 Prohibited Yard Parking Requirement Application  
 Letter of Support  
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director  
 Anna Russell, City Secretary  
 Arturo G. Michel, City Attorney  
 Don Cheatham, Land Use Division, Legal Department  
 Chief Hurtt, HPD  
 Alfred Moran, ARA

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# Prohibited Yard Parking Requirement Area No. P090704

## Planning Director's Approval

Planning Director Evaluation:

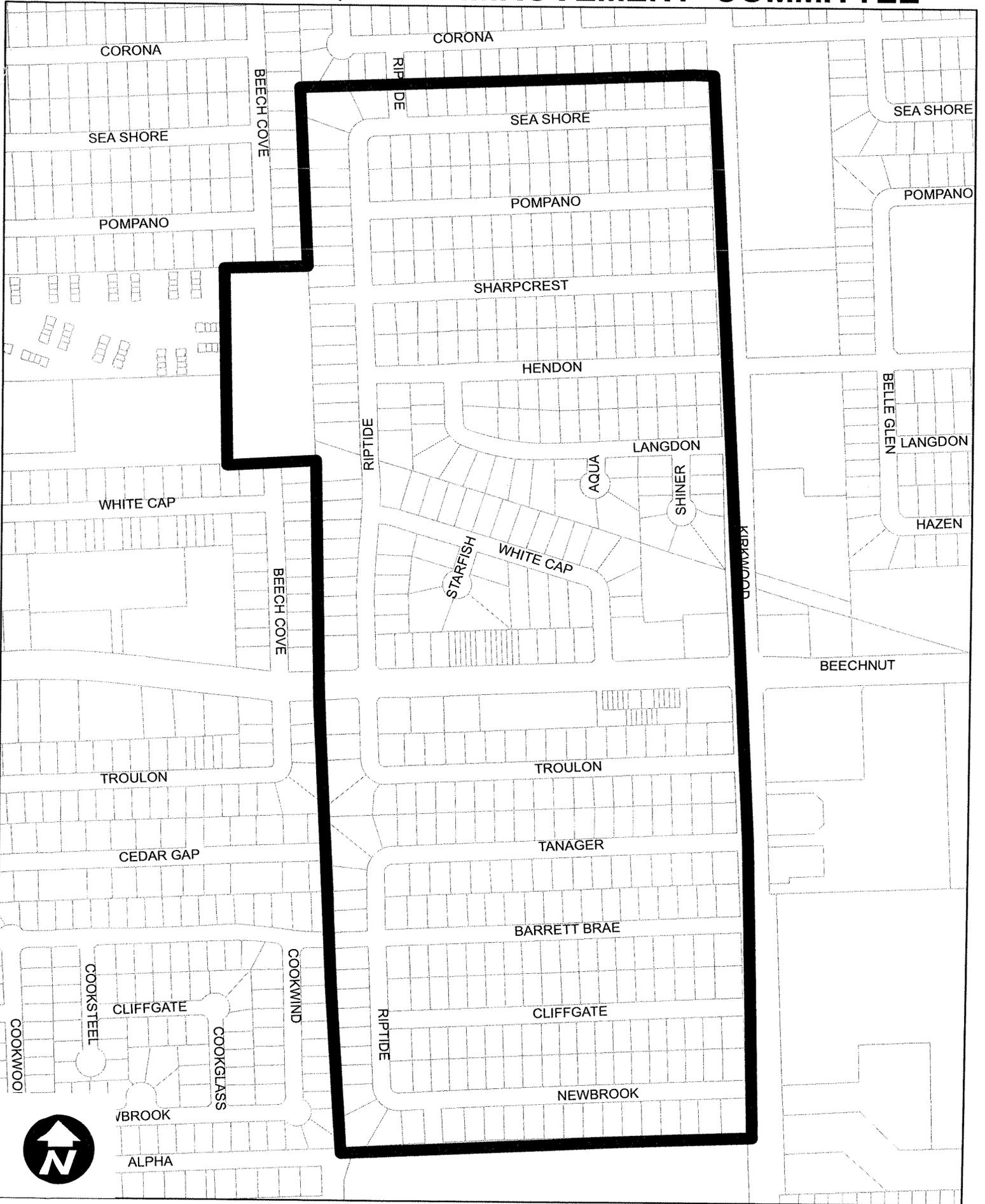
Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p><b>The application area contains at least five contiguous block faces.</b></p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p><b>89.7% of the proposed application area is developed as single-family residential.</b></p>
X		<p><i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i></p> <p><b>The president of the Catalina Square Improvement Committee has signed a letter of support.</b></p>
X		<p><i>No valid protests were timely filed;</i></p> <p><b>The protest period ended on September 8, 2009 with no protests being timely filed.</b></p>

**The Prohibited Yard Parking Requirement Area meets the criteria.**

  
 Marlene L. Gafrick, 10/16/09  
 Director Date

P090704

# CATALINA SQUARE IMPROVEMENT COMMITTEE



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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Brookwoods Estates Subdivision as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page</b> 1 of _____	<b>Agenda Item #</b> <b>38</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 30, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-28-09
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating all improved single-family residential properties in the Brookwoods Estates Subdivision as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Brookwoods Estates Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Brookwoods Estates Civic Club. Notification was mailed to 186 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Three (3) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on September 2, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:  
 Decision of the Hearing Official  
 Prohibited Yard Parking Requirement Area Application  
 Letter of Support  
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director  
 Anna Russell, City Secretary  
 Arturo G. Michel, City Attorney  
 Don Cheatham, Senior Assistant City Attorney  
 Chief Hurtt, HPD  
 Alfred Moran, ARA

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# Prohibited Yard Parking Requirement Area No. P090602

## Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> <b>The application area contains at least five contiguous block faces.</b>
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> <b>92% of the proposed application area is developed as single-family residential.</b>
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> <b>The president of the Brookwoods Estates Civic Club has signed a letter of support.</b>
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> <b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b>

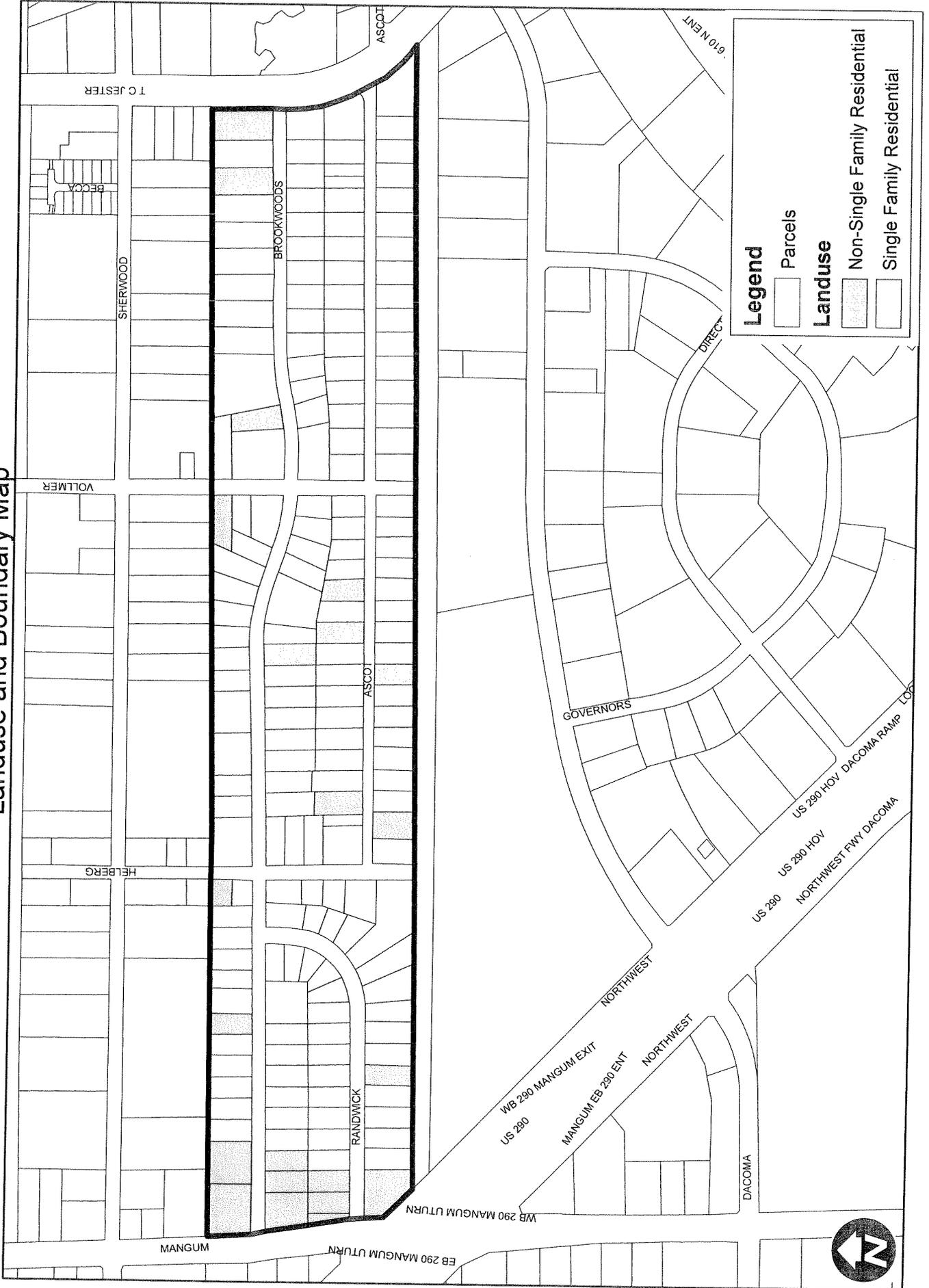
The Prohibited Yard Parking Requirement Area meets the criteria.

 10-29-09

Nicole Smothers,  
Hearing Official, Presiding

Date

P090602  
Brookwoods Estates Civic Club  
Landuse and Boundary Map



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

<b>SUBJECT:</b> Ordinance designating all improved single-family residential lots in the Tropicana Village Subdivision as a Prohibited Yard Parking Requirement Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>39</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> October 16, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>45</i> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> I
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<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768	<b>Date and identification of prior authorizing Council action:</b> 2009-0059, 1-27-09
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating all improved single-family residential lots in the Tropicana Village Subdivision as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

<b>Amount and Source of Funding:</b> NA	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with Section 28-303 of the Code of Ordinances, the Tropicana Village Civic Club initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Tropicana Village Civic Club. Notification was mailed to 200 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One (1) protest was timely filed with the Planning and Development Department. The Hearing Official held a public hearing on August 26, 2009 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:  
 Decision of the Hearing Official  
 Prohibited Yard Parking Requirement Application  
 Letter of Support  
 Map of the proposed requirement area / land use

- xc: Marty Stein, Agenda Director  
 Anna Russell, City Secretary  
 Arturo G. Michel, City Attorney  
 Don Cheatham, Land Use Division, Legal Department  
 Chief Hurtt, HPD  
 Alfred Moran, ARA

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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# Prohibited Yard Parking Requirement Area No. P090618

## Hearing Official's Approval

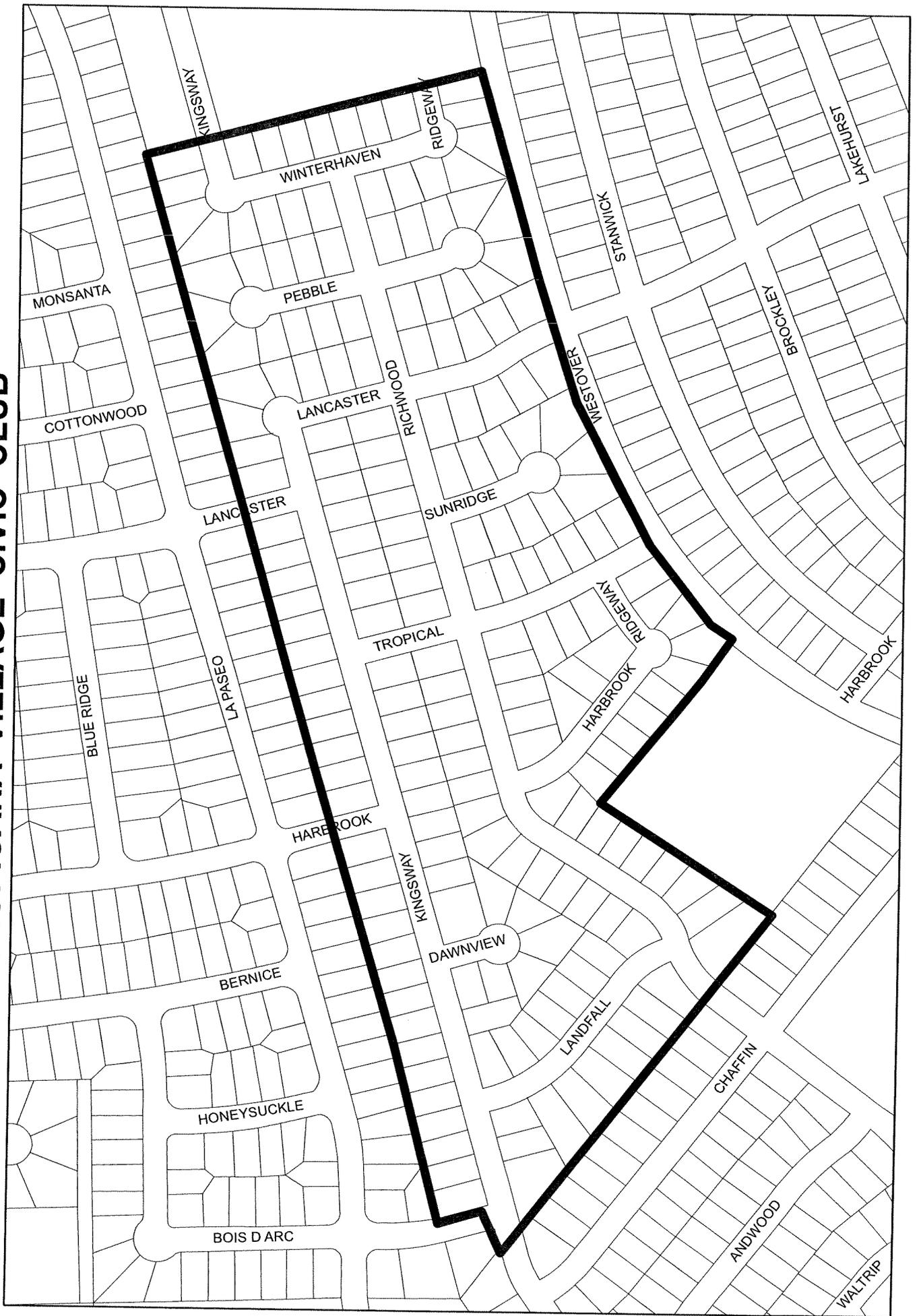
### Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> <b>The application area contains at least five contiguous block faces.</b>
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> <b>100% of the proposed application area is developed as single-family residential.</b>
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> <b>The president of the Tropicana Village Civic Club has signed a letter of support.</b>
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> <b>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</b>

The Prohibited Yard Parking Requirement Area meets the criteria.

Nicole Smothers      10-8-09  
Nicole Smothers,      Date  
Hearing Official, Presiding

**P090618  
TROPICANA VILLAGE CIVIC CLUB**



<b>SUBJECT:</b> An ordinance approving and authorizing a \$300,000 contract between the City of Houston and Educational Programs Inspiring Communities, Inc. to provide funding for the HEART Program.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <b>40</b>
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<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director, Housing and Community Development Department	<b>Origination Date:</b> 11/4/09	<b>Agenda Date:</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i>	<b>Council District affected:</b> All Districts
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<b>For additional information contact:</b> Keith W. Bynam, Division Manager Phone: 713-868-8396 <i>[Signature]</i>	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
The Department recommends approval of an ordinance approving and authorizing a \$300,000 contract between the City of Houston and Educational Programs Inspiring Communities, Inc., using federal CDBG funds to provide funding for the HEART program.

<b>Amount of Funding:</b> \$300,000	<b>Finance Budget:</b>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) CDBG FUND (\$300,000)

**SPECIFIC EXPLANATION:**  
The applicant of the City's CDBG Public Service funds is Educational Programs Inspiring Communities, Inc. (Agency), a 501 (c)3, non-profit organization. Agency is located at 6717 Stuebner Airline, Suite 207, Houston, TX 77091 in District H, but services all Districts. Agency was founded in May 2002 whose mission is to provide education, training, and job placement for low income individuals who are developmentally disabled in the Houston area.

- As provided in the contract, Agency will meet the following objectives:
1. Recruit, assess, and successfully serve 50 eligible participants during the contract period;
  2. Develop individuals customized training objectives for all 50 participants;
  3. Provide training to 50 participants to prepare for employment;
  4. Employ at least 25 participants during the contract period in the affiliate business, HEART Vending and Concessions; and
  5. Pay participants minimum wage for all hours worked.

These services will be provided to low and moderate-income individuals who complete the application, intake and eligibility assessment, complete personal interviews, and have an established individual Employment Plan.

Agency has been awarded four (4) previous CDBG Public Service contracts through the City of Houston.

The Agency received its first contract December 27, 2005, for \$266,869 in CDBG funds to service 50 participants. The actual number served was 51 participants with 14 becoming employed. February 26, 2007 the City Controller countersigned a Contract Amendment increasing the CDBG funds to \$283,392 and adding Resolution Trust Corporation funds in the amount of \$10,500.

The second contract started March 1, 2007 for an eight (8) –month term in the amount of \$200,000 in CDBG funds to service 33 individuals. The actual number served was 35 participants with 26 becoming employed.

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

<b>Date</b> 11/06/08	<b>Subject:</b> An ordinance approving and authorizing a \$277,811 contract between the City of Houston and Educational Programs Inspiring Communities, Inc. to provide funding for the HEART Program.	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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The third contract started November 1, 2007 for a twelve (12) –month term in the amount of \$300,000, of which \$225,000 in CDBG funds and \$75,000 in HOPWA funds, to service 50 individuals (43 CDBG/ 7 HOPWA). The actual number served was 50 participants (43 CDBG/ 7 HOPWA), with 38 becoming employed (36 CDBG/ 2 HOPWA).

