

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 2, 2010 - 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 - MARCH 3, 2010 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 26

ACCEPT WORK - NUMBERS 1 and 2

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,922,397.10 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method 3.12% under the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - PENNINGTON and I - RODRIGUEZ**
2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,552,143.17 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method 0.19% over the original contract amount - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS and H - GONZALEZ**

PROPERTY - NUMBER 3

3. RECOMMENDATION from Director General Services Department to appoint Frank D. Flores and Jack W. Bass independent appraisers to determine the fair market value in connection with the sale of 0.958 acres of land located at 3201 Allen Parkway, Houston, Texas, also known as the Star Engraving Building - **DISTRICT D - ADAMS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 and 4A

4. ORDINANCE appropriating \$1,200,000.00 out of Water & Sewer System Consolidated Construction Fund for Purchase of Water Meters and Water Meter Replacement Parts for Public Works & Engineering Department
- a. **AMEND MOTION #2007-923, 9/5/07, TO INCREASE** spending authority from \$8,630,476.00 to \$10,788,095.00 for Water Meters and Water Meter Replacement Parts for Department of Public Works & Engineering, awarded to **BADGER METER, INC** - \$957,619.00 - Enterprise Fund

ORDINANCES - NUMBERS 5 through 26

5. ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivision and development; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause
6. ORDINANCE **AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to developer participation contracts; making findings and containing provisions related to the subject; providing for severability
7. ORDINANCE **AMENDING SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to recording parking in yards restrictions in the Real Property Records of the counties in which properties affected are located; containing other provisions relating to the foregoing subject; providing for severability; providing an effective date
8. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SHERWOOD OAKS SUBDIVISION, SECTIONS 1 & 2** to prohibit the parking of vehicles in the front or side yards of such residences - **STRICT A - STARDIG**
9. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **SPRING BRANCH WOODS SUBDIVISION, SECTION 3** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT A - STARDIG**

ORDINANCES - continued

10. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **MEYERLAND SUBDIVISION, SECTION 10** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**
11. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **MEYERLAND SUBDIVISION, SECTIONS 1 - 6, 6A AND 6B** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT C - CLUTTERBUCK**
12. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **STERLING KNOLL SUBDIVISION** to prohibit the parking of vehicles in the front or side yards of such residences **DISTRICT E - SULLIVAN**
13. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to various single-family residential properties within **BRIAR VILLAGE SUBDIVISION, SECTIONS 1 - 4** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT G - PENNINGTON**
14. ORDINANCE supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue Refunding Bonds, Series 2010B to refund all or portions of the City's Combined Utility System First Lien Revenue Refunding Bonds, Series 2004B and Series 2008A; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the execution and delivery of a Remarketing Agreement; making other provisions regarding such bonds; and declaring an emergency
15. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement between the City of Houston and **TENNESSEE GAS PIPELINE COMPANY** for certain premises at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON**
16. ORDINANCE approving and authorizing Lease Agreement, for five (5) years, with three (3) renewals of five (5) years each, between **INTERCONTINENTAL HOTELS GROUP RESOURCES, INC, or its affiliate, Landlord**, and the City of Houston, Texas, Tenant, with a monthly fee of \$2,000.00 for Fiscal Year 2010, other costs and site improvement fees for a total cost for the initial five (5) year base term of \$120,000.00, to allow the Radio Communications Division of the Information Technology Department to lease ground space and roof top space for communications equipment in connection with a new Public Safety Radio System located at 14703 Park Row, Houston, Texas - Revenue - **DISTRICT A - STARDIG**
17. ORDINANCE de-appropriating \$2,000,000 out of Affordable Housing Uptown Series 2004 Fund (2417); de-appropriating \$650,000 out of TIRZ Affordable Housing Fund (2409); and appropriating \$2,000,000 out of Affordable Housing Uptown Series 2004 Fund (2417) and appropriating \$950,000 out of TIRZ Affordable Housing Fund (2409) for a total appropriation of \$2,950,000 to the City's Housing and Community Development Department to continue implementation of the City's Workforce Housing Downpayment Assistance Program - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