The fourth contract started December 1, 2008 for a twelve (12) –month term in the amount of \$300,000, of which \$225,000 in CDBG funds and \$75,000 in HOPWA funds, to service 50 individuals (43 CDBG/ 7 HOPWA). As of July 31, 2008 the Agency has serviced 38 participants (35 CDBG/ 3 HOPWA), with 24 becoming employed (23 CDBG/ 1 HOPWA).

The Department recommends approval of an ordinance approving and authorizing a \$300,000 contract between the City of Houston and Educational Programs Inspiring Communities, Inc., using federal CDBG funds, to provide funding for the HEART program. The term of this contract will be for 12-months, beginning December 1, 2009 through November 30, 2010.

RC:KB:MA

Cc: Mayor's Office  
City Secretary  
Legal Department  
City Controller

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

**09 -SEARCH HOPWA**

<b>SUBJECT:</b> An Ordinance Authorizing the Execution of a Contract between the City of Houston and SEARCH, Inc. providing for Supportive Services and the Administration of a HOPWA contract.	Page 1 of 2	Agenda Item # <b>41</b>
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<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development Department	<b>Origination Date</b> 10/30/09	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>Richard S. Celli</i>	<b>Council District affected:</b> District I
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<b>For additional information contact:</b> Keith Bynam Phone: 713-868-8396 <i>KB</i>	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance authorizing the execution of a contract between the City of Houston and SEARCH, Inc. providing up to **\$56,410.00** for the administration and operation of a Supportive Services project, under the Housing Opportunities for Persons with AIDS ("HOPWA") Program.

<b>Amount of Funding:</b>  \$56,410.00	<b>Finance Budget:</b>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify)      2008 HOPWA Grant (Fund 5000)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department ("HCDD") recommends approval of a Contract between the City of Houston and the Service of the Emergency Aid Resource Center for the Homeless, Inc. (SEARCH) to finance the administrative and supportive services costs associated with the agency's housing and services programs for homeless, HIV/AIDS individuals.

SEARCH, whose downtown facility opened in 1989, has provided services to thousands of the homeless by offering one-stop service delivery through programs it provides directly and through those of other community based providers it hosts at its facilities. These services include the daycare services for HIV positive individuals and their children through the House of Tiny Treasures, an early childhood development childcare facility. SEARCH has received funding from the City of Houston through several prior HOPWA contracts. SEARCH's previous HOPWA contract provided \$54,768 in HOPWA funds for a one-year period, which provided early childhood development child care and other supportive services to indigent and low-income individuals who are living with HIV/AIDS and their families.

SEARCH desires to maintain this collaboration with the City of Houston by continuing this program. This agreement will provide up to \$56,410.00 in HOPWA funding for a one (1) year contract in order to provide developmentally appropriate childcare services to a minimum of eleven (11), unduplicated, homeless children infected with HIV or for homeless children whose primary caretaker is infected with HIV, as well as provide case management, counseling and referral services to support the basic and emotional needs of (22) parents of homeless children and other family members served by the program or to primary caretakers infected with HIV.

<b>REQUIRED AUTHORIZATION</b>			<i>NDT</i>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

Total Funds and Sources: **\$56,410.00**  
Number of Persons to be Served: 11 children and 22 family members (annually)  
Category of Persons: HIV/AIDS/Low-income persons and their families

The Contract will provide funding for:

<b>Service Category</b>	<b>Recommended Funding Amounts*</b>
Administration	\$3,891.00
Supportive Services	\$52,519.00
<b>Total Amount</b>	<b>\$56,410.00</b>

\*Annual amount

Therefore, HCDD is requesting approval of a contract providing up to \$56,410.00 in HOPWA funds for the administration and operation of a Supportive Services Program for HIV positive, low-income persons and their families.

- c: City Attorney
- City Secretary
- Mayor's Office
- Legal Department
- Finance Department

RC:ab

TO: Mayor via City Secretary

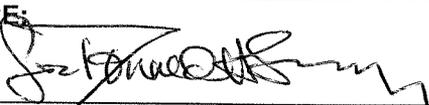
REQUEST FOR COUNCIL ACTION

HCD 09-164

<b>SUBJECT:</b> The Housing and Community Development Department recommends City Council's approval of an Ordinance amending/approving the second of five scheduled installments for repayment of HUD grants and appropriating TIRZ Affordable Housing Funds for such second installment in the amount of \$3,101,439.		<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 42
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Housing and Community Development Department		<b>Origination Date</b> November 10, 2009	<b>Agenda Date</b> NOV 18 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>Richard S. Celli</i>		<b>Council District affected:</b>		
<b>For additional information contact: Ginger Vinson</b> Phone: 713-865-4206		<b>Date and identification of prior authorizing council action: Ordinance 2008-1048 dated November 19, 2008</b>		
<b>RECOMMENDATION: (Summary)</b> The Housing and Community Development Department recommends City Council's approval of an ordinance amending/approving the second of five repayment installments in the amount \$3,101,439 TIRZ Affordable Housing Fund (2409) for repayment of HUD grants and appropriating TIRZ Affordable Housing Funds for such second installment in the amount of \$3,101,439.				
<b>Amount of Funding:</b> \$3,101,439			<b>Finance Budget:</b>	
<b>SOURCE OF FUNDING</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input checked="" type="checkbox"/> Other (Specify) TIRZ Affordable Housing Fund 2409				
<b>SPECIFIC EXPLANATION:</b>  The Mayor was authorized by Ordinance No. 2008-1048, passed November 19, 2008 to execute all necessary documents related thereto. Negotiations are completed and the agreement will be executed by November 30, 2009. The second payment to HUD is coming due on December 1, 2009. Therefore, the second of five installments is being submitted for approval to transfer from TIRZ funds in the amount of \$3,101,439 to be appropriated for such transfer of funds to the City's HUD account for HOME and CDBG to be completed on or before December 1, 2009 in compliance with a prior agreed upon scheduled. This Settlement Agreement is attached hereto in substantially the form that will be executed, and is hereby made a part of the ordinance authorizing and appropriating funds for this, the second installment request.  The Housing and Community Development Department has management responsibility for ensuring that HUD grants awarded to the City are used in compliance with appropriate federal regulations and statutes. The City annually receives grant funds primarily from four different HUD programs: Community Development Block Grants (CDBG), Housing Opportunities for Persons with AIDS (HOPWA), Emergency Shelter Grants (ESG), and HOME Investment Partnerships. HUD continuously monitors the grant recipients to assess compliance with its highly complex regulations and to ensure that the funds are being used for eligible purposes.  HUD's monitoring of 2003, 2004, and 2005 program activities found non-compliance with HUD program regulations and disallowed certain expenditures made with HOME, HOPWA, and CDBG funds. The City worked with HUD for more than a year to resolve these findings. Through negotiation and corrective action, the City's total exposure was reduced considerably, resulting in the City's obligation to effectuate repayment of same by transferring City (TIRZ Affordable Housing) funds into its HUD CDBG and HOME accounts in the total amount of \$15,507,194 over a five year period, or to face reduced grant awards in the future.  Approval is therefore recommended.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>SUBJECT:</b> An ordinance approving and authorizing a \$110,000 Grant Agreement between the City of Houston and Sunnyside Place Community Development Corporation to reimburse the Houston Housing Finance Corporation for its recoverable grant to support the purchase and pre-development of the El Rondo Motel for the development of affordable single-family houses in Sunnyside and appropriating funds from TIRZ Affordable Housing Fund 2409.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  43

<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date:</b> 11/12/09	<b>Agenda Date:</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> Richard S. Celli, Director 	<b>Council District affected:</b> "D"
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<b>For additional information contact:</b> Donald H. Sampley, Asst. Dir. <b>Phone:</b> 713-868-8458	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
 The Department recommends approval of an ordinance authorizing a \$110,000 Grant Agreement between the City of Houston and Sunnyside Place Community Development Corporation to reimburse the Houston Housing Finance Corporation for its recoverable grant to support the purchase and pre-development of the El Rondo Motel for the development of affordable single-family houses in Sunnyside and appropriating funds from TIRZ Affordable Housing Fund 2409.

<b>Amount of Funding:</b> \$110,000	<b>Finance Budget:</b>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) TIRZ Affordable Housing Fund (2409)

**SPECIFIC EXPLANATION:**  
 Sunnyside Place Community Development Corporation is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO) by the City of Houston.

The Houston Housing Finance Corporation provided a \$48,000 first lien loan and commitment for a recoverable grant for up to \$110,000 to support Sunnyside Place Community Development Corporation's purchase and demolition of the El Rondo Motel. Upon demolition four newly constructed affordable houses will be built on approximately 20,000 square feet of land situated at 8020 Livingston Street, Houston, Texas. The site comprises 4 platted lots, and will be sold to families whose incomes do not exceed 120% of AML, and who will occupy the property as their principal residence.

**Terms of the City's Grant shall be:**

- Amount: \$110,000
- The Grant shall be provided with no obligation for repayment provided the borrower fully and timely complies with all of its obligations under the grant documents and;
- The Grant shall not bear interest.

**Sources of Funds**

HHFC loan	\$ 48,000
City TIRZ	<u>110,000</u>
	\$ 158,000

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b> 11/12/09	<b>Subject:</b> An ordinance approving and authorizing a \$110,000 Grant Agreement between the City of Houston and Sunnyside Place Community Development Corporation to reimburse the Houston Housing Finance Corporation for its recoverable grant to support the purchase and pre-development of the El Rondo Motel for the development of affordable single-family houses in Sunnyside and appropriating funds from TIRZ Affordable Housing Fund 2409.	<b>Originator's Initials</b> 	<b>Page</b> <u>2</u> of <u>2</u>
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Uses of Funds

Sales price – motel	\$ 130,000
Closing and contingency	8,000
Demolition costs	<u>20,000</u>
	\$ 158,000

This project is consistent with the City of Houston's Consolidated Plan to provide affordable housing for low to moderate income individuals.

The Department recommends approval of an ordinance approving and authorizing a \$110,000 Grant Agreement, as set forth above, between the City of Houston and Sunnyside Place Community Development Corporation.

RSC:DHS:meb

- cc: City Secretary
- Finance Dept
- Legal Dept
- Mayor's Office

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

<b>SUBJECT:</b> Appropriation of \$210,120.41 to Leland Wood Redevelopment Authorities for costs necessary for continued community development WBS P-001002-0002-2	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  44
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 11-13-09	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE</b> <i>MS</i> Michael S. Marcotte, P.E., D.WRE, BCEE	<b>Council District affected:</b> B
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<b>For additional information contact:</b> Ann Marie Stone Sheridan, P.E. 713-837-9142 <i>AMS</i>	<b>Date and identification of prior authorizing Council action:</b> 12/23/2003 O2003-1330; 08/26/09 R2009-0021; 08/26/09 O2009-0796
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**RECOMMENDATION: (Summary)**  
Adopt an ordinance appropriating \$210,120.41 out of TIRZ Affordable Housing Fund (2409) to the Leland Woods Redevelopment Authority and Authority II for the continued development of Tax Increment Reinvestment Zone No. 22 (Leland Woods TIRZ), Tracts One and Two

**Amount and Source of Funding:**  
*MS*  
\$210,120.41 from the TIRZ Affordable Housing Fund (2409)

**SPECIFIC EXPLANATION:**  
On August 8, 26, 2009, the City established the new Leland Woods Redevelopment Authority II ("Authority II") to manage Tract Two in the Leland Woods TRIZ and entered into a six party agreement with, among others, the original Leland Woods Redevelopment Authority ("Authority") and Authority II for the continued development of land within the Leland Woods TIRZ.  
  
The proposed appropriation would fund activities in Tracts One and Two pursuant to the agreement. Funding in the amount of \$139,920.07 would be disbursed to the original Leland Woods Redevelopment Authority to fund Tract One community enhancements, a planning study to determine future successful development and other expenses not paid at closing. Funding in the amount of \$70,200.34 would be disbursed to the new Authority II for payment of taxes, bank and legal fees as set out in the Agreement.

**Attachments**

- cc: Michelle Mitchell  
Marlene Gafrick  
Deborah McAbee  
Augustus Campbell

<b>Finance Department</b>	<b>REQUIRED AUTHORIZATION</b> Other Authorization: <i>AMS</i> Andrew F. Icken Deputy Director, Planning & Development Services Div	<b>20UPA21</b> Other Authorization:
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**REQUEST FOR COUNCIL ACTION**

R

**TO:** Mayor via City Secretary

**SUBJECT:** Ordinance approving and authorizing an agreement to accept the donation of a bronze statue of former U.S. Secretary of State James Baker, related bronze bas-reliefs and display wall into the City's permanent art collection, to be located in Sesquicentennial Park, and to name the area immediately surrounding the installation as "Baker Common."

**Category #**

**Page**  
1 of 1

**Agenda Item#**

45

**FROM: (Department or other point of origin):**  
Dawn Ullrich, Director  
Convention and Entertainment Facilities Department

**Origination Date**

November 13, 2009

**Agenda Date**

NOV 18 2009

**DIRECTOR'S SIGNATURE:**

*Dawn Ullrich*

**Council Districts affected:**  
District I

**For additional information contact:**  
Stephen W. Lewis

**Phone:** 713-853-8888

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

**RECOMMENDATION: (Summary)**

That City Council approve and authorize an agreement to accept the donation of a bronze statue of former U.S. Secretary of State James Baker, related bronze bas-reliefs and display wall into the City's permanent art collection, to be located in Sesquicentennial Park, and to name the area immediately surrounding the installation as "Baker Common."

**Amount of Funding:**  
NA

**Finance Budget:**

**SPECIFIC EXPLANATION:**

The Convention and Entertainment Facilities Department requests that City Council approve an agreement to accept the donation of a bronze statue of former U.S. Secretary of State James Baker, related bronze bas-reliefs and display wall into the City's permanent art collection, to be located in Sesquicentennial Park. This project is an undertaking of Houstonians in conjunction with the Greater Houston Community Foundation to design, implement and fund this project in its entirety. The committee believes that it is important that the City have a major point of focus that would recognize Houstonian James Baker, his unique contributions, and the multigenerational contributions of the Baker family. In furtherance thereof, the Greater Houston Community Foundation requests that the City name the area immediately surrounding the installation as "Baker Common." A sketch indicating the proposed location of the statue and Baker Common is attached.

The site chosen is located in Sesquicentennial Park, near Preston and Smith. The site is being designed with the assistance of the original architect/designer of Sesquicentennial Park so that it fits within the overall design concept of the Park. In addition to the primary statue, there will be a semicircular wall with bronze bas-reliefs that will depict key aspects of former Secretary Baker's life and members of the Baker family. The Greater Houston Community Foundation is raising funds privately for all expenses associated with the statue, bas-reliefs, display wall and other related construction costs.

The Houston Arts Alliance has approved the art work's inclusion into the City's permanent art collection and the installation site for the sculpture. The Convention & Entertainment Facilities Department recommends approval of this agreement, acceptance of the donation of art and name the area immediately surrounding the installation as "Baker Common."

**REQUIRED AUTHORIZATION**

**Finance Department**

**Other Authorization**

**Other Authorization**

10/22/2009  
Joseph Cooper  
Senior Staff Analyst, Corporate Affairs & Marketing  
Director's Representative for Civic Art  
City of Houston  
Convention & Entertainment Facilities Department  
1001 Avenida de Las Americas  
Houston, TX 77010

Dear Joe:

At the HAA Civic Art Committee (CAC) meeting of May 13, 2009 CAC unanimously recommends to the Houston City Council that the James Baker Monument a bronze sculpture by Charles Fagan be accepted for inclusion in the city of Houston Art Collection.

The review of the works is the responsibility of the Houston Arts Alliance by City ordinance No. 2006- 731 section 6.6 and this recommendation may accompany the Request for Council Action.

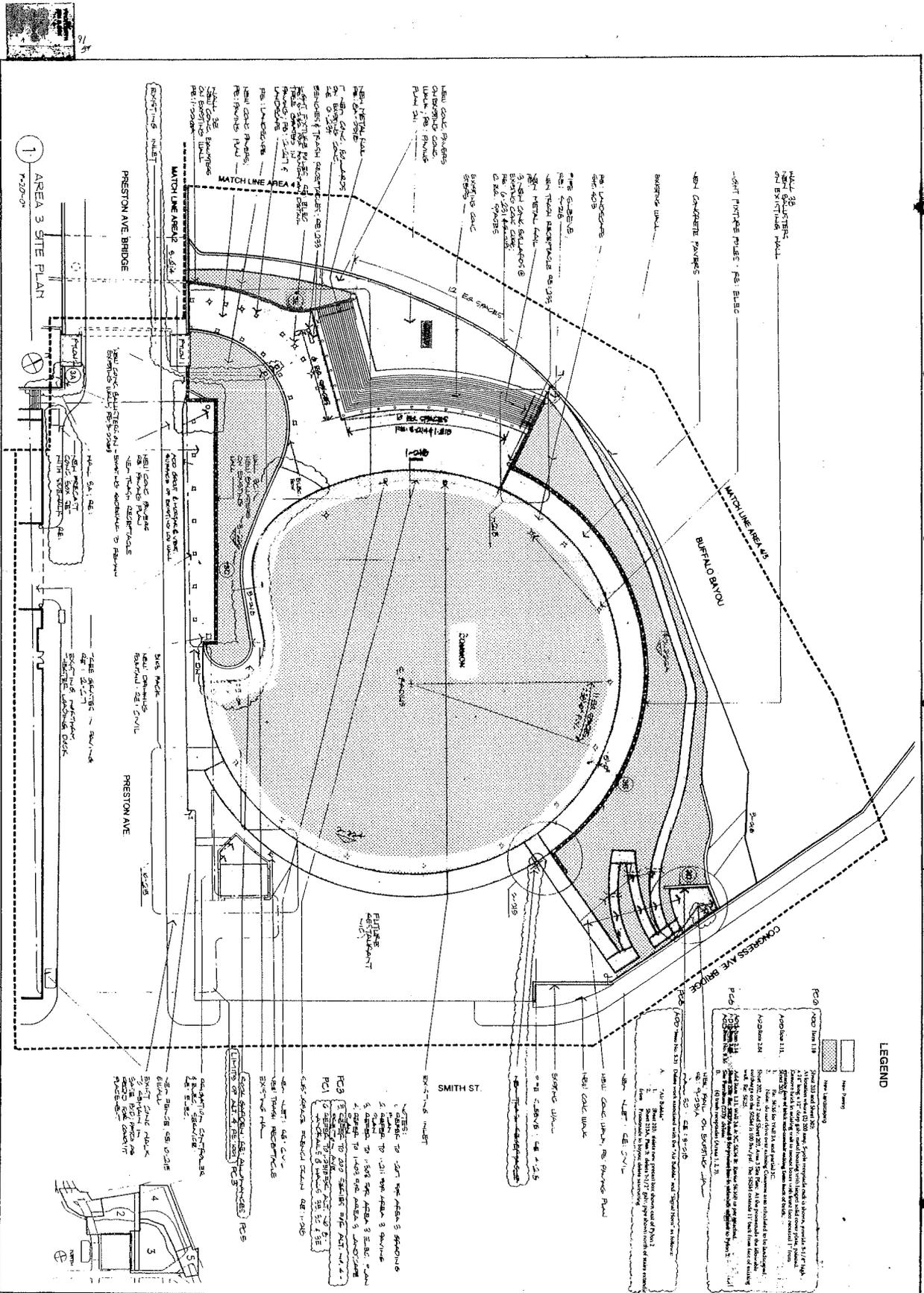
HAA looks forward to working with you on future projects and will be happy to assist you with developing the site, placing the work and contributing to the long- term conservation requirements of the James Baker Memorial project.

Sincerely,

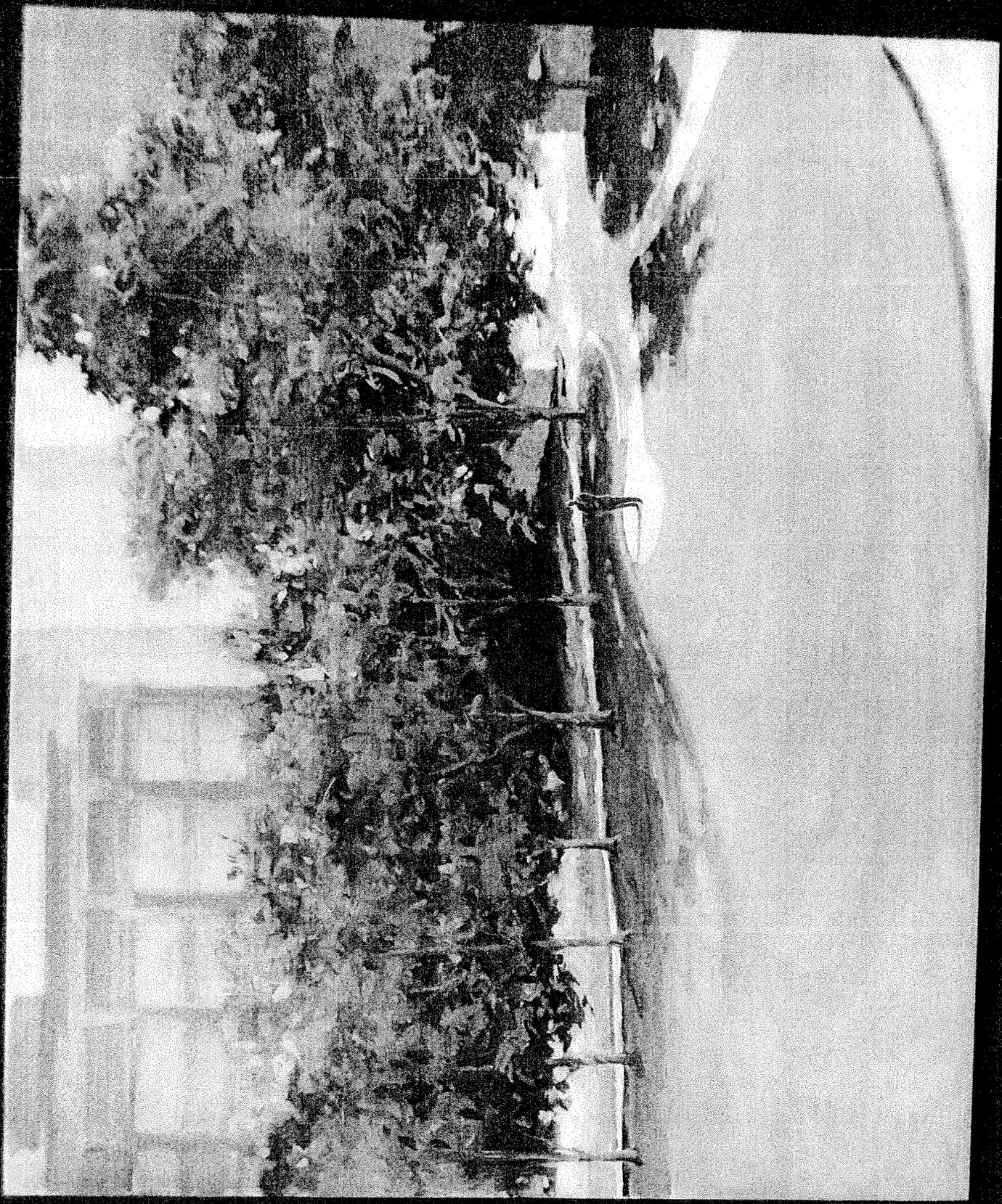


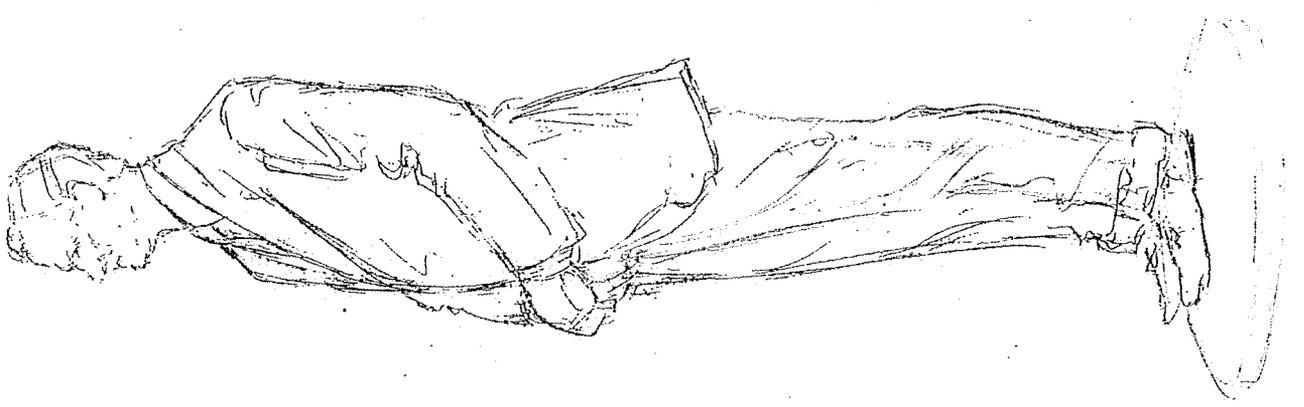
Jonathan Glus, CEO

Cc: Matthew Lennon, Interim Co- Director Civic Art + Design  
Jimmy Castillo, Collection Manager HAA



	<b>SESQUICENTENNIAL PARK - PHASE 2B</b> CENTRAL HOUSTON CIVIC IMPROVEMENT, INC.		David N. Brewer & Associates, Inc. <small>LEADS CIVIL/PHD ARCHITECTS</small> 10000 Katy Road, Suite 1000, Houston, TX 77054 (713) 865-1000
	<b>RAY &amp; HOLLINGTON</b> <small>ARCHITECTS</small>	<b>Team HOU</b> <small>ARCHITECTS</small>	
AREA 3 SHEET NO. 203 OF 203	PREPARED BY: [Name] CHECKED BY: [Name] DATE: [Date]		

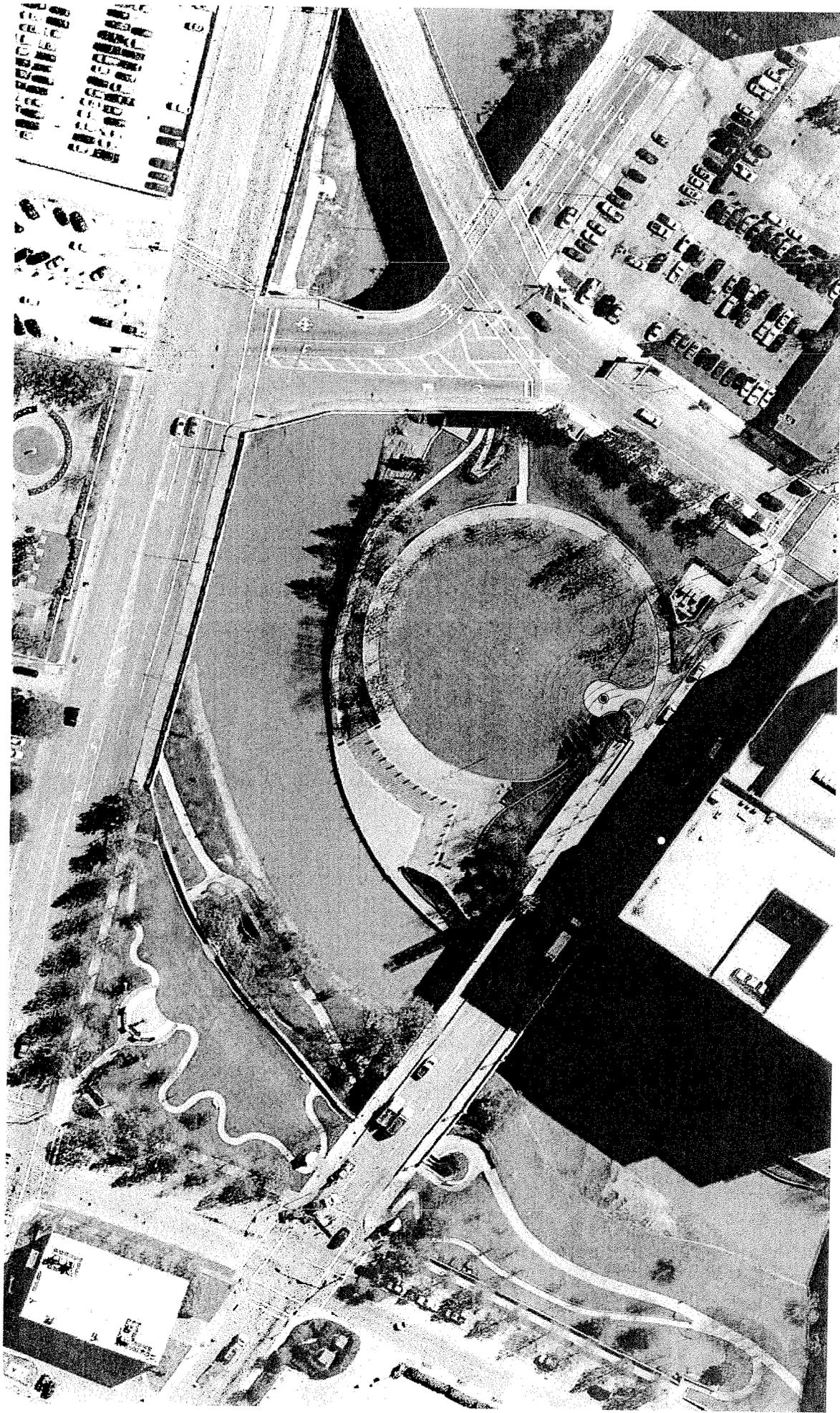




• ESCURIE SFT. STATUE

© ERIC FALCON 2009





City of Houston

**SITE PLAN**  
CONTEXT PLAN

Gensler  
10.09.09

## **JAMES A. BAKER, III**

James A. Baker, III was born in 1930 in Houston, where he attended the Kincaid School before graduating from high school at the Hill School in Philadelphia. He then attended and graduated from Princeton University. In 1952, Baker joined the U.S. Marine Corps and served much of his time during the Korean War stationed in the Mediterranean Sea. After his discharge in 1954, he earned his law degree from The University of Texas. Baker then returned to Houston with his family and joined the law firm Andrews & Kurth.

In 1970, following the unexpected death of his first wife to cancer, Baker was asked by his friend, George Bush, to assist his campaign for U.S. Senate. Bush lost the race, but it sealed a friendship that had started years earlier when the two were tennis doubles champions at the Houston Country Club. And it introduced Baker to the world of politics and public service that would define the second half of his life.

James Baker's service to his country is unique in American history. He is the only person who has served as Secretary of State (under President Bush), Secretary of the Treasury (under President Reagan), and White House Chief of Staff (for President Bush and President Reagan). He is the only person who has led five presidential campaigns -- for Presidents Gerald Ford, Ronald Reagan, and George Bush.

During his 3-½ years as Secretary of State, the world was transformed as 45 years of the Cold War concluded without the fiery storm of atoms that many had feared. Secretary Baker laid the diplomatic groundwork that was responsible for the unification of Germany 11 months after the fall of the Berlin Wall, the international coalition that banded to force Saddam's troops from Kuwait after Iraq invaded that country in 1990, and the Madrid Conference, which was the first time that Arabs and Israelis had sat together to talk.

His service did not end after he left the White House in 1993. In 2003, President George W. Bush asked him to lead an effort to convince other countries to forgive Iraq's sovereign debt in the aftermath of the second Iraqi war. In 2005, Baker and former President Jimmy Carter co-chaired the Commission on Federal Election Reform. In 2006, he and former Congressman Lee Hamilton co-chaired the Iraq Study Group, which made the only recommendation for a solution in Iraq that had bi-partisan support. And last year, Baker and former Secretary of State Warren Christopher co-chaired the National War Powers Commission.

Baker has also assumed civic duties in Houston. In 1993, he became the founding chair of the James A. Baker III Institute for Public Policy at Rice University. The institute has become a well-respected think tank that adds to Houston's reputation as an international city. In 2006, Baker chaired an independent panel that studied and made recommendations to improve the

culture of BP in the aftermath of the energy company's deadly Bay City refinery accident a year earlier. Today, Secretary Baker and his wife, Susan live in Houston, where they are active with charitable causes such as the homeless.

### **JAMES ADDISON BAKER FAMILY**

Since 1872, when Secretary Baker's great grandfather, Judge James A. Baker, moved from Huntsville to Houston to help establish the law firm that is now Baker Botts, the Baker family has been a prominent player in the city's development. Judge Baker guided the legal work that helped link Houston to the massive rail system that was spanning the country during the last third of the 19th century. Judge Baker's son -- Captain James A. Baker -- preserved William Marsh Rice's education trust from a murder-embezzlement scheme that left Rice dead and the future of his proposed university in doubt. For the next 50 years, Captain Baker marshaled the trust and built Rice University into a top-notch school. James A. Baker Jr. was a decorated World War I hero and attorney who played a critical role in Houston's growth.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Lease Agreement – between the City of Houston and Expedite! Inc. - George Bush Intercontinental Airport/Houston (IAH).		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> 46
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> October 26, 2009	<b>Agenda Date</b> NOV 18 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>Am Kue</i> <i>Eric R. Potter</i>		<b>Council District affected:</b> B		
<b>For additional information contact:</b> Janet Schafer <i>JS</i> Phone: 281-233-1796 Roxane Bustos Phone: 281-233-1820		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> Revenue - \$13,363 per year/ \$1,113.61 per month. <i>INW</i>		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance approving and authorizing a Lease Agreement between the City of Houston and Expedite! Inc., at George Bush Intercontinental Airport/Houston (IAH).				
<b>SPECIFIC EXPLANATION:</b>  Expedite! Inc., has requested to lease from the City of Houston, office and warehouse space for its operations at George Bush Intercontinental Airport/Houston (IAH).  The pertinent terms and conditions of this lease agreement are as follows:  1. Premises: Approximately 3,115 square feet of office and warehouse space at 5717 Will Clayton Parkway, IAH.  2. Term: The term is for three (3) years from the date of countersignature, unless terminated sooner in accordance with lease. The Lessee or the Director shall have the right to terminate this lease upon 30 days' prior written notice to the other party.  3. Rental: Approximately \$13,363 per year (\$1,113.61 per month).  4. Use: The space is to be used for freight services, storage of equipment and for inventory.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>Date</b> October 26, 2009	<b>Subject:</b> Lease Agreement-between the City of Houston and Expedite! Inc.- George Bush Intercontinental Airport/Houston (IAH).	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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- 5. Maintenance and Utilities: Lessee shall assume the entire responsibility, cost and expense for all maintenance of the leased premises and shall be responsible for all utilities or service to the leased premises.
- 6. Indemnification: Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the lease.
- 7. Environmental: Lessee shall comply with all federal, state and local environmental laws and airport policies and procedures.
- 8. Other: Lessee agrees to comply with all rules and regulations adopted by the airport and/or TSA and/or the FAA, and to comply with all federal, state and local statutes, ordinances, regulations and policies.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment No. 6 - Lease Agreement between the City of Houston and Atlantic Aviation Corporation. – William P. Hobby Airport (HOU).		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  47
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> November 5, 2009	<b>Agenda Date</b> NOV 18 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>Am Kae</i>  <i>Eric R. Potts</i>		<b>Council District affected:</b> I		
<b>For additional information contact:</b> Janet Schafer <i>[Signature]</i> Phone: 281/233-1796		<b>Date and identification of prior authorizing Council action:</b> <u>FBO Lease:</u> 08/19/70 (O) 70-1415; 01/19/72 (O) 72-0102 06/28/72 (O) 72-1145, 10/19/76 (O) 76-1804 01/30/79 (O) 79-0187; 10/18/00 (O) 00-0895 <u>Parking Lease:</u> 07/06/05 (O) 05-0882		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> REVENUE: \$554,100.50 per year (\$46,175.04* monthly) <i>JNW</i>		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance approving and authorizing the execution of Amendment No. 6 to Lease Agreement between the City of Houston and Atlantic Aviation Corporation for premises located at William P. Hobby Airport (HOU).				
<b>SPECIFIC EXPLANATION:</b>  On August 19, 1970, the City approved Lease Agreement No. 19180 (Agreement) with Atlantic Aviation Corporation (Lessee), in which Lessee leased approximately 265,493 square feet of land at William P. Hobby Airport (HOU) and was granted the non-exclusive right to provide the aircraft fueling, maintenance, servicing and repair services of a general aviation fixed base operator (FBO). On January 19, 1972, and June 28, 1972, the City approved Amendment Nos. 1 and 2 to permit Lessee to arrange for financing of improvements to be placed on the leased premises and to include within the Agreement a definition of the term, "Net Rentals." Lessee constructed aircraft hangars and other improvements on the leased premises (title vesting in the City at the end of the primary term). On October 19, 1976, and January 30, 1979, the City approved Amendment Nos. 3 and 4 to add four additional tracts to the leased premises for a cumulative total of approximately 475,222 square feet (approximately 10.9095 acres) of land and to set the rental rate. On July 16, 1999, the Texas Natural Resource Conservation Commission (TNRCC) issued a site closure letter determining that Lessee's eight (8) underground fuel storage tanks were removed from the leased premises and one 6,000 gallon underground fuel storage tank closed in place. On October 18, 2000, the City approved Amendment No. 5 to acknowledge TNRCC's site closure letter, set new rental rates for Tracts D and E and to allow an additional four year option period beginning November 2, 2009, with rental rates to be established by appraisal and approved by City Council.  On July 6, 2005, the City approved Lease Agreement No. 57139 with Lessee, in which Lessee leased approximately 13,802 square feet of land adjacent to its FBO at HOU for automobile parking for its customers and invited guests. The lease expired on June 30, 2008, and is on a month to month holdover.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>		

<b>Date:</b> November 5, 2009	<b>Subject:</b> Amendment No. 6 - Lease Agreement between the City of Houston and Atlantic Aviation Corporation – William P. Hobby Airport (HOU).	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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Lessee and the Director now request that City set the rental rates for Lessee's four-year option period and add the automobile parking lot to the Agreement.