ORDINANCES - continued

18. ORDINANCE appropriating \$500,000.00 from the Woodlands Regional Participation Fund and approving and authorizing an Interlocal Agreement with **MONTGOMERY COUNTY, TEXAS** for Park Road and Trail Improvements in Lake Houston Park for the Parks and Recreation Department
19. ORDINANCE approving and authorizing the submission of an application for grant assistance to **the U.S. DEPARTMENT OF JUSTICE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT FUND**, administered by the Governor's Criminal Justice Division, to continue the After-School Achievement Program for the second year; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
20. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **U.S. DEPARTMENT OF EDUCATION SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ACT FUND**, administered by the Governor's Criminal Justice Division, to support the After-School Achievement Program at three additional Houston Inner City Schools during the 2010-2011 School Year; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
21. ORDINANCE approving and authorizing first amendment to agreement for the development of a Texas Statewide Transportation Enhancement Project between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of West White Oak Bayou Trail Extension (Approved by Ordinance No. 97-1042) - **DISTRICTS A - STARDIG and B - JOHNSON**
22. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **HOUSTON CLEAN CITY COMMISSION, d.b.a. KEEP HOUSTON BEAUTIFUL** for Environmental Stormwater Education Program Services - \$100,000.00 - Stormwater Maintenance Fund
23. ORDINANCE granting to **I.G.S. ENVIRONMENTAL, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
24. ORDINANCE No. 2010-169, passed first reading February 24, 2010
ORDINANCE granting to **DOUBLE T SERVICES, LLC, A Texas Limited Liability Company**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**
25. ORDINANCE No. 2010-120, passed second reading February 17, 2010
ORDINANCE granting to **ACTION RESTORATION, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING**

ORDINANCES - continued

26. ORDINANCE No. 2010-121, passed second reading February 17, 2010
ORDINANCE granting to **PNEUVAC TRANSFER, INC, d/b/a UVAC, INC., A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions
THIRD AND FINAL READING

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 27 and 28

27. ORDINANCE approving and authorizing agreement between the City of Houston and **MIDWAY FOUNTAINVIEW INVESTORS, LLC** to provide a \$1,730,000.00 Performance-Based Loan of Federal "CDBG - DR" Funds for costs to acquire and rehabilitate Vista Bonita Apartments, a 118 unit (following rehabilitation) multi-family project located on the east side of I-45, approximately 1.5 miles south of Monroe Rd., Houston, Texas, of which 74 units, being approximately 51% of the current 144 units, will be restricted for a period of five years to tenants with 80% or less of the AMI at rents to be consistent with TDHCA Affordable Rents - **DISTRICT E - SULLIVAN** - TAGGED BY COUNCIL MEMBER JONES
This was Item 26 on Agenda of February 24, 2010
28. ORDINANCE awarding contract to **HOV SERVICES, INC** for Mail Processing Services for the Municipal Courts Administration, General Services and Public Works & Engineering Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,510,000.00 General, Parking Management and Building Inspection Funds
TAGGED BY COUNCIL MEMBER STARDIG
This was Item 29 on Agenda of February 24, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Rodriguez 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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method WBS# R-000294-0013-4	Page 1 of 1	Agenda Item # 1
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2-25-10	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: A, C, D, E, G and I
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For additional information contact: Dannelle H. Belhateche, P.E. Sr. Assistant Director Phone: (281) 575-2847	Date and identification of prior authorizing Council action: Ordinance No. 2007-653, dated 06/06/2007
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RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$2,922,397.10, which is 3.12% under the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. *M.P. 2/11/10*
Original appropriation of \$3,257,610.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: Under this project the contractor provided sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City.

DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by cured-in-place pipe method. The project was awarded to Insituform Technologies, Inc. with an original contract amount of \$3,016,535.28. The Notice to Proceed date was 07/24/2007 and the project had 540 calendar days for completion.

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

CONTRACT COMPLETION AND COST: The contractor, Insituform Technologies, Inc., has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$2,922,397.10, a decrease of \$94,138.18 or 3.12% under the original contract amount. Fewer point repairs were needed than anticipated.

MWDBE PARTICIPATION: The MWDBE goal for this project was 20%. According to Affirmative Action and Contract Compliance Division, the actual participation was 15.44%. The contractor was awarded an "Unsatisfactory" rating from Affirmative Action. This item was reviewed by the MWBE committee on February 22, 2010 and moved to full Council with a recommendation.

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

c: Velma Laws Craig Foster

Project File 4258-29

REQUIRED AUTHORIZATION

CUIC ID# 20DHB323

Finance Department	Other Authorization: <i>Dannelle H. Belhateche</i>	Other Authorization: <i>Jun Chang</i> Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division
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4258-29		Sanitary Sewer Rehabilitation By		
		Cured-In-Place Pipe Method		
WBS No. R-000294-0013-4		Insituform Technologies, Inc.		
WORK ORDER	KEY MAP	SUBDIVISION	BASIN	CD
3	411N	WOOD LAND TRAILS NORTH SEC. 7	W0135	A
10	452W	WYNWOOD PARK	IA001	A
1	570D	MAIN STREET GARDENS	SW049	C
5	530Z	FONDREN SW NORTH BROOK SEC. 1	SW046	C
9	570C	FONDREN CENTER	SW050	C
2	533Q	SOUTH END SUNNYSIDE U/R	SB182	D
4	618N	PIPERS MEADOW SEC. 1	MC001	E
7	491L	BAYOU GLEN	SW240	G
8	489P	LAKESIDE VENTURE U/R	TK210	G
11	489Q	LAKESIDE FOREST SEC. 3	WD027	G
12	488Y	PARK HOLLOW PLACE SEC. 5	AR004	G
6	534L	GOLF CREST	SBP15	I



**Insituform
Technologies, Inc.**

*Worldwide Pipeline
Rehabilitation*

8121 Broadway Suite 200
Houston, Texas 77061

Tel: (713) 641-5111
Fax: (713) 641-3040
www.insituform.com

August 17, 2009

City of Houston
Affirmative Action & Contract Compliance
611 Walker, 7th Floor
Houston, Texas 77002

Attn: Mr Donald Black

Re: Sanitary Sewer Rehabilitation by CIPP Method
File No. 4258-29, Contract No. 4600007706

Dear Mr Black,

In response to your letter email dated August 12, 2009, Insituform Technologies, Inc. did use J.A. Gamez Trucking on the above referenced project. The total amount paid to Gamez Trucking was \$10,100.00.

CBL Industries was not used on this project due to the small amount of paving that was issued by the City of Houston, the paving work was done by our own work force.

All totals currently listed are correct and up to date for this project.

We are committed to exceeding the expectations for all of our customers and look forward to working with you in the future. Should you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