The pertinent terms and conditions of Amendment No. 6 are as follows:

1. **Additional Leased Premises:**                      Approximately 12,286 square feet (approximately 0.282 acres) of land to be used for automobile parking for customers and invited guests.
2. **Term:**    The term remains unchanged, ending November 2, 2013.
3. **Rent:**    Based on appraisal, rent effective November 2, 2009 will be \$554,100.50 annually (\$46,175.04\* monthly, which shall be adjusted at year end to reconcile with the annual rate).
4. **Use:**    Fixed Base Operations.

All other terms and conditions of the Agreement will remain in full force and in effect.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking - Texas		<b>Category #</b>	<b>Page</b> 1 of 3	<b>Agenda Item #</b> <b>48</b>
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> October 26, 2009	<b>Agenda Date</b> NOV 18 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>Am Fae</i> <i>Eric R. Pota</i>		<b>Council District affected:</b> B, E, and I		
<b>For additional information contact:</b> Janet L. Schafer <i>JL</i> Phone: 281-233-1796 Chanda Felder <i>CF</i> 281-233-1578		<b>Date and identification of prior authorizing Council action:</b> 8/24/04 (O) 2004-0888 12/8/99 (O) 1999-1292		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> FY 10 \$4,948,958 Concession Fee INW FY 10 \$ 147,000 Supplemental Allocation Out Years \$86,752,695 Concession Fee Out Years \$ 2,604,050 Supplemental Allocation Total \$94,452,703 HAS Revenue Fund (8001)  Plus an annual performance incentive fee up to .5% of parking revenues		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance authorizing Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking – Texas at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD).				
<b>SPECIFIC EXPLANATION:</b> The existing Parking Operations and Management Concession Agreement was awarded to Central Parking of Texas, Inc. on December 8, 1999, for a term of five (5) years, and was subsequently assigned to New South Parking-Texas (“New South Parking”), a joint venture of Central Parking of Texas, Inc. and Burns Management Group. Amendment No. 1, approved August 24, 2004, extended the term of the agreement by three (3) years plus two (2) one-year options in exchange for additional capital investment of \$2,527,414.  Since the commencement of this agreement, New South Parking has invested \$5.6M in capital improvements, including designing and installing parking revenue control systems, re-branding the City Economy Lot to Parking Cents and introducing automation to the Houston Airport System (HAS) with InstaPark and Express Exit lanes. They have also saved the airports approximately \$3M annually in operating expenses.  This agreement is being extended to derive the most value for HAS by maximizing new capital investment, achieving cost savings while implementing green initiatives and utilizing the experience of the largest parking services provider in North America as described below:  1. Maximize Capital Investment – A survey of the top US airports was performed by HAS to determine the industry best practice in contracting for parking operations. The survey revealed that the majority of airports enter into long term relationships with a parking operator (14 - 20 + years). This is typically done by extending contracts in				

REQUIRED AUTHORIZATION

NDT

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b> October 26, 2009	<b>Subject:</b> Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking - Texas	<b>Originator's Initials</b>	<b>Page</b> 2 of 3
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exchange for commitments to invest additional capital. The airports that extended their contracts generally secured more capital investment than those that issued an RFP. Furthermore, those airports that did issue an RFP often selected the incumbent operator, but with less capital investment than those that extended their contracts. On this basis, HAS has negotiated a contract extension with New South Parking in exchange for a commitment to invest \$3,047,977 in new capital – as much as any other airport received in our survey. The \$3,047,977 investment will be spent to construct covered parking spaces at IAH, create a new economy lot at HOU, convert to a CNG shuttle bus operation, install energy-efficient lighting and implement other improvements. Together these improvements are anticipated to generate \$1.7M more in revenue annually for HAS.

2. Cost Savings versus Another Parking Operator – New South Parking will convert the existing fleet of shuttle buses to Compressed Natural Gas (CNG) shuttle buses. This “Green” initiative will require an estimated \$735,000 in conversion costs that will be funded by grants available to the current operator (New South Parking). The Texas GLO grant requires that the shuttles to be converted must have been in use for a minimum of two years before the conversion. Another operator would likely not qualify for the grant, requiring HAS to fund the cost or elect to not convert to CNG. We will also save another \$165,000 that would be required to replace New South Parking’s bus maintenance shop, and other conversion costs.
3. New South Parking Experience - New South Parking is the successful 15 year joint venture partnership between Central Parking, North America’s largest parking services provider and Global Parking, an Airport Concession Disadvantaged Business Enterprise (ACDBE) company with a 30% interest. New South/Central Parking operates at 23 airports, including seven of the largest (Miami, Washington-Dulles, Los Angeles, Detroit, San Francisco, Ft. Lauderdale, and Houston). New South Parking has strived to provide HAS with the most current technology to streamline processes, provide superior customer service and has been a factor in helping HAS achieve revenue growth in the past. Extending the contract guaranties that our Parking operation is backed by an experienced operator and one that is familiar with our specific operation.

The pertinent terms and conditions of Amendment No. 2 are as follows:

1. Term: Five (5) additional years beginning on January 29, 2010 and expiring January 28, 2015, with an option by the Director to extend for two (2) one-year options.
2. Capital Investment: New South Parking has committed to expend \$3,047,977 as additional capital investment for the following:

- IAH Parking Cents Covered Parking	\$1,442,465
- HOU new Parking Cents Lot	\$ 336,000
- Energy Efficient Lighting @ HOU & IAH Term A&B	\$ 255,716
- Signage Upgrade	\$ 472,846
Entrance & Exit Variable Messaging Signs (VMS)	
HOU Space Count by Level Signs	
- Revenue Control / Infrastructure Upgrades	<u>\$ 540,950</u>
Total	<b>\$3,047,977</b>

If actual investment is less than \$3,047,977, the difference shall be paid to the City.

**Date**  
October 26, 2009

**Subject:** Amendment No. 2 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking - Texas

**Originator's  
Initials**

**Page  
3 of 3**

3. Annual Concession Fee to be retained by New South Parking as a daily deduction from parking receipts:

	<u>Concession Fee</u>	<u>Projected HAS Gross Revenue</u>
- During the eleventh anniversary period	\$11,806,336	\$75,400,000
- During the twelfth anniversary period	\$12,671,896	\$75,700,000
- During the thirteenth anniversary period	\$12,751,635	\$87,500,000
- During the fourteenth anniversary period	\$13,061,599	\$90,300,000
- During the fifteenth anniversary period	\$13,643,415	\$101,300,000
- During the first year of the option period	\$13,745,964	\$104,300,000
- During the second year of the option period	\$14,020,808	\$107,400,000

Plus an annual performance incentive fee up to .5% of parking revenues based on customer service, operations efficiency, management performance, and responsiveness to HAS management in accordance with specifications outlined in the contract.

In instances where there may be certain service enhancements that are of such a significant and material nature, that it would necessitate additional consideration for Concessionaire in the form of an increase in the Concession Fee, the Director shall determine whether the service enhancement warrants additional Concession Fees. The Concession Fee may be increased by an amount not in excess of three percent (3%) of the Concession Fee.

All other terms and conditions of the Agreement will remain unchanged, including 15% ACDBE participation goal. Currently, New South Parking is achieving 30.2% ACDBE participation on a 15% goal.

<b>SUBJECT:</b> License Agreement with American Towers, Inc. at 310 Englewood, Houston, Texas for the Radio Communications Division of the Information Technology Department	<b>Page</b> 1 of 2	<b>Agenda Item</b> 49
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 11/5/09	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i> Issa Z. Dadoush, P.E.	<b>Council District affected:</b> B
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2008-0952; 10/29/2008 Ordinance No. 2009-0713; 08/05/2009
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**RECOMMENDATION:** Approve and authorize a License Agreement with American Towers, Inc., for communication tower and ground space at 310 Englewood, Houston, Texas for the Radio Communications Division of the Information Technology Department.

<b>Amount and Source Of Funding:</b> FY10 \$66,752.25  Police Consolidated Construction Fund (4504) – previously appropriated by Ordinance 2009-0713	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:** On October 29, 2008, Ordinance 2008-0952, City Council approved a System Purchase Agreement with Motorola, Inc. for a new Public Safety Radio System. The City's current Public Safety Radio system is antiquated and at the end of its economic and useful life. The new radio system will be interoperable, allowing Fire, Police and Public Works to communicate more effectively with each other within the City and with other public safety entities. To facilitate this project, the Radio Communications Division of the Information Technology Department (IT) will be entering into various license agreements to lease communication tower space and ground space for the installation, operation and maintenance of antennas and other telecommunications equipment.

The proposed License Agreement with American Towers, Inc. allows IT to lease tower and ground space to install, maintain and operate its communications equipment, including antennas, cables, connectors, radios, and related transmission and reception hardware on the American tower located in the City of Houston.

FY2010 funding necessary for this license agreement was appropriated August 5, 2009 and will fund the lease through June 30, 2010. Subsequent annual appropriations will be requested during the project implementation. Upon acceptance of the new radio system, operating expenses for annual maintenance and support along with lease expenses will be provided within departmental operating budgets for HPD, HFD, PW&E, ITD and other radio system participants.

The major provisions of the Agreement are as follows:

- **Term** - ten-year lease term with two ten-year automatic renewal options.
- **Monthly License Fee** - \$4,699.50 (increased by the annual escalator of 3% during the license term)

**REQUIRED AUTHORIZATION**

CUIC ID# 25 RB 62

<b>General Services Department:</b>  <i>[Signature]</i> Forest R. Christy, Jr., Director Real Estate Division		<b>Information Technology Department:</b>  <i>[Signature]</i> Richard F. Lewis Director
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K

<b>Date</b>	<b>SUBJECT:</b> License Agreement with American Towers, Inc. at 310 Englewood, Houston, Texas for the Radio Communications Division of the Information Technology Department	<b>Originator's Initials</b> RB	<b>Page</b> 2 of 2
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- **Additional expense** - \$38,555.25 for application, remediation, site inspection fees and other ancillary cost
- **Estimated Site Improvement fees:** - \$100,000.00.
- **Total Cost for Initial Base Term (10 years):** \$646,494.00.
- **Maintenance** - The City is responsible for all maintenance and utilities.

All equipment mounted at ground level will be surrounded by a secure fence along with ground treatment to minimize dust and weed control. IT will build a communication room for its electronic equipment at this site.

The General Services Department recommends that City Council approve and authorize a License Agreement with American Towers, Inc. at 310 Englewood, Houston, Texas for the Radio Communications Division of the Information Technology Department

IZD:BC:JLN:RB:npb

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

MNO

<b>SUBJECT:</b> Appropriate Funds to In-House Renovation Revolving Fund for Renovation/Reconstruction of Various City Facilities during Fiscal Year 2010 WBS No. C-000122-0008-4	<b>Page</b> 1 of 1	<b>Agenda Item</b> 50
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<b>FROM: (Department of other point of origin)</b> General Services Department	<b>Origination Date</b> 11-12-09	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i> Issa Z. Dadoush, P.E.	<b>Council District affected:</b> All
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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:** Appropriate bond funds to the In-House Renovation Revolving Fund (Fund 1003) for renovation/reconstruction projects for various City facilities during Fiscal Year 2010.

<b>Amount and Source of Funding:</b> \$2,800,000.00 Fire Consolidated Construction Fund (4500)	<b>Finance Budget:</b> <i>[Signature]</i>
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**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council appropriate \$2,800,000 out of the Fire Consolidated Construction Fund to the In-House Renovation Revolving Fund for renovation/reconstruction projects completed to date and projects remaining in FY 2010.

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

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

**PROJECT LOCATIONS:** The FY2010 renovation/reconstruction projects are as follows:

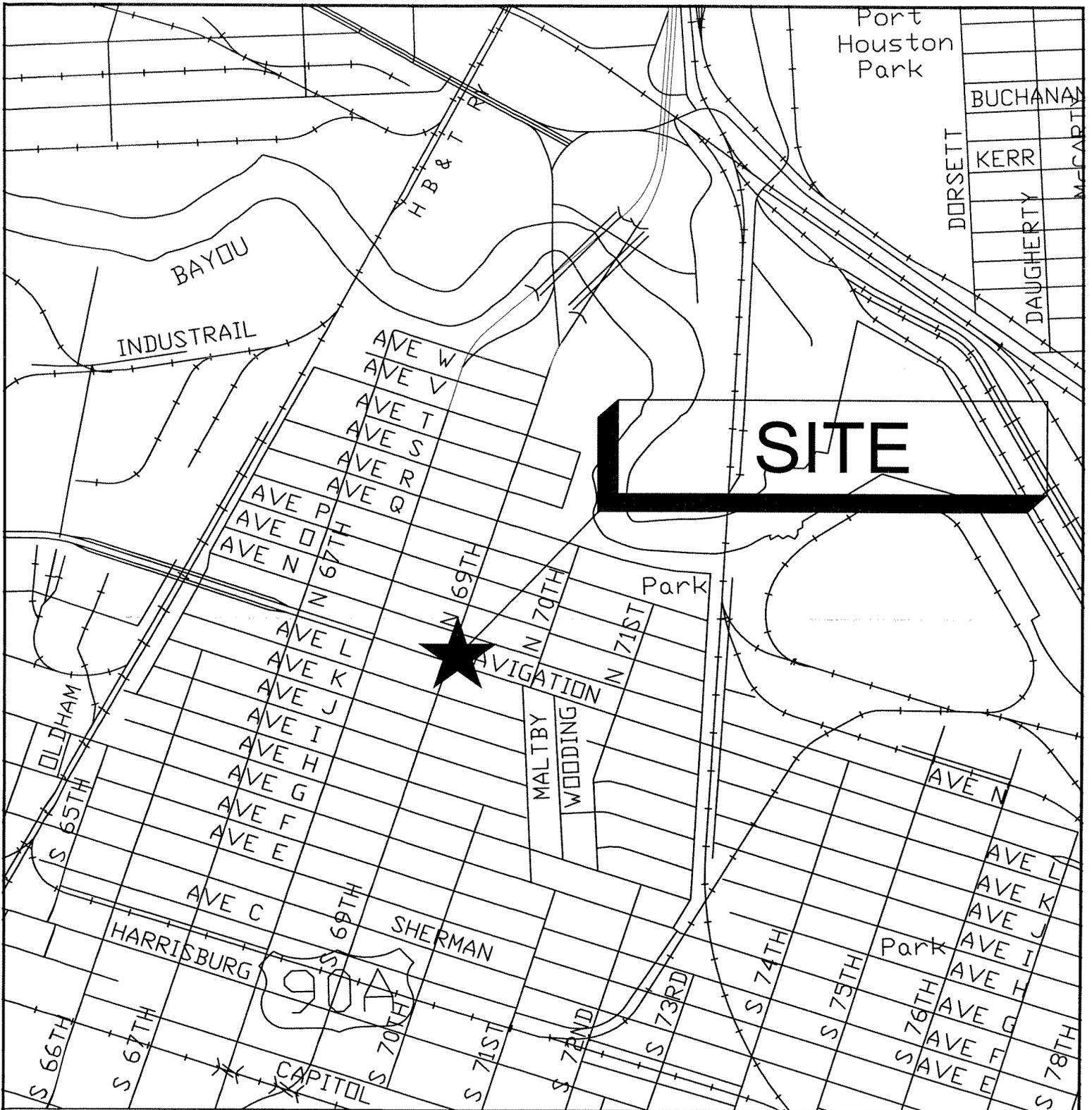
**Fire Projects by GSD In-House Renovation Group:**

1.	Fire Station No. 20	6902 Navigation	494V	Dist. I	Phase I Major Renovation
2.	Fire Station No. 20	6902 Navigation	494V	Dist. I	Phase II Expansion (addition of two apparatus bays)-
3.	Fire Station No. 5	2020 Hollister	450R	Dist. A	Major Renovation
4.	HFD Logistics Building	1205 Dart St.	493G	Dist. H	Multiple Office Build-outs