Robin Smith
Contract Administrator
Ph. 713-845-3002

cc: Velma Laws

Insituform Technologies, Inc. Contract History Report

As of February 17, 2010

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Work Order Dated	R./Actual Complete Date	Date Cleared	MWDBE Rating
1	WW #4260-08 - Proposed SSR in Northwest Clay Road, W. Little York. R-1034-04-3	\$2,065,651.30	17%	21.79%	07/23/99	12/10/99	01/28/00	Outstanding
2	WW #4732-01 - Proposed SSR in SW Service Area: Braeswood, S. Main, etc.	\$5,818,906.65	17%	14.14%	08/16/99	06/02/00	08/02/00	Unsatisfactory
3	WW #4763-01 - Elgin Street & Rosalie Street SSR. R-002011-0021-4	\$775,795.63	0%	0.00%	07/12/01	02/18/02	04/15/02	No goal
4	WW #4831 - Rehab. of Sims Bayou trunk. R-002011-0028-4	\$4,302,116.04	19%	21.13%	09/28/02	06/30/03	09/24/03	Outstanding
5	WW #4770-01 - Large Diameter SR Sims Bayou Relief Line, package 1. R-0294-03-3	\$3,023,316.41	17%	30.15%	08/30/04	01/17/05	05/05/05	Outstanding
6	WW #4258-07 - S.S.R. by cured-in-place method. R-0266-12-3	\$2,366,401.91	19%	19.67%	04/02/01	11/30/03	01/10/06	Satisfactory
7	WW #4258-13 - S.S.R. by Cured-In-Place Pipe Method. R-2013-11-3	\$5,750,288.38	16.2%	30.92%	06/07/04	08/31/05	05/25/07	Outstanding
8	WW #4257-49 - S.S.R. by sliplining and pipe bursting methods. R-0266-A8-3	\$3,773,068.05	16.2%	26.57%	08/02/04	07/31/06	08/07/07	Outstanding
9	WW #4258-14 - S.S.R. by Cured-In-Place Pipe Method. R-0266-A6-3	\$4,649,591.14	16%	20.34%	07/06/04	02/28/06	09/05/07	Outstanding
10	WW #4258-18 - S.S.R. by Cured-In-Place Pipe Method. R-2013-13-3	\$6,240,083.19	16%	13.51%	08/22/05	01/30/07	09/05/07	Satisfactory
11	WW #4257-50 - S.S.R. by sliplining and pipe bursting methods. A-0266-A9-3	\$3,773,068.06	16.2%	17.96%	07/06/04	12/06/06	09/13/07	Outstanding
12	WW #4257-51 - S.S.R. by sliplining and pipe bursting methods. A-0266-D1-3	\$3,773,068.06	16%	17.60%	07/06/04	11/01/06	09/13/07	Outstanding
13	WW #4257-48 - S.S.R. by sliplining and pipe bursting methods. R-0266-A7-3	\$3,773,068.05	16.2%	27.35%	06/01/04	01/31/07	10/04/07	Outstanding
14	WW #4258-17 - S.S.R. by Cured-In-Place Pipe Method. R-2013-12-3	\$6,035,027.55	16.2%	13.11%	08/22/05	07/31/07	10/10/07	Satisfactory
15	WW #4258-20 - SSR by Cured-in-Place Pipe Method. R-2013-14-3	\$5,413,544.90	16.2%	9.86%	06/29/05	06/30/07	10/11/07	Satisfactory
16	WW #4257-64 - S.S.R. by sliplining and pipe bursting methods. R-0295-04-3	\$4,116,227.17	16.2%	19.89%	05/09/05	05/07/07	10/16/07	Outstanding
17	WW #4257-43 - SSR by sliplining and pipe bursting methods. R-000294-0002-4	\$2,998,018.34	16.2%	23.31%	06/01/04	04/15/06	12/03/07	Outstanding
18	WW #4258-22 - SSR. by Cured-in-Place pipe method. R-002013-0015-4	\$5,808,579.72	17%	10.41%	06/27/06	01/23/08	08/14/08	Satisfactory
19	WW #4258-24 - SSR by Cured-in-Place pipe method. R-000266-00F5-4	\$5,194,097.76	17%	18.09%	07/17/06	04/28/08	03/23/09	Outstanding
20	WW #4258-26 - SSR by Cured-In-Place Pipe method. R-000295-0012-4	\$3,615,205.33	17%	21.35%	02/01/07	05/28/08	07/29/09	Outstanding
21	WW #4258-23 - SSR by Cured-in-Place pipe method. R-002013-0016-4	\$5,818,708.75	17%	14.76%	07/10/06	03/31/08	07/30/09	Unsatisfactory
22	WW #4258-29 - SSR by Cured-In-Place Pipe Method. R-000294-0013-4	\$2,922,397.10	20%	15.44%	07/24/07	01/13/09	08/31/09	Unsatisfactory
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) WBS# R-002013-0016-4	Page 1 of 1	Agenda Item # 2
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 2/24/10	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: A, C, D and H
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For additional information contact: <i>Dannelle H. Belhatche</i> Dannelle H. Belhatche, P.E. Sr. Assistant Director Phone: (281) 575-2847	Date and identification of prior authorizing Council action: Ordinance No. 2006-181, dated 02/22/2006
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RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$5,552,143.17, which is 0.19% over the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. *M.P. 1/26/10*
Original appropriation of \$5,984,541.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 755 (SAP Fund No. 8500).