IZD:HB:JLN:MCP:RV:ps  
 C: Marty Stein, Jacquelyn Nisby, Rey Vargas, Christopher Gonzales, Jack Williams, Calvin Curtis, Yvette Burton

**REQUIRED AUTHORIZATION** 25MSCL51

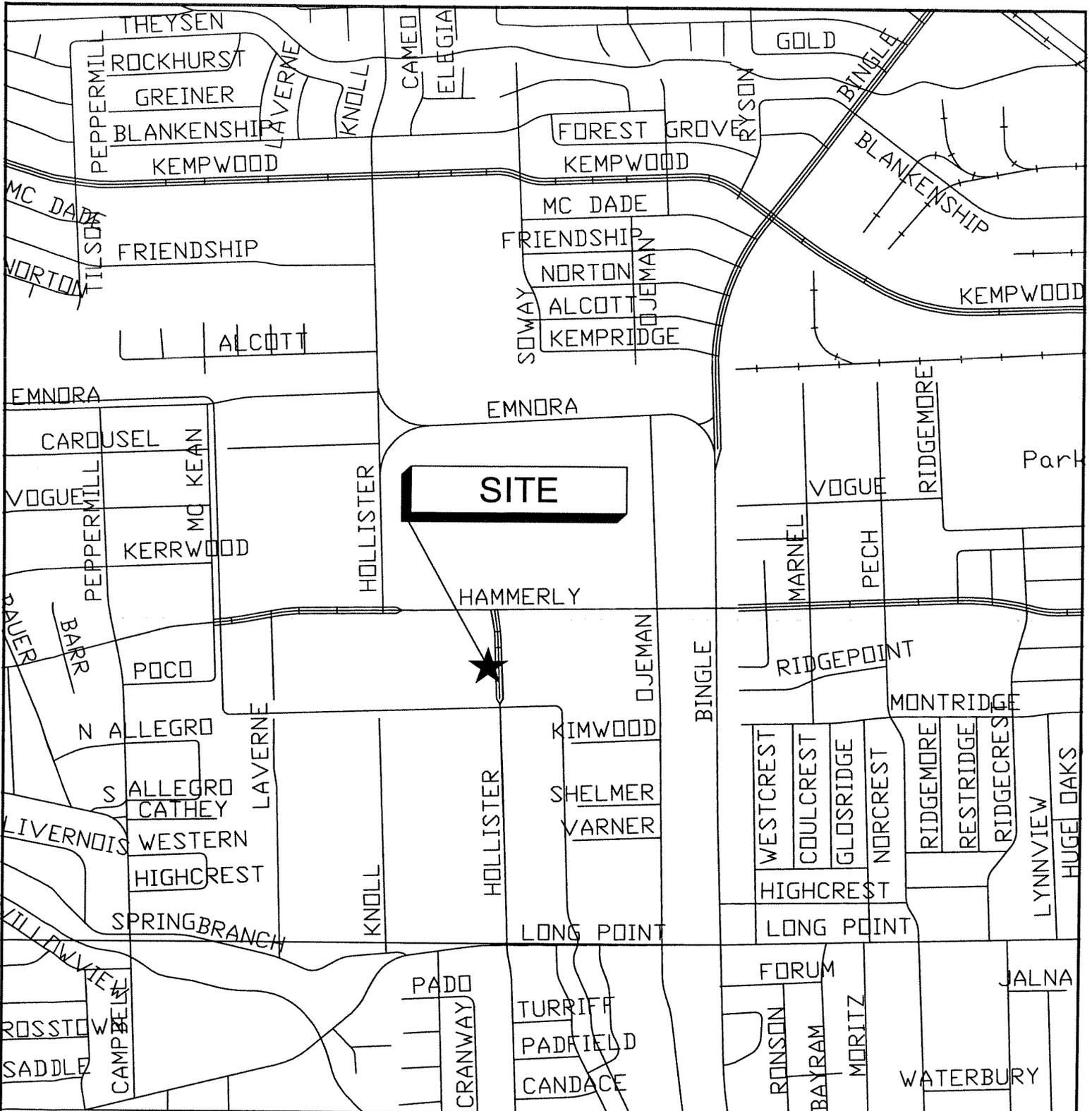
<b>General Services Department:</b> <i>[Signature]</i> Steve Girardi Assistant Director		<b>Houston Fire Department:</b> <i>[Signature]</i> Phil Boriskie Fire Chief
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**APPROPRIATE FUNDS FOR RENOVATION DURING**

**FISCAL YEAR 2010:  
FIRE STATION NO. 20**

**6902 NAVIGATION  
HOUSTON , TX 77011**

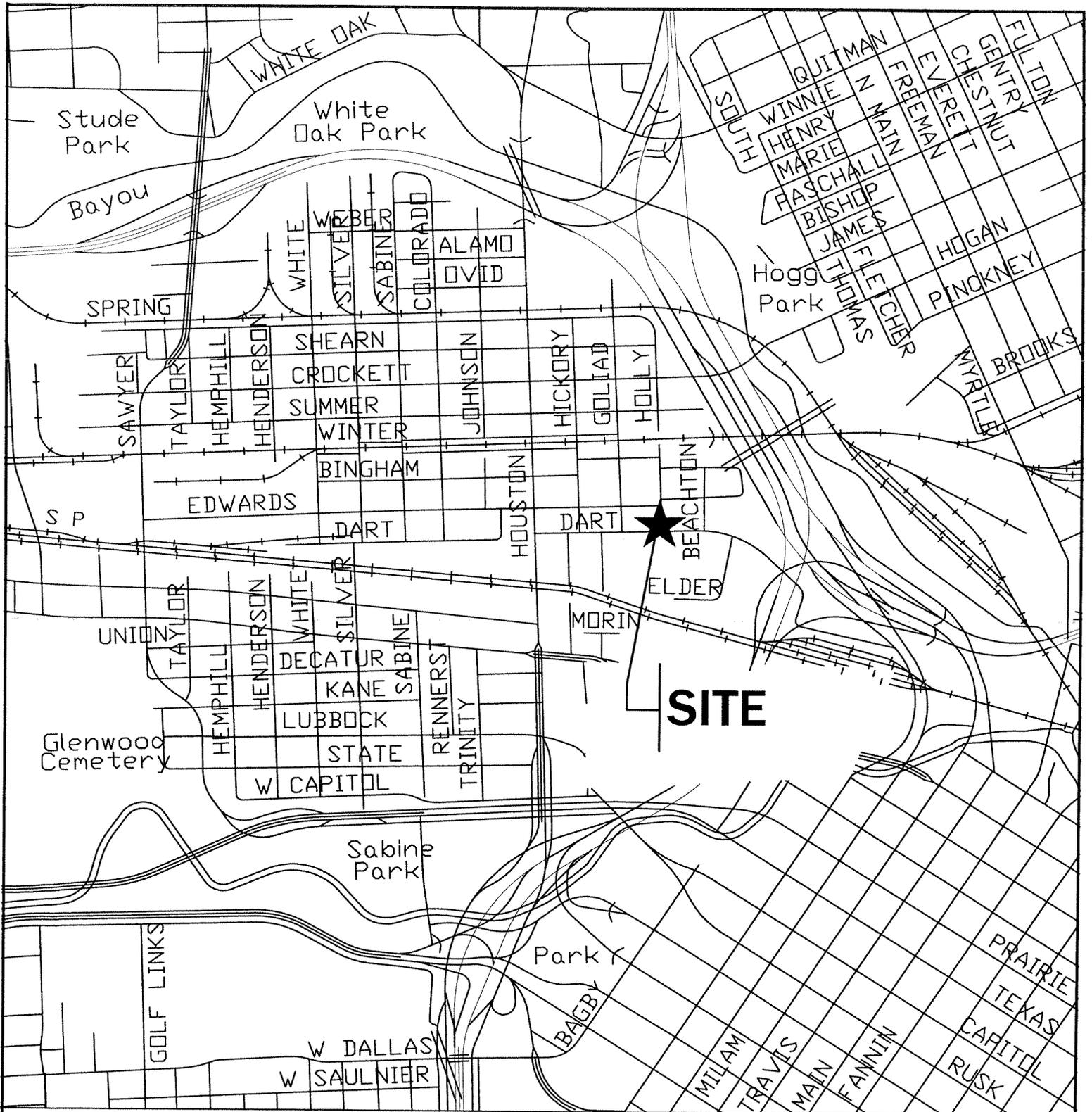


**APPROPRIATE FUNDS FOR RENOVATION DURING  
 FISCAL YEAR 2010:  
 FIRE STATION NO. 5  
 2020 HOLLISTER  
 HOUSTON , TX 77080**

COUNCIL DISTRICT "A"

WBS No. C-000122

KEY MAP NO. 450R



**APPROPRIATE FUNDS FOR RENOVATION DURING**

**FISCAL YEAR 2010:**

**HFD LOGISTICS BUILDING**

**1205 DART ST.**

**HOUSTON , TX 77007**

**COUNCIL DISTRICT "H"**

**WBS No. C-000122**

**KEYMAP No. 493G**

<b>SUBJECT:</b> Appropriate Additional Funds Brave / Architecture Inc. Task Order Contract for Various City Departments WBS Nos. D-000115-0005-3, H-000073-0001-3; G-00ARCH-0001-3, E-000TOC-0001-3	<b>Page</b> 1 of 2	<b>Agenda Item</b>  <div style="font-size: 2em; text-align: center;">51</div>
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> <div style="font-size: 1.2em;">11-06-09</div>	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E.	<b>Council District(s) affected:</b> All
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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. 2008-0374; Dated April 30, 2008 Ordinance No. 2009-0416; Dated May 13, 2009
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**RECOMMENDATION:** Appropriate additional funds to the citywide task order contract with Brave / Architecture Inc.

<b>Maximum contract amount: \$1,900,000 – 3 years</b>  <b>Amount and Source of Funding:</b> \$ 175,000.00 –General Improvement Consolidated Construction Fund (4509) \$ 50,000.00 –Public Health Consolidated Construction Fund (4508) \$ 75,000.00 – Public Library Consolidated Construction Fund (4507) \$ 100,000.00 – Police Consolidated Construction Fund (4504) <b>\$ 400,000.00 Total Appropriation</b>  <b>Previous Funding:</b> \$ 100,000.00—Public Library Consolidated Construction Fund (4507) \$ 350,000.00—General Improvement Consolidated Construction Fund (4509) \$ 100,000.00—Police Consolidated Construction Fund (4504) \$ 241,000.00—Solid Waste Consolidated Construction Fund (4503) <b>\$ 791,000.00 Total Funding</b>	<b>Finance Budget:</b>  for Michelle Mitchell 11/05/09
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**REQUIRED AUTHORIZATION** CUIC # 25DSGN50

<b>General Services Department:</b>   Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Houston Public Library:</b>   Dr. Rhea Brown Lawson, Ph.D. Director	<b>Houston Police Department:</b>   Harold L. Hult Chief
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<b>Department of Health and Human Services:</b>   Stephen L. Williams, M.ED, MPA Director		
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MDT

**SUBJECT:** Appropriate Additional Funds  
Brave / Architecture Inc.  
Task Order Contract for Various City Departments  
WBS Nos. D-000115-0005-3; H-000073-0001-3; G-00ARCH-0001-3,  
E-000TOC-0001-3

**Originator's  
Initials**  
EA

**Page**  
2 of 2

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council appropriate an additional \$400,000 to the design contract with Brave/Architecture Inc. (Brave) for citywide task order architectural and engineering services for various City departments. The additional funding will allow Brave to continue to provide architectural and engineering design services on an as needed basis and seal documents to comply with the City Building Code. Fees for each project will be negotiated based upon the size and complexity of the tasks involved. Periodically, as departments identify projects, additional funding will be made available by supplemental allocations from various departmental budgets, and appropriations from various bond funds up the maximum contract amount of \$1,900,000.00.

**PROJECT LOCATION:** Citywide

**PREVIOUS HISTORY AND PROJECT SCOPE:** On April 30, 2008, City Council approved a three-year architectural services task order contract with Brave and delegated authority to the director to approve supplemental allocations up to the maximum contract amount of \$800,000.00. On May 13, 2009, City Council approved a First Amendment to increase the maximum contract amount to \$1,900,000.00, and appropriated an additional \$291,000.00 for architectural and engineering design services for various facilities.

**M/WBE PARTICIPATION:** The original Task Order Contract and this additional appropriation have a 24% M/WBE goal. The consultant will utilize the certified firms referenced in the original contract to achieve the goal. Through October 2009, Brave has achieved 18.55% M/WBE participation.

**PAY OR PLAY PROGRAM:** The contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the consultant has elected to pay into the Contractor Responsibility Fund in compliance with City policy.



IZD:HB:RAV:JLN:EA:ps

c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Jean Abercrombie, Kirk Munden, Wendy Teas Heger, Celina Ridge, Calvin Curtis, Yvette Burton, Christopher Gonzales, Project File 813

<b>SUBJECT:</b> Professional Architectural Services Contract Talley-Pope and Associates, Inc. Scottcrest and Alief Parks Trail Improvements Project WBS No. F-000630-0001-3 & WBS No. F-0504B8-0002-3	<b>Page</b> 1 of 2	<b>Agenda Item</b>  52
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 11-06-09	<b>Agenda Date</b>
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 10/30/09</i>	<b>Council District(s) affected:</b> D, F
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JL Nisby</i> Phone: 832.393.8023	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Approve architectural services contract and appropriate/allocate funds for the project.

<b>Amount and Source Of Funding:</b> \$215,000.00 Parks Special Fund (4012) (previously appropriated by Ordinance No. 2006-1255 - Scottcrest Park and Ordinance No. 2007-116 - Alief Park) \$ 60,514.00 Parks Special Fund (4012) \$275,514.00 Total Funding	<b>Finance Budget:</b> <i>Michelle Mitchell 11/05/09</i>
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve a professional architectural services contract with Talley-Pope and Associates, Inc. to perform design and construction phase services in connection with the Scottcrest and Alief Parks Trail Improvements Project for the Parks and Recreation Department. A portion of the funding necessary for this project was appropriated on December 20, 2006 and January 24 2007, respectively.

**PROJECT LOCATIONS:** Scottcrest Park 10700 Rosehaven (573 F) District D  
 Alief Park 11903 Bellaire Blvd. (529 E) District F

**PROJECT DESCRIPTION:** This project involves design and construction phase services for trail improvements at Scottcrest and Alief Parks using Parks and Recreation Department and Texas Department of Transportation design standards. The scope of work is as follows:

**Scottcrest Park** – design approximately 2500 linear feet of new trail with drainage, lighting and access to Dulcimer Street.

**Alief Park** – design approximately 2800 linear feet of new trail looping around the existing soccer field with access to the community center parking lot.

**REQUIRED AUTHORIZATION** 25PARK34

<b>General Services Department:</b> <i>H. Bautista</i> Humberto Bautista, P.E. Chief of Design & Construction Division	<b>Parks and Recreation Department:</b> <i>Joe Turner</i> Joe Turner Director
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NOT

<b>Date</b>	<b>SUBJECT:</b> Professional Architectural Services Contract Talley-Pope and Associates, Inc. Scottcrest and Alief Parks Trail Improvements Project WBS No. F-000630-0001-3 & WBS No. F-0504B8-0002-3	<b>Originator's Initials</b> RJO	<b>Page</b> 2 of 2
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**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.

\$ 208,966.00	Basic Services Fee
\$ 63,515.00	Additional Services Fee
\$ 3,033.00	Reimbursable Expenses
<b>\$ 275,514.00</b>	<b>Total Funding</b>

**M/WBE INFORMATION:** A MWBE goal of 24% has been established for this contract. The landscape architect has submitted the following certified firms to achieve this goal:

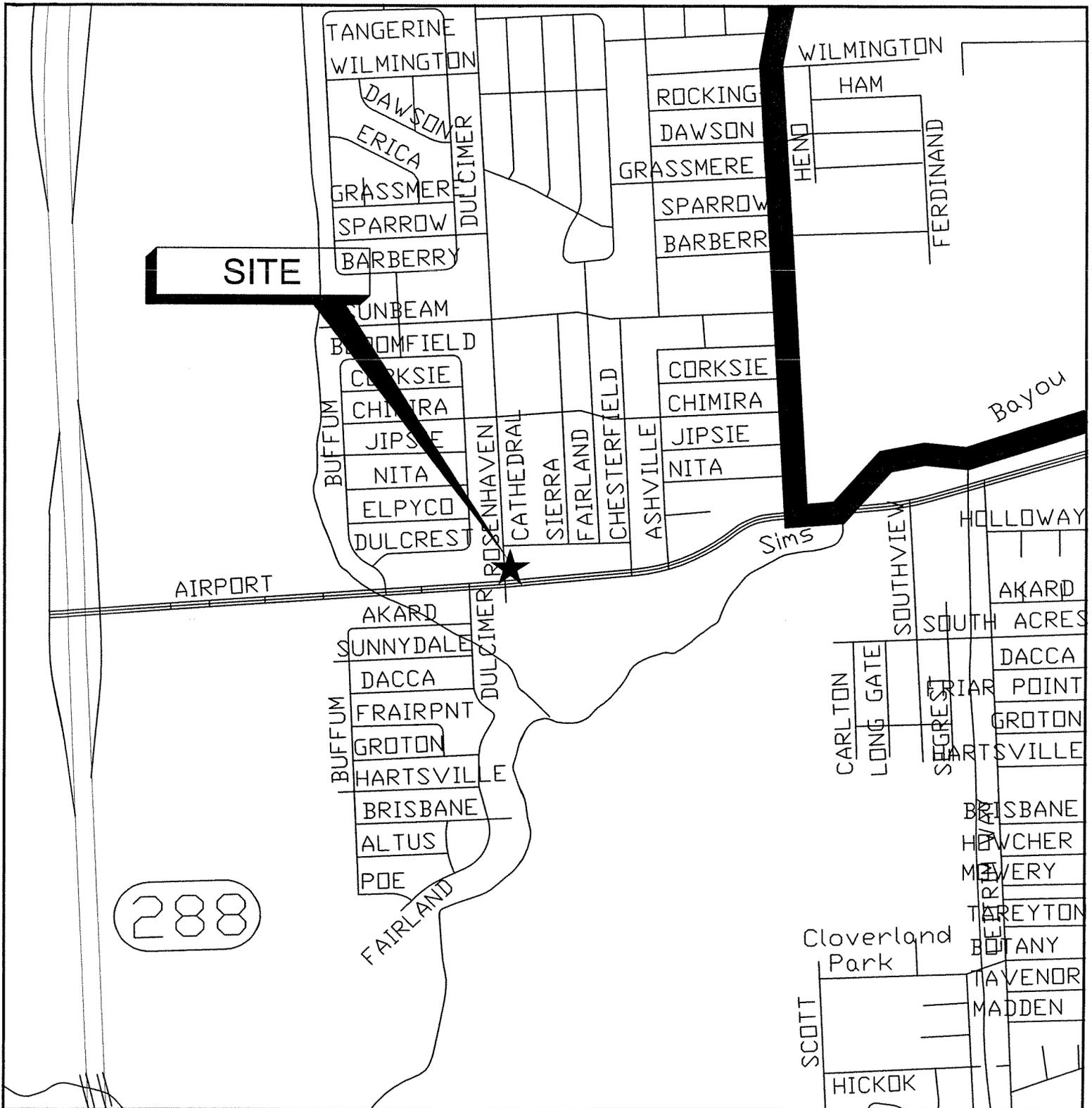
<u>Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Kuo & Associates, Inc.	Civil/Surveying	\$97,651.93	35.44%
Crouch Environmental Services, Inc.	Environmental	\$10,149.36	3.68%
HVJ Associates, Inc.	Geotechnical	<u>\$7,737.00</u>	<u>2.82%</u>
<b>TOTAL</b>		<b>\$115,538.29</b>	<b>41.94%</b>

**PAY OR PLAY PROGRAM:** This contract was advertised prior to the effective date of the Pay or Play Program.

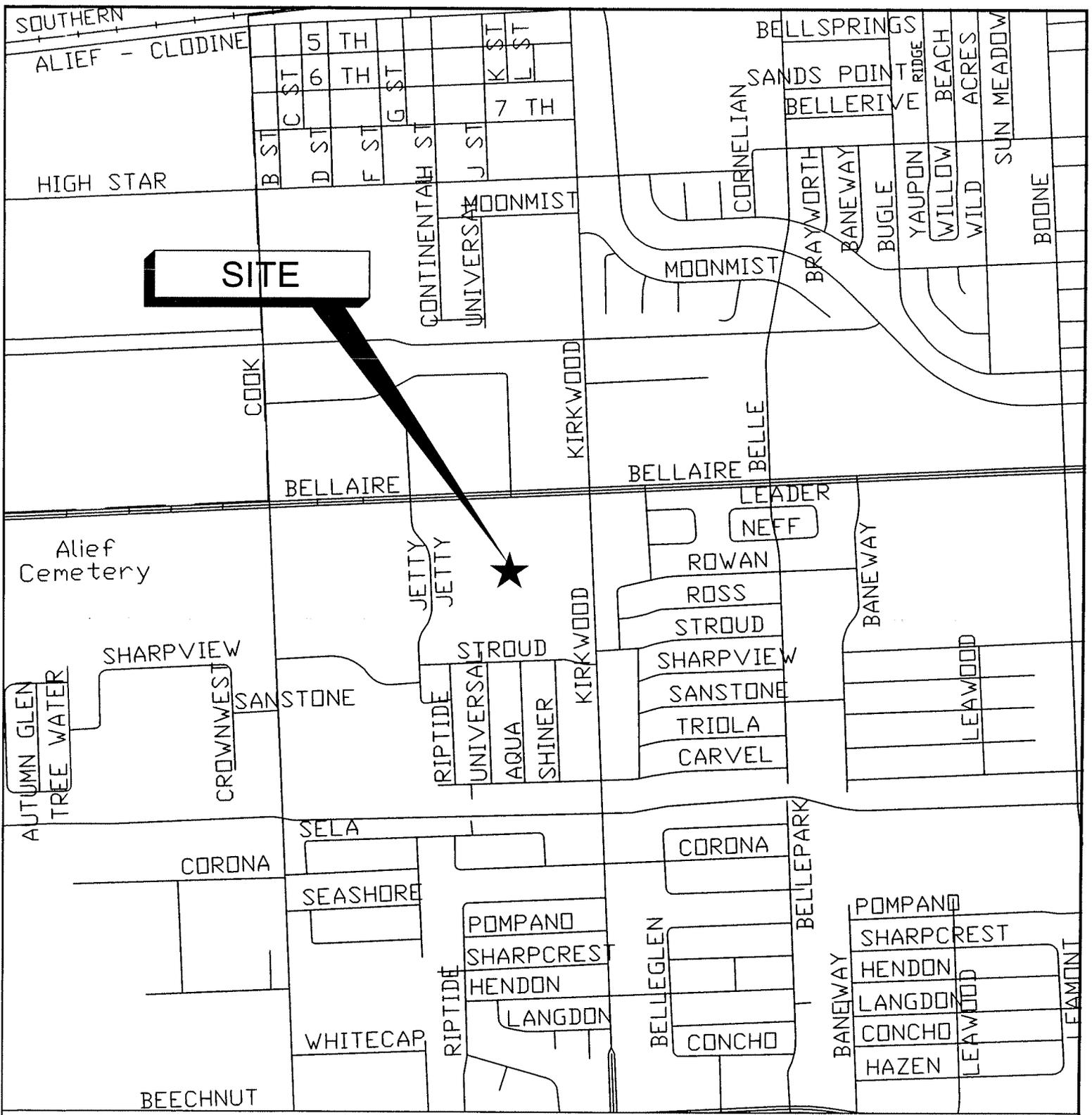


IZD: HB:JLN:LJ:RJO:1jo

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



SCOTTCREST PARK  
 10700 ROSEHAVEN  
 HOUSTON, TX 77051

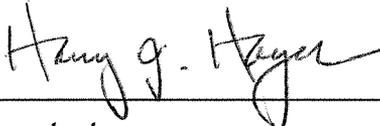


**ALIEF PARK**  
**11903 BELLAIRE BLVD.**  
**HOUSTON, TX 77072**

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

<b>SUBJECT:</b> Approve and authorize amended and restated waste disposal contracts with BFI Waste Services of Texas, LP, a wholly owned subsidiary of Republic Services, Inc., for municipal solid waste disposal and management of the city's three transfer stations.	<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 53
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<b>FROM (Department or other point of origin):</b> Solid Waste Management Department	<b>Origination Date</b> October 30, 2009	<b>Agenda Date</b> NOV 18 2009
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<b>DIRECTOR'S SIGNATURE:</b> MS Harry J. Hayes, Director 	<b>Council District affected:</b> ALL
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<b>For additional information contact:</b> Harry J. Hayes, Director Phone: (713) 837-9103 Victor Ayres, Deputy Director Phone: (713) 837-9131	<b>Date and identification of prior authorizing Council action:</b> Landfill Ordinances: 98-503; 03-1036; 05-1397 Transfer Station Ordinances: 99-1329; 03-1265; 05-0973; 08-0080
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**RECOMMENDATION:**  
Approve and authorize amended and restated waste disposal contracts with BFI Waste Services of Texas, LP, a wholly owned subsidiary of Republic Services, Inc., for municipal solid waste disposal and management of the city's three transfer stations.

<b>Amount and source of funding:</b> General Fund: \$226,402,000.00	<b>Finance Budget:</b>
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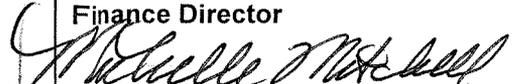
**SOURCE OF FUNDING:**  General Fund  Grant Fund  Enterprise Fund  Other (Specify)

**SPECIFIC EXPLANATION:**  
The Solid Waste Management Department has concluded negotiations with Republic Waste Services on municipal solid waste disposal and management of the city's three (3) transfer stations. The concluded negotiations amend contracts numbered C39164 and C51076. Key re-negotiated provisions of the amended contracts are as follows:

- The contracts are reduced in length from 2023 (landfill disposal) and 2027 (transfer station management) to a maximum of 10 years from date of countersignature (2019).
- The disposal rates are reduced from an average of \$32.00 per ton to an average of \$19.25 per ton, a reduction of 40%. Further, the cost of junk waste disposal has been significantly reduced to \$11.00 per ton for the first 50,000 tons and \$14.25 per ton for any amounts above 50,000 tons. This represents over a 50% reduction in the cost of disposal for junk waste.
- The base disposal rate adjustment has been modified to exclude fuel from the inflation index.
- The transfer fuel cost adjustment has been modified so that the city only pays for fuel associated with the actual processing and transportation of city waste.
- The landfill fuel cost adjustment has been modified so that the city only pays for fuel associated with the actual processing and cover of city waste to exclude any federal or state taxes for off road diesel.
- The Put or Pay clauses in the contracts have been removed completely. The city will now estimate amounts of disposal based on collection trends, but those amounts are not guaranteed. The city has also reserved the right to dispose of waste at other locations which would reduce the city's operational costs for the solid waste services.
- City Host Fees, which are paid by the Contractor (2nd party) and other disposers (3rd party) for access and use of city owned transfer stations, have been increased from an average of \$0.88 per ton, to \$2.00 for 2<sup>nd</sup> party waste and \$3.00 for 3<sup>rd</sup> party waste, with the amounts increasing 5% per year through the contract term. The Host Fees are expected to generate \$500,000 annually to help offset solid waste costs and fund the expansion of automated curbside recycling.

Collectively, all renegotiated items represent savings to the general fund of more than \$70 million over the term of this new agreement and more than \$150 million from the previous agreements.

**REQUIRED AUTHORIZATION**

<b>Finance Director</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8232**

**Subject:** Approve an Ordinance Awarding a Contract for Engineering Drawings, Microfilm Conversion and File Scanning Services for Various Departments  
S46-L22970

Category #  
4

Page 1 of 2

Agenda Item

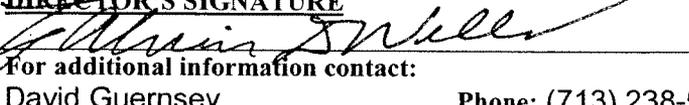
**54**

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

**Origination Date**  
August 03, 2009

**Agenda Date**  
NOV 18 2009

**DIRECTOR'S SIGNATURE**

*MS* 

**Council District(s) affected**  
All

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Allied Imaging Group LLC, dba the Windward Group LLC in an amount not to exceed \$334,954.49 for engineering drawings, microfilm conversion and file scanning services for various departments.

Maximum Contract Amount: \$334,954.49

**Finance Budget**

\$ 12,398.25 - General Fund (1000)  
\$ 73,650.65 - Water & Sewer System Operating (8300)  
\$ 248,905.59 - Building Inspection (2301)  

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\$ 334,954.49 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Allied Imaging Group LLC, dba the Windward Group LLC on its low bid for engineering drawings, microfilm conversion and file scanning services in an amount not to exceed \$334,954.49 for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

Company	Total Amount
<b>Allied Imaging Group LLC, dba the Windward Group</b>	<b>\$334,954.49</b>
DocuData Solutions 1	\$576,246.36
IKON Office Solutions	\$624,231.57
all printing 1	\$661,756.95
Data Management Internationale'	\$861,244.20
Databankimx 1	\$1,331,260.09

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*MT*

Date: 8/3/2009	Subject: Approve an Ordinance Awarding a Contract for Engineering Drawings, Microfilm Conversion and File Scanning Services for Various Departments S46-L22970	Originator's Initials EA	Page 2 of 2
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- Due to the disparity between the bid prices, SPD spoke with representatives of Allied Imaging Group LLC, dba the Windward Group LLC to discuss the scope of work for this contract. Allied Imaging Group LLC, dba the Windward Group LLC confirmed, in writing, that its bid includes all costs associated with performing the services called for in the scope of work. Based on the aforementioned, SPD and the user departments are confident that the recommended company can perform the specified work for the bid price.

The scope of work requires the contractor to provide all supervision, labor, supplies and transportation necessary for engineering drawings, microfilm conversion and file scanning services for the Public Works & Engineering and Finance Departments. The contractor is responsible for converting engineering and supporting paper documents to digital images in a single page Tagged Image File Format (TIFF) Group IV format. Additionally, the contractor shall scan Wastewater Capacity Reservation (WCR) files to be formatted and archived in a manner that is usable and consistent with the current City of Houston software standards. Furthermore, the contractor will convert (96) ninety-six rolls of 16mm microfilm into scanned and digitalized electronic files.

**M/WBE Subcontracting:**

This Invitation to Bid (ITB) was issued as a goal-oriented contract with a 4% M/WBE participation goal. Allied Imaging Group LLC, dba the Windward Group LLC has designated the below-named company as its certified M/WBE subcontractor.

Subcontractor	Type of Work	Amount	Pct of Award
Silver & Associate, Inc.	Scanning Services	\$ 13,398.18	4%

The Affirmative Action Division will monitor this contract.

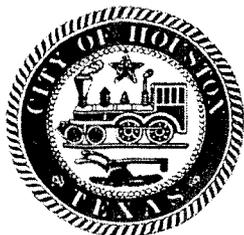
**Pay or Play Program:**

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.

Buyer: Eric Alexander

**Estimated Spending Authority:**

Departments	FY 10	Out Years	Totals
Finance	\$2,000.00	\$10,398.25	\$12,398.25
PW&E	\$ 75,335.19	\$247,221.05	\$ 322,556.24
<b>Total</b>	<b>\$ 77,335.19</b>	<b>\$257,619.30</b>	<b>\$ 334,954.49</b>



# CITY OF HOUSTON

Office of the Mayor

## Interoffice

Correspondence

55

To: Anna Russell  
City Secretary

From: *LC* Linda Clarke, Director  
Boards and Commissions

NOV 18 2009

Date: November 13, 2009

Subject: **Ethics Committee  
Nominations**

### NON-CONSENT AGENDA

### MISCELLANEOUS

Motion to set a date not less than seven (7) days or thereafter from November 18, 2009, to receive nominations for appointments or reappointments for Positions Five and Seven on the Ethics Committee for two-years. The current members' terms expire 12/31/2009:

Position 5	Rick Cagney	Nominated by Council Member Holm
Position 7	John Jay Douglas	Nominated by Council Member Clutterbuck

LC:jsk

cc: Marty Stein

RECEIVED  
CITY SECRETARY

56

MOTION NO. 2009

NOV 18 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 Louis Macey of Macey Family Properties, LTD., [Macey Properties, Inc. (Louis Macey, President) General Partner], 1717 St. James Place, Suite 118, Houston, Texas 77056 for the sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J. S. Holman Survey, A-323, Parcel SY10-017, be adopted as follows:

1. The City sell fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J. S. Holman Survey, A-323;
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 agree to an acceptable arrangement with the City whereby the existing building structures currently located within Block 120 are allowed to remain in their current location for a specified period of time after the completion of the sale of the remainder of Block 120;
4. The Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the property interest is expected to exceed \$1,000,000.00, that the value be established by Micheal J. Urban and Albert Allen, independent appraisers.

Seconded by Council Member Lovell

On 11/10/09 the above motion was tagged by Council Member Lovell.

cr

<b>SUBJECT:</b> Sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J.S. Holman Survey, A-323. <b>Parcel SY10-017</b>		Page <u>1</u> of <u>1</u>	Agenda Item # <b>56</b> <del>70</del>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		Origination Date 11-5-09	Agenda Date <del>NOV 10 2009</del> NOV 18 2009
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		Council District affected: 1	
<b>For additional information contact:</b> Nancy P. Collins  Phone: (713) 837-0881 Senior Assistant Director-Real Estate		Key Map 493R 	
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a Motion authorizing the sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J.S. Holman Survey, A-323. <b>Parcel SY10-017</b>		<b>Date and identification of prior authorizing Council Action:</b>	

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

**SPECIFIC EXPLANATION:**  
Louis Macey of Macey Family Properties, LTD. [Macey Properties, Inc. (Louis Macey, President) General Partner], 1717 St. James Place, Suite 118, Houston, Texas, 77056, requested the sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J.S. Holman Survey, A-323. The applicant plans to include the subject property with its abutting property for parking in the short term and for commercial development in the future. Clearance was obtained from the Convention and Entertainment Facilities Department, which is the owning department. Proceeds from this sale will be used for the reconfiguration of Avenida de las Americas, between Rusk Avenue and Texas Avenue, which consists of the reconstruction of four concrete paved lanes with a median, sidewalks, street lights and the relocation of existing parking meters.

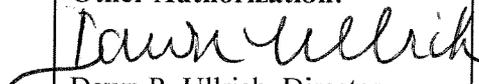
This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works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

1. The City sell fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J.S. Holman Survey, A-323.;
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 agree to an acceptable arrangement with the City whereby the existing building structures currently located within Block 120 are allowed to remain in their current location for a specified period of time after the completion of the sale of the remainder of Block 120.
4. The Legal Department be authorized to prepare the necessary transaction documents; and,
5. Inasmuch as the value of the property interest is expected to exceed \$1,000,000.00, that the value be established by Michael J. Urban and Albert Allen, independent appraisers.