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: Under this project the contractor provided sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City.

DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by cured-in-place pipe method. The project was awarded to Insituform Technologies, Inc. with an original contract amount of \$5,541,627.38. The Notice to Proceed date was 07/10/2006 and the project had 730 calendar days for completion.

LOCATION: The project was located at various locations within Council Districts A, C, D and H.

CONTRACT COMPLETION AND COST: The contractor, Insituform Technologies, Inc., has completed the work under the contract. The contract was completed within the required time. The final cost of the project is \$5,552,143.17, an increase of \$10,515.79 or 0.19% over the original contract amount. More cured-in-place pipe was needed than anticipated.

MWDBE PARTICIPATION: The MWDBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 14.76%. The contractor was awarded an "Unsatisfactory" rating from Affirmative Action. This item was reviewed by the MWBE committee on February 22, 2010 and moved to full Council with a recommendation.

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

c: Velma Laws Craig Foster

Project File 4258-23 **REQUIRED AUTHORIZATION** CUIC ID# 20DHB319

Finance Department	Other Authorization:	Other Authorization: <i>Jun Chang</i> Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division
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Insituform Technologies, Inc. Contract History Report

As of February 17, 2010

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Work Order Dated	R./Actual Complete Date	Date Cleared	MWDBE Rating
1	WW #4260-08 - Proposed SSR in Nothwest: Clay Road, W. Little York. R-1034-04-3	\$2,065,651.30	17%	21.79%	07/23/99	12/10/99	01/28/00	Outstanding
2	WW #4732-01 - Proposed SSR in SW Service Area: Braeswood, S. Main, etc.	\$5,818,906.65	17%	14.14%	08/16/99	06/02/00	08/02/00	Unsatisfactory
3	WW #4763-01 - Elgin Street & Rosalie Street SSR. R-002011-0021-4	\$775,795.63	0%	0.00%	07/12/01	02/18/02	04/15/02	No goal
4	WW #4831 - Rehab. of Sims Bayou trunk. R-002011-0028-4	\$4,302,116.04	19%	21.13%	09/28/02	06/30/03	09/24/03	Outstanding
5	WW #4258-07 - S.S.R. by cured-in-place method. R-0266-12-3	\$3,023,316.41	17%	30.15%	08/30/04	01/17/05	05/05/05	Outstanding
6	WW #4258-13 - S.S.R. by Cured-In-Place Pipe Method. R-2013-11-3	\$2,366,401.91	19%	19.67%	04/02/01	11/30/03	01/10/06	Outstanding
7	WW #4257-49 - S.S.R. by sliplining and pipe bursting methods. R-0266-A8-3	\$5,750,288.38	16.2%	30.92%	06/07/04	08/31/05	05/25/07	Satisfactory
8	WW #4258-14 - S.S.R. by Cured-In-Place Pipe Method. R-0266-A6-3	\$3,773,068.05	16.2%	26.57%	08/02/04	07/31/06	08/07/07	Outstanding
9	WW #4258-18 - S.S.R. by Cured-In-Place Pipe Method. R-2013-13-3	\$4,649,591.14	16%	20.34%	07/06/04	02/28/06	09/05/07	Outstanding