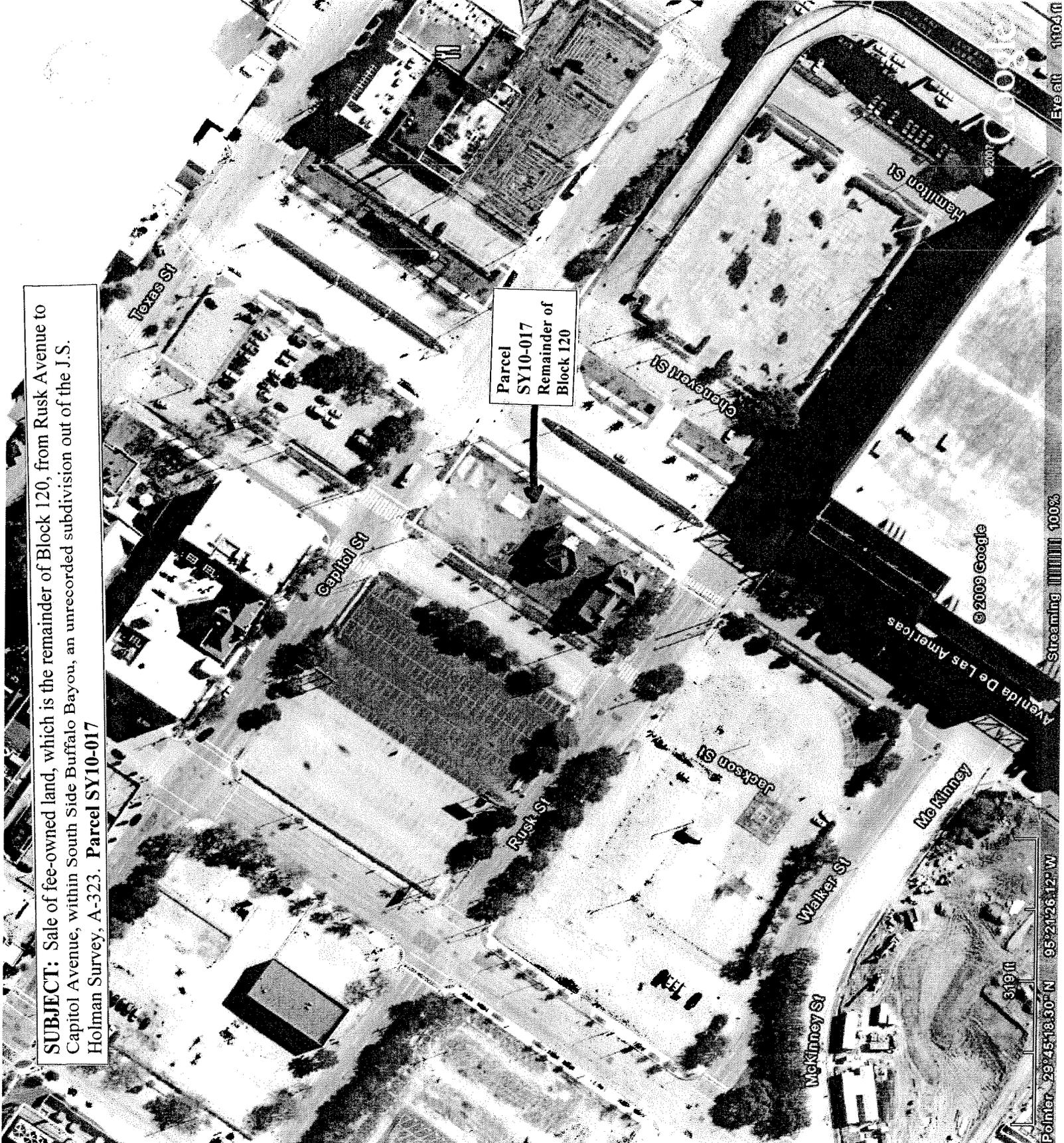
MSM: NPC: dob

c: Marlene Gafrick Arturo G. Michel  
Daniel Menendez, P.E. Marty Stein

s:\dob\sy10-017.rcl.doc CUIC #20DOB9098

<b>REQUIRED AUTHORIZATION</b>		
<b>Finance Department:</b>	<b>Other Authorization:</b>  Dawn R. Ullrich, Director Convention and Entertainment Facilities Department	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

**SUBJECT:** Sale of fee-owned land, which is the remainder of Block 120, from Rusk Avenue to Capitol Avenue, within South Side Buffalo Bayou, an unrecorded subdivision out of the J.S. Holman Survey, A-323. Parcel SY10-017



57

MOTION NO. 2009

NOV 18 2009

MOTION by Council Member Khan that the recommendation of the Purchasing Agent, for sole source purchase of Development and Distribution of Disaster/Emergency Preparedness Education Materials for the Houston Department of Health and Human Services, S45-Q23461, be adopted, and authority is hereby given to issue purchase order to Channing Bete Company, Inc., in the total amount of \$224,337.50.

Seconded by Council Member Green

On 11/10/2009 the above motion was tagged by Council Member Lawrence.

mla

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8525**

**Subject:** Sole Source Purchase of Development and Distribution of Disaster/Emergency Preparedness Education Materials for the Houston Department of Health and Human Services  
S45-Q23461

Category #  
4

Page 1 of 1

Agenda Item

**57** ~~13~~

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

**Origination Date**  
October 26, 2009

**Agenda Date**  
~~NOV 10 2009~~  
NOV 18 2009

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

**Council District(s) affected**  
All

**For additional information contact:**  
Kathy Barton Phone: (713) 794-9998  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**  
Approve the sole source purchase of disaster/emergency preparedness education materials from Channing Bete Company, Inc. in the total amount of \$224,337.50 for the Houston Department of Health and Human Services.

Award Amount: \$224,337.50

**Finance Budget**

\$224,337.50 - Federal State Local - Pass Through Fund (5030)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the sole source purchase of development and distribution of disaster/emergency preparedness education materials from Channing Bete Company, Inc. in the total amount of \$224,337.50 for the Houston Department of Health and Human Services and that authorization be given to issue a purchase order.

Channing Bete Company, Inc. is the sole creator, publisher and supplier of its copyrighted Scriptographic products.

The scope of work requires the contractor to provide all labor, equipment, materials, tools, supervision, training and transportation necessary to develop and distribute disaster/emergency preparedness education materials to selected neighborhoods and among groups that support and provide education to segments of the disabled and medical community-based organizations to promote preparedness projects to their congregations and constituencies. The contractor shall furnish 34,250 sets of "Emergency Preparedness Pre-Survey Replay Cards", "How Prepared is Your Family for an Emergency; A Launch & Learn® DVD", "Preparing for Emergencies and Disasters Handbook", "Be Prepared; A Pocket Minder® Card" and "Emergency Preparedness Post-Survey Reply Card". The materials will be printed in English and Spanish.

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

Buyer: Sandy Yen  
PR#: 10090112

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

**NO**

*ms*

*al*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8520**

**Subject:** Purchase of a Modular Office Building from the State of Texas Procurement and Support Services Contract for the Houston Police Department  
S19-Q23456

Category #  
4

Page 1 of 1

Agenda Item

**58** #6

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

**Origination Date**  
October 23, 2009

**Agenda Date**  
~~NOV 10 2009~~  
NOV 18 2009

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

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

**For additional information contact:**  
Joseph Fenninger *JMF 11/15/09* Phone: (713) 308-1708  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve the purchase of a modular office building in the total amount of \$203,985.76 from the State of Texas Procurement and Support Services Contract for the Houston Police Department.

**Award Amount:** \$203,985.76

**Finance Budget**

\$203,985.76 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of a modular office building in the total amount of \$203,985.76 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 be given to issue a purchase order to the State contractor, Nortex Modular Space. This modular office building will be installed at the Northwest Substation, located at 6000 Teague Road, Houston, TX 77041 and will be used to permanently house patrol administration personnel. The existing police substation (building) is cramped and too small to handle the number of personnel working in the building.

The scope of work requires the contractor to provide all labor, tools, materials, equipment, supplies, supervision, and transportation necessary to furnish, deliver, set in place, level and tie down one 50' x 60' modular office building. The contractor will also be required to install skirting and three wood decks, one with an American with Disabilities Act (ADA) compliant ramp. This building will come with a full one year warranty and the life expectancy is 20 to 30 years.

Sections 271.081 through 271.083 of the Texas Local Government Codes provides the legal authority for local governments to participate in the State of Texas purchasing program.

Buyer: Roy Korthals  
Purchase Requisition 10089986

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*[Signature]* 11/15/09

*MA*

*mg*

SUBJECT: Parking Facilities and Immobilization ("Booting") of Vehicles

Page 1 of 2

Agenda Item 59 27

FROM (Department or other point of origin):

General Services Department

Origination Date

11/5/09

Agenda Date

~~NOV 10 2009~~

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

*Issa Z. Dadoush 11/4/09*

Council District(s) affected:

NOV All 8 2009

For additional information contact:

Liliana Rambo, CAPP Phone: 713.853.8193

Jacquelyn L. Nisby Phone: 832.393.8023

Date and identification of prior authorizing Council action:

Ordinance 2008-847; September 24, 2008

RECOMMENDATION: Approve an Ordinance amending Articles IX and X of the Parking Ordinance, Chapter 26, relating to parking facilities and booting activities.

Amount and Source of Funding: Not Applicable

Finance Budget:

SPECIFIC EXPLANATION: On September 24, 2008, City Council approved Article IX - Minimum Standards for Parking Lots and Article X - Immobilization ("Booting") of Vehicles. Since that time, the 81<sup>st</sup> Texas Legislature enacted more extensive state regulation of booting that applies across the state to parking garages as well as parking lots (Texas Occupations Code Ch. 2308). Thus, the state law applies to the entire City and changes to the Code of Ordinances are necessary so that the Code is consistent with state law. Further, working with the Houston Police Department (HPD), the parking official gathered data relating to problems and abusive practices by booting operators. The Public Parking Commission recommends the proposed amendments, which are a result of Parking Management's meetings with HPD officers and various stakeholders. The Transportation and Infrastructure Committee reviewed the proposed changes on July 9, 2009 and voted to send them to City Council.

The proposed amendments are to clarify the ordinance, to ensure that it is consistent with the State Code, and to respond to problems identified by HPD officers who enforce the ordinance. Specific amendments include:

- Amend Sections 26-601 and 26-602, to ensure that city code definitions and application of the ordinance are consistent with state law.
- Amend Section 26-606 to clarify that a parking facility owner must apply for a registration certificate and is not registered until HPD inspects the parking facility, finds it to be in compliance with state law and city ordinance, and issues the registration compliance certificate.
- Amend Section 26-606 to add a re-inspection fee of \$50 and a renewal fee of \$50 to cover HPD's costs for re-inspecting lots that repeatedly disregard state law and ordinance requirements.
- Amend Section 26-616 to be consistent with state law signage requirements (TX Occupations Code §§ 2308.301 and 302. All lettering on signage must be at least one inch in height. Amend Section 26-616(c) to require the address of the parking facility to be on the facility's signage at pay stations.
- Amend Sections 26-617 to prohibit receipts from being printed for spaces that are not available because they are reserved and 26-664 to prohibit booting vehicles parked in a reserved space when payment was made and a receipt was issued for the space.

REQUIRED AUTHORIZATION

CUIC ID #25MLI008

General Services Department:

Other Authorization:

*Liliana Rambo*  
Liliana Rambo, CAPP  
Parking Management Division

<b>Date:</b> 10/26/09	<b>SUBJECT:</b> Parking Facilities and Immobilization ("Booting") of Vehicles	<b>Originator's Initials</b> MLI	<b>Page</b> 2 of 2
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- Amend Sections 26-617 and 26-618 to require that receipts contain the correct street address of the actual parking lot and amend Section 26-617(b) to require a minimum 14 point size font for certain information on receipts.
- Amend Section 26-618 to require that time/date and space number be printed on receipts if a lot uses "pay by space."
- Amend Sections 26-617, 26-644 to clarify that booting is prohibited except for nonpayment of fees (no booting for parking on the lines, parking on hash marks, parking in lanes or other unauthorized areas). Improperly parked vehicles should be towed.
- Add Section 26-621 to: (1) require that pay stations be bagged or non-operational during special events and (2) prohibit booting if a customer has a receipt showing he/she paid at the pay station (which would indicate the pay station was not, in fact, bagged as required).
- Add Section 26-622 to require that pay stations be illuminated to at least 0.7 foot-candles between 6:00 p.m. and 6:00 a.m. due to HPD's observations that several pay stations have no lighting, making it virtually impossible to see where/how to pay for parking, and creating safety concerns.
- Add Section 26-623 to prohibit collection of special event fees from drivers who entered a parking facility prior to the initiation of the special event.
- Amend Section 26-642 which provided that Article X (booting) applied only in the Central Business District to comply with state law which applies/regulates booting statewide.
- Amend Section 26-644 to prohibit booting for parking in unauthorized areas; lots should tow these vehicles, and to prohibit booting in parking facilities that have not received a registration compliance certificate from HPD.
- Amend Section 26-652(5) to add a provision prohibiting renewal of a vehicle immobilization service permit if the vehicle immobilization service has any unpaid judgments from JP court relating to booting; consistent with state law regulating booting.
- Amend Section 26-655 (revocation) to clarify that a vehicle immobilization service permit may be revoked if the permittee has violated signage requirements found in Section 26-616/state law.
- Amend Section 26-662(2) requirement for sticker/notice on booted vehicles to incorporate state law requirements and to require that the street address of the parking facility in which the vehicle was booted.
- Amend Section 26-662(6) to require the booting company to respond to the location of the booted vehicle within one hour of being contacted, and to remove boot within 30 minutes after vehicle owner has paid.
- Amend Sections 26-662(11) and 26-664(3) to require the name of the booting company on both sides of the vehicle so that customers will know when the vehicle approaching them is affiliated with a booting company.

ZD:LR:JLN:TC:MLI:mli

: Marty Stein, Jacquelyn L. Nisby, Arturo Michel

ARTICLE IX. MINIMUM STANDARDS FOR ~~PARKING LOTS~~ FACILITIES

DIVISION 1. GENERALLY

27  
NOV 10 2009

Sec. 26-601. Definitions.

As used in this article, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

*Barrier gate* means an automated gate at each entrance to a parking ~~lot~~ facility to regulate vehicular entry to the parking ~~lot~~ facility that provides a ticket for entry or a receipt for payment of parking fees.

*Parking-~~lot~~ facility* means public or private property used, wholly or partly, for restricted or paid motor vehicle parking, ~~but does not include parking garages.~~ The term includes without limitation:

- (1) One or more restricted spaces on a portion of an otherwise unrestricted parking facility; and
- (2) A commercial parking lot, a parking garage, and a parking area serving or adjacent to a business, church, school, home, apartment complex, property governed by a property owners' association for parking purposes, or government-owned property leased to a private person for parking purposes, including:
  - a. A portion of the right-of-way of a public roadway that is leased by a governmental entity to the parking facility owner; and
  - b. The area between the facility's property line abutting a county or municipal public roadway and the center line of the roadway's drainage way or the curb of the roadway, whichever is farther from the facility's property line.

*Parking-~~lot~~ facility attendant* means an individual who, on behalf of a parking ~~lot~~ facility general manager, collects a parking fee from motor vehicle operators as payment to park in a parking-~~lot~~ facility.

*Parking-~~lot~~ facility general manager* means an individual who is employed by a parking-~~lot~~ facility operating company and is responsible for the day-to-day operations of a parking-~~lot~~ facility.

*Parking-~~lot~~ facility operating company* means the person who:

- (1) Owns and operates a parking-~~lot~~ facility;

- (1) Any facility that boots a vehicle in exercise of a statutory or contractual lien right; or
- (2) Any commercial office building owner or manager who installs or removes a boot in the building's parking facility.

**Sec. 26-603. Entry powers of city officials.**

It shall be the duty of any parking-~~lot~~ facility manager to allow immediate access by any police officer or building official to any portion of the premises of the parking-~~lot~~ facility for the purpose of inspection of such premises and vehicle immobilization services for compliance with this article, article X of this chapter, or any other applicable law.

**Sec. 26-604. Compliance with other laws.**

Compliance with the requirements of this article does not excuse compliance with any other provisions of state law or this Code relating to parking regulations or parking facilities.

**Sec. 26-605. Enforcement.**

The building official or any police officer is authorized to issue citations charging the violation of any of the provisions of this article.

**Sec. 26-606. Registration of parking-~~lot~~ facility operating companies.**

(a) It shall be unlawful for any person to operate a parking-~~lot~~ facility in the city that has not been ~~registered~~ issued a registration compliance certificate as required by this section.

(b) A parking-~~lot~~ facility general manager ~~shall register~~ may apply for a registration compliance certificate for each parking-~~lot~~ facility under his management by paying a fee of \$50.00 per-~~lot~~ facility to the police official and providing to such official the following information regarding each parking-~~lot~~ facility:

- (1) The name, telephone number, and business address of the parking-~~lot~~ facility operating company;
- (2) The name, telephone number, facsimile number, and business or residence address, including street name and number, city, state and zip code, of the parking-~~lot~~ facility general manager; and
- (3) The street address, days and hours of operation of the parking-~~lot~~ facility.

## DIVISION 2. BUSINESS PRACTICES

### Sec. 26-616. Signage required.

(a) Signage prohibiting unauthorized vehicles on a parking lot facility shall comply with Sections 2308.301 and 2308.302 of the Texas Occupations Code. In addition, signage must be:

- ~~(1) Facing and conspicuously visible to the driver of a vehicle that enters the parking lot;~~
- ~~(2) Located at all pay stations; and~~
- ~~(3) Permanently mounted on a pole, post, permanent wall, or permanent structure installed on the parking lot;~~
- ~~(4) Installed so that the bottom edge of any such sign is no lower than five feet and no higher than eight feet above ground level.~~
- ~~(5-2) Unobstructed by vegetation or any other obstruction;~~
- ~~(6) Made of weather-resistant material; and~~
- ~~(7) At least 18 inches in width and 24 inches in height.~~

(b) In addition to the requirements of Sections 2308.301 and 2308.302 of the Texas Occupations Code, signage prohibiting unauthorized vehicles must contain lettering at least one inch in height in a solid color that contrasts with the background and must that clearly states:

- ~~(1) The days and hours of operation of the parking lot;~~
- ~~(2) Who may park in the parking lot, prohibiting all others, and the consequences for non-payment of parking fees (i.e., "Unauthorized Vehicles Will Be Booted or Towed at Owner's or Operator's Expense") in bright red lettering at least two inches in height on a white background;~~
- ~~(3) How to pay for parking in the lot parking facility (i.e., "pay attendant" or "pay drop box," etc.), and the hourly or other fee for such service; provided, however, for lots parking facilities utilizing different rates for various periods of parking, fee information may be contained on a separate sign adjacent to the pay station;~~

(c) It shall be unlawful for a parking facility general manager to allow a receipt to be printed for a space that is not available due to being "Reserved."