10	WW #4257-50 - S.S.R. by sliplining and pipe bursting methods. A-0266-A9-3	\$6,240,083.19	16%	13.51%	08/22/05	01/30/07	09/05/07	Satisfactory
11	WW #4257-51 - S.S.R. by sliplining and pipe bursting methods. A-0266-D1-3	\$3,773,068.06	16.2%	17.96%	07/06/04	12/06/06	09/13/07	Outstanding
12	WW #4257-48 - S.S.R. by sliplining and pipe bursting methods. A-0266-D1-3	\$3,773,068.06	16%	17.60%	07/06/04	11/01/06	09/13/07	Outstanding
13	WW #4258-17 - S.S.R. by Cured-In-Place Pipe Method. R-2013-12-3	\$3,773,068.05	16.2%	27.35%	06/01/04	01/31/07	10/04/07	Outstanding
14	WW #4258-20 - SSR by Cured-in-Place Pipe Method. R-2013-14-3	\$6,035,027.55	16.2%	13.11%	08/22/05	07/31/07	10/10/07	Outstanding
15	WW #4257-64 - S.S.R. by sliplining and pipe bursting methods. R-0295-04-3	\$5,413,544.90	16.2%	9.86%	06/23/05	06/30/07	10/11/07	Satisfactory
16	WW #4257-43 - SSR by sliplining and pipe bursting methods. R-000294-0002-4	\$4,116,227.17	16.2%	19.89%	05/09/05	05/07/07	10/16/07	Satisfactory
17	WW #4258-22 - SSR by Cured-in-Place pipe method. R-002013-0015-4	\$2,998,018.34	16.2%	23.31%	06/01/04	04/15/06	12/03/07	Outstanding
18	WW #4258-24 - SSR by Cured-in-Place pipe method. R-000266-00F5-4	\$5,808,579.72	17%	10.41%	06/27/06	01/23/08	08/14/08	Satisfactory
19	WW #4258-26 - SSR by Cured-In-Place Pipe method. R-000295-0012-4	\$5,194,097.76	17%	18.09%	07/17/06	04/28/08	03/23/09	Outstanding
20	WW #4258-23 - SSR by Cured-in-Place pipe method. R-002013-0016-4	\$3,615,205.33	17%	21.35%	02/01/07	05/28/08	07/29/09	Outstanding
21	WW #4258-29 - SSR by Cured-In-Place Pipe Method. R-000294-0013-4	\$5,818,708.75	17%	14.76%	07/10/06	03/31/08	07/30/09	Unsatisfactory
22		\$2,922,397.10	20%	15.44%	07/24/07	01/13/09	08/31/09	Unsatisfactory
23								
24								
25								
26								

Black, Donald - AAD

From: Iken, Jason - PWE
Sent: Wednesday, May 27, 2009 7:43 AM
To: Black, Donald - AAD
Cc: Moody, Lawrence - PWE; Foster, Mary - PWE; Ratnayake, Dan - PWE
Subject: RE: re: Insituform 4258-23 Closeout

Donald,

We have confirmed that the 4258-23 contract consisted of six work orders associated with large diameter sanitary sewers. Larger diameter sewers have a higher material cost thereby producing less linear footage. These larger diameters also tend to be in areas that do not involve participation work (i.e. pavement restoration) as well as having access points much farther apart further reducing participation style involvement.

Work orders are issued based on the established schedule of rehabilitation or nonscheduled work that has a potential to negatively impact the health or safety of the public.

While the letter provided by the contractor does not clearly state the basis for their shortfall in participation it is true that the issued work orders tended to consist of mostly primary work with limited subcontractor type work.