(d) It shall be unlawful for a parking facility general manager to have a vehicle booted for any reason (e.g., being parked on or across the parking space lines, on or across areas marked with hash marks, in driving lanes or in other unauthorized areas on the parking facility) other than non-payment.

**Sec. 26-618. Attendant requirements.**

It shall be the duty of any owner or manager of a parking ~~lot~~ facility to ensure that no individual at any time performs as a parking ~~lot~~ facility attendant unless the individual meets each of the requirements of this section. Each parking ~~lot~~ facility attendant shall:

- (1) Be 16 years of age or older;
- (2) Wear a picture ID, name tag with the employee's first name and employee identification number, and shirt, jacket or vest with the name and logo of the parking ~~lot~~ facility operating company;
- (3) If the parking ~~lot~~ facility general manager intends to have vehicles immobilized ("booted") or towed for non-payment of parking fees, provide a written receipt to the operator of a vehicle parked on the parking ~~lot~~ facility with the name and logo of the parking ~~lot~~ facility, the street address of the parking facility, the parking space number, if the parking facility utilizes "pay by space," and the date and time parking fees were paid; and
- (4) Perform his duties in a courteous and professional manner.

**Sec. 26-619. Access to money in unmanned pay stations.**

It shall be unlawful for third-party enforcement services, including but not limited to vehicle immobilization services and tow companies, to possess keys or to have any other means of access to move or remove money from any unmanned pay station in a parking ~~lot~~ facility.

**Sec. 26-620. Closure of parking ~~lot~~ facility entrances.**

(a) The parking ~~lot~~ facility operator or manager of a parking ~~lot~~ facility that is closed for business shall barricade all entrances to and exits from the parking ~~lot~~ facility by means of a barrier gate, chain, or other durable barrier equipment.

Parking facility has the meaning ascribed in section 26-601 of this Code.

~~Parking lot~~ facility general manager has the meaning ascribed in section 26-601 of this Code.

~~Parking lot~~ facility operating company has the meaning ascribed in section 26-601 of this Code.

*Permittee* means a person who holds a vehicle immobilization service permit.

*Police official* has the meaning ascribed in section 26-601 of this Code.

~~Special event parking fee~~ has the meaning ascribed in section 26-601 of this Code.

*Unauthorized vehicle* has the meaning ascribed in section 26-601 of this Code.

*Vehicle immobilization* means installing a boot.

*Vehicle immobilization device* means a lockable road wheel clamp or similar vehicle immobilization device that is designed to immobilize a parked vehicle and prevent its operation until the device is unlocked or removed.

*Vehicle immobilization operator* means any individual who installs, affixes or places or removes a vehicle immobilization device on or from a motor vehicle.

*Vehicle immobilization service* means a person who at the request of a parking ~~lot~~ facility operating company or parking ~~lot~~ facility general manager engages in the act of booting vehicles that are in a parking ~~lot~~ facility without permission, without paying a parking fee, or in violation of any parking restriction posted in accordance with the signage requirements of section 26-616 of this Code.

*Vehicle immobilization service permit* means a current and valid permit issued to a vehicle immobilization service pursuant to section 26-652 of this Code.

(b) *Interchangeable terms.* The terms "boot" (verb) and "immobilize," in reference to a vehicle, are used interchangeably in this article. The terms "booting" and "vehicle immobilization" are used interchangeably in this article. The terms "boot" (noun), "boot device" and "vehicle immobilization device" are used interchangeably in this article.

**Sec. 26-642. Scope.**

- (5) In a parking facility for any reason (e.g., parked in a parking space marked "Reserved" when a receipt for the space has been issued and properly displayed, or parked on or across the parking space lines, on or across areas marked with hash marks, in driving lanes or in other unauthorized areas on the parking facility) other than non-payment; or
- (6) On the dashboard of which is displayed a valid receipt issued by a parking attendant, a barrier gate, or a pay station.

(c) It is unlawful for a permittee to operate or cause to be operated a vehicle immobilization service in violation of any term of a permit.

**Sec. 26-645. Beneficial interests and rebates prohibited.**

(a) A parking-~~lot~~ facility operating company or general manager may not have a direct or indirect monetary or ownership interest in a vehicle immobilization service that for compensation immobilizes unauthorized vehicles in a parking-~~lot~~ facility in which the parking-~~lot~~ facility operating company or general manager has an interest.

(b) A parking-~~lot~~ facility operating company or general manager of a parking-~~lot~~ facility in which vehicles are immobilized may not accept any rebate, compensation or other valuable consideration, directly or indirectly, from a vehicle immobilization operator in connection with the immobilization of vehicles.

**Secs. 26-646--26-650. Reserved.**

**DIVISION 2. VEHICLE IMMOBILIZATION SERVICE PERMITS**

**Sec. 26-651. Vehicle immobilization service permit application.**

(a) Any person who desires to operate a vehicle immobilization service in the city shall submit an application for a permit to the police official in a form promulgated by the police official for that purpose, which shall include the following:

- (1) The applicant's name, telephone number, mailing address, street address, federal employee identification number, corporate charter number, and Texas driver's license number (if applicable);
- (2) The name and mailing address of each principal of the applicant, copies of the assumed-name registration if the vehicle immobilization service will be operated under an assumed name, the partnership registration, if any, and the names and addresses of all general partners if the applicant is a partnership, and a certificate of good standing from the Texas Secretary of

3. THE CITY'S AND THE PERMITTEE'S ACTUAL OR ALLEGED STRICT PRODUCTS LIABILITY OR STRICT STATUTORY LIABILITY, WHETHER THE PERMITTEE IS IMMUNE FROM LIABILITY OR NOT.

THE PERMITTEE SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY HARMLESS DURING THE TERM OF THE PERMIT AND FOR TWO YEARS AFTER THE PERMIT EXPIRES. THE PERMITTEE'S INDEMNIFICATION IS LIMITED TO \$500,000.00 PER OCCURRENCE.

THE PERMITTEE AGREES TO AND SHALL RELEASE THE CITY FROM ALL LIABILITY FOR INJURY, DEATH, DAMAGE, OR LOSS TO PERSONS OR PROPERTY SUSTAINED IN CONNECTION WITH OR INCIDENTAL TO PERFORMANCE UNDER THE PERMIT, EVEN IF THE INJURY, DEATH, DAMAGE, OR LOSS IS CAUSED BY THE CITY'S SOLE OR CONCURRENT NEGLIGENCE.'

(c) The application shall be signed by an owner if the applicant is a sole proprietorship, an authorized officer if the applicant is a corporation, or a general partner if the applicant is a partnership, acknowledging that the person signing has read the application, agrees to all of its terms and provisions, affirms the correctness and accuracy of the information given on the application, and affirms that he has the authority to bind the applicant to all of the terms, provisions, and requirements of the application.

**Sec. 26-652. Permit issuance; denial; fees.**

(a) An application that contains all of the information required by section 26-651 of this Code and is duly and properly signed shall be a complete application. A complete application shall be approved and the vehicle immobilization service permit issued upon payment of the fee specified by subsection (c) of this section unless:

- (1) The information provided in the application is materially false or incorrect or the applicant has failed in any material way to comply with this article;
- (2) The applicant or an entity owned or controlled by the applicant or any of the principals of the applicant has had a vehicle immobilization service permit revoked during the preceding one year period;
- (3) The police official determines that proof of insurance provided by the applicant does not meet the requirements of section 26-661 of this Code;
- (4) The parking official determines that there exist one or more unresolved parking citations, as defined in section 26-261 of this Code, for any vehicle owned by the applicant or any of its principals;

A vehicle immobilization service permit shall be valid for one year from its date of issuance and shall not be transferrable. A permit may be renewed by filing an application pursuant to section 26-651 of this Code at least 30 days prior to the expiration of the permit. A renewal permit application shall be reviewed and approved pursuant to section 26-652 of this Code.

**Sec. 26-655.**            **Revocation.**

(a) A vehicle immobilization service permit may be revoked without refund of any portion of the permit application or renewal fee if:

- (1) Any information supplied in the permit application was materially false or incorrect;
- (2) The permit was issued through error;
- (3) The permittee has failed to operate in compliance with the requirements for operating a vehicle immobilization service as set forth in section 26-662 of this Code;
- (4) The permittee has booted vehicles in parking facilities that are in violation of the signage requirements found in section 26-616 of this Code and applicable state law;
- (5) The permittee has failed to comply with any applicable provision of the permit or this article;
- (6) The permittee has failed to renew the permit in accordance with section 26-654 of this Code;
- (7) The permittee has failed to perform under the release and indemnity requirements of section 26-651 of this Code; or
- (8) The permittee or any of its principals are not in compliance with the criminal history provisions of section 1-10 of this Code; or
- (9) The permittee fails to maintain insurance in compliance with section 26-661 of this Code.

(b) ~~Notice~~ The city shall deliver notice of revocation to the ~~vehicle immobilization service permittee by depositing the same in the United States Mail, personal delivery, or first class,~~ by certified mail, return receipt requested, or by United States Postal Service using signature confirmation service addressed to the address of the permittee shown in

(b) The insurance policy must state that it may not be canceled, materially modified, or non-renewed unless the insurance company gives the police official 30 days' advance written notice. Defense costs are outside the limit of liability. Aggregate coverage limits are per 12-month policy period unless otherwise indicated. Proof of insurance required by this section shall be on the authorized form approved for this purpose by the police official. A permit shall be automatically suspended without any requirement for action by the city or notice to the permittee for any period of time that any of the insurance required by this section is not in effect. In addition, the police official may cause the permit to be revoked for cause pursuant to section 26-666655 of this Code for failure to maintain insurance in compliance with this section.

**Sec. 26-662. Vehicle immobilization service operations.**

A vehicle immobilization service shall operate in accordance with the following requirements:

- (1) Vehicles shall be booted only in ~~off-street parking lots~~ facilities and only pursuant to a written agreement with the parking ~~lot~~ facility operating company or general manager;
- (2) Upon affixing a boot device to a vehicle, a vehicle immobilization operator shall place an adhesive notice on the vehicle's front windshield or driver's side window and a non-adhesive notice under the driver's side windshield wiper advising the owner or operator of the information required by Section 2308.257(b) of the Texas Occupations Code. In addition, each notice shall set forth: the street address of the parking facility in which the vehicle was booted; that the vehicle is immobilized and that damage may occur to the vehicle if moved; the date and time the vehicle was booted; the name, address and telephone number of the vehicle immobilization service; information about how to obtain release of the boot device from the vehicle; the amount of the fee for release; the possibility that the vehicle may be towed after 24 hours; the telephone number for the police department's auto dealers detail; and any additional text reasonably required by the police official;
- (3) No person shall charge more than \$100.00, plus applicable sales tax, for the removal or release of a boot device, provided, however, the failure of a vehicle operator to properly display a parking fee receipt on the vehicle dashboard or the failure of a vehicle operator to pay for a rate change at the lot which occurred after the vehicle operator entered the lot and paid the applicable fee at the time of entry resulting in the booting of such vehicle shall entitle the vehicle immobilization service to collect only an administrative fee of \$25.00, plus applicable sales tax, for the removal of

- a. The name, business address, and phone number of the vehicle immobilization operator and the vehicle immobilization service;
- b. The name of the owner, operating company or general manager of the parking ~~lot~~ facility on which the boot device was installed;
- c. The name of the individual(s) authorizing and performing the immobilization;
- d. The date, time and location the boot device was installed;
- e. A description of the booted vehicle, including the make, model, and license plate number;
- f. The amount of the fee for removal of a boot device; and
- g. The name of the person who removed the boot device, the date and time the device was removed, the name of the person to whom the vehicle was released, and the amount of fees paid for removal of the device and parking fees, as well as the amount of applicable sales tax.

A copy of the form must be given to the individual who reclaims the vehicle, and in the event that the boot device is removed by the vehicle owner or operator after payment of applicable fees, a copy of the form must be provided to the individual who returns the boot device to the vehicle immobilization service. The vehicle immobilization service shall maintain the original form at its place of business for a period of three years. Any peace officer shall have the right, upon request, to inspect and copy such records to determine compliance with the requirements of this section;

- (11) Vehicles utilized for booting operations shall have signage consisting of reflective magnetic signs or painted letters on each side of the vehicle stating, in letters at least two inches in height in a solid color that contrasts with the background, the name, logo, or other designation of the vehicle immobilization service owning or operating the vehicle; and
- (12) The vehicle immobilization operator shall comply with all applicable traffic control laws, devices, signs, and markings.

**Sec. 26-663. Duty of vehicle immobilization service.**

All vehicle immobilization service operations are subject to temporary suspension when the police official determines that the continued operation of the service constitutes a hazard to the public safety and welfare, including but not limited to, conducting vehicle immobilization services:

- (1) That are in violation of section 26-616 of this Code pertaining to required signage;
- (2) That are in violation of section 26-662 of this Code pertaining to vehicle immobilization service operations requirements; or
- (3) In a parking ~~lot~~ facility used wholly or partly for paid motor vehicle parking that is accessible by motor vehicles but in which patrons are unable to make payment due to the absence of a parking ~~lot~~ facility attendant, operable pay station, or other method of paying to park in the ~~lot~~ facility.

**~~Sec. 26-666. Revocation.~~**

~~(a) A vehicle immobilization service permit may be revoked without refund of any portion of the permit application or renewal fee if:~~

- ~~(1) Any information supplied in the permit application was materially false or incorrect;~~
- ~~(2) The permit was issued through error;~~
- ~~(3) The permittee has failed to operate in compliance with the requirements for operating a vehicle immobilization service as set forth in section 26-662 of this Code;~~
- ~~(4) The permittee has failed to comply with any applicable provision of the permit or this article;~~
- ~~(5) The permittee has failed to renew the permit in accordance with section 26-654 of this Code;~~
- ~~(6) The permittee has failed to perform under the release and indemnity requirements of section 26-651 of this Code; or~~
- ~~(7) The permittee or any of its principals are not in compliance with the criminal history provisions of section 1-10 of this Code.~~

<b>SUBJECT:</b> An ordinance to modify the Land-Use Restriction Agreement and the Loan Agreement between the City of Houston and Little York Villas, L.P.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> 6033
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development Department		<b>Origination Date:</b> 10/20/09	<b>Agenda Date:</b> <del>NOV 10 2009</del> NOV 18 2009	
<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i>		<b>Council District affected:</b> District "B"		
For additional information contact: Donald Sampley Phone: 713- 868-8458		<b>Date and identification of prior authorizing Council action:</b> 2004-0977-6/2/04		

**RECOMMENDATION: (Summary)**  
The Department recommends approval of an Ordinance authorizing a modification to the Land-Use Restriction Agreement and to the Loan Agreement between the City of Houston and Little York Villas, L.P.

**Amount of Funding: No additional funding** **Finance Budget:**

**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

HOME

**SPECIFIC EXPLANATION:**

**Uses of Funds:**  
The Little York Villas Apartments project is located at 3111 West Little York Street (in the Acres Homes Area), Houston, TX 77091. The 128-unit complex currently has 103 units restricted for low or very-low income families.

The Ordinance will:  
Approve decreasing the restricted units from 103 units to the HOME requirement of 6 HOME-restricted units and provide for a twenty-year affordability period. Three (3) two-bedroom units will be rented to very-low income tenants at or below 50% of Area Median Income, and three (3) three-bedroom units will be rented to very-low income tenants at or below 50% of Area Median Income.

Little York Villas Apartments' reduction in restricted units is based on the total project development costs in comparison with the \$441,600 incurred in City funds. Reduction will bring the project into line with the current City of Houston Housing and Community Development Department's policy. Reduction in downward pressure on cash flow will occur. This loan is a Net Cash Flow loan and makes no payments under current status. The project, which was completed in 2005, is well-maintained and currently has an occupancy percentage of 98%.

The project is consistent with the City of Houston Consolidated Plan. The Department recommends approval.

RSC:DS:jjh

- cc: Finance Department  
City Controller  
City Secretary  
Legal Department  
Mayor's Office

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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*H.C.D. 09-159*

**SUBJECT:** An Ordinance appropriating funds from the TIRZ Affordable Housing Fund to support the development of affordable single-family housing in Trinity Gardens and Fourth Ward for low to moderate income families.

<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>
		<i>61 34</i>

<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date:</b> 10/30/09	<b>Agenda Date:</b> NOV 18 2009 <del>NOV 11 2009</del>
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<b>DIRECTOR'S SIGNATURE:</b> <i>Richard S. Celli</i> Richard S. Celli, Director	<b>Council District affected:</b> "B" "I"
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<b>For additional information contact:</b> Christon Butler 713-837-7693 <b>Phone:</b>	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
The Department recommends approval of an Ordinance appropriating funds from the TIRZ Affordable Housing Fund to support the development of affordable single-family housing in Trinity Gardens and Fourth Ward for low to moderate income families.

**Amount of Funding:** \$620,000 **Finance Budget:**

**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) TIRZ Affordable Housing Fund(2409)

**SPECIFIC EXPLANATION:**  
The Department recommends approval of an Ordinance to appropriate a total of \$620,000 from the TIRZ Affordable Housing Fund (2409) in support of the development of affordable single-family housing in Trinity Gardens and Fourth Ward for low to moderate income families.

For Trinity Gardens, the administration proposes providing a total of \$320,000 in TIRZs Funds to builders and Community Development Corporations to assist in the development of 4 affordable single-family houses. The \$320,000 will be in the form of a secured grant for a construction subsidy of \$80,000 per house.

For Fourth Ward, the administration proposes providing a total of \$300,000 in TIRZ Funds to builders and Community Development Corporations to assist in the development of 6 affordable single-family houses. The \$300,000 will be in the form of a secured grant for a construction subsidy of \$50,000 per house.

The Housing and Community Development (HCDD) Director will require that there be an interim construction lender that finances the entire project cost. At the completion of construction, HCDD will reduce the interim construction loan with the subsidy. The newly constructed houses will be sold to families whose annual incomes do not exceed 110% of AMI, and who will occupy the property as their principal residence.

The HCDD Director will select participating builders and Community Development Corporations through a Request for Proposals (RFP) process.

The development is consistent with the City's Plan to provide affordable housing for low to moderate income families.

RSC:CB:meb

**REQUIRED AUTHORIZATION**

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