Jason A. Iken, P.E.
Managing Engineer
City of Houston
Public Works & Engr
O:713-641-9191
M:832-623-0790
F:713-641-3005

From: Black, Donald - AAD
Sent: Thursday, May 21, 2009 9:17 AM
To: Iken, Jason - PWE; Foster, Mary - PWE
Cc: Moody, Lawrence - PWE; Black, Donald - AAD
Subject: FW: re: Insituform 4258-23 Closeout

Please see attachment

Donald W. Black
Contract Compliance Officer
Mayor's Office of Affirmative Action and Contract Compliance
713-837-9027 (o) 713-837-9057 (f)

From: Black, Donald - AAD
Sent: Monday, May 18, 2009 8:57 AM
To: Iken, Jason - PWE
Subject: RE: re: Insituform 4258-23 Closeout

See attachment

Jason
Sorry, I was not in the office on Friday, call me if you have any questions
Donald W. Black

5/27/2009

27



**Insituform
Technologies, Inc.**

*Worldwide Pipeline
Rehabilitation*

8121 Broadway Suite 200
Houston, Texas 77061

Tel: (713) 641-5111
Fax: (713) 641-3040
www.insituform.com

October 29, 2008

City of Houston
Affirmative Action & Contract Compliance
611 Walker, 7th Floor
Houston, Texas 77002

Attn: Mr Donald Black

Re: Sanitary Sewer Rehabilitation by CIPP Method
File No. 4258-23, R-2013-16-3

Dear Mr Black,

This letter is to briefly explain our position in not meeting the M/W/DBE Goal for the above referenced project. Should you have any questions or need additional information, please do not hesitate to contact me.

As you are aware, City of Houston term contracts are undefined in project scope and based on their monetary value. Actual projects are processed through individual Work Orders after the award of the contract. Based on previous term contracts with the City of Houston, and the line items shown in the specification for 4258-23, Insituform Technologies anticipated more of the work would be performed with streets repair requirements included in the scope. When this happens, we are able to subcontract to an M/W/DBE firms for this repair. Unfortunately, this did not happen within the Work Orders issued for 4258-23. Please note that the City only released six (6) Work Orders for this term contract.

As a result of this, we did not utilize CBL Industries (paving) and Briones Construction & Consulting (material) as anticipated. Insituform Technologies, Inc. is very focused on utilizing all the minority firms that we issue Letters of Intent to. Unfortunately, with projects released by Work Orders it is hard to project how much work will actually be performed by subcontractors. We regret not meeting our goal on this individual project, but we stand behind our consistent record of utilizing M/W/DBE business for the majority of our subcontracted work. Insituform will continue to look for all opportunities to use minority, women, and disadvantaged business enterprises while performing work for the City of Houston.

Thank you for your understanding on this particular project.

Sincerely,

Robin Smith
Contract Administrator

RECEIVED

NOV 03 2008

COMMUNICATIONS

SECTION

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appointment of two Independent Appraisers in connection with the sale of 0.958 acres of land located at 3201 Allen Parkway, Houston, Texas, also known as the Star Engraving Building	Page 1 of 1	Agenda Item 
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FROM (Department or other point of origin): General Services Department	Origination Date 2/24/10	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE:  Issa Z. Dadoush, P.E.	Council District affected: D
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For additional information contact: Jacquelyn L. Nisby Phone: (832) 393-8023 <i>Call per SW</i>	Date and identification of prior authorizing Council action: Ordinance No. 2008-0664; 07/23/08
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RECOMMENDATION: Approve a motion to appoint two Independent Appraisers to determine the fair market value in connection with the sale of 0.958 acres of land located at 3201 Allen Parkway, Houston, Texas, also known as the Star Engraving Building

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

The General Services Department recommends that City Council approve the appointment of two independent appraisers as listed below to determine the fair market value in connection with the sale of 0.958 acres of land located at 3201 Allen Parkway:

- Frank D. Flores Frank D. Flores & Associates
- Jack W. Bass Integra Realty Resources

IZD:BC:JLN:RB:npb

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

REQUIRED AUTHORIZATION

CUIC ID# 25 RB 82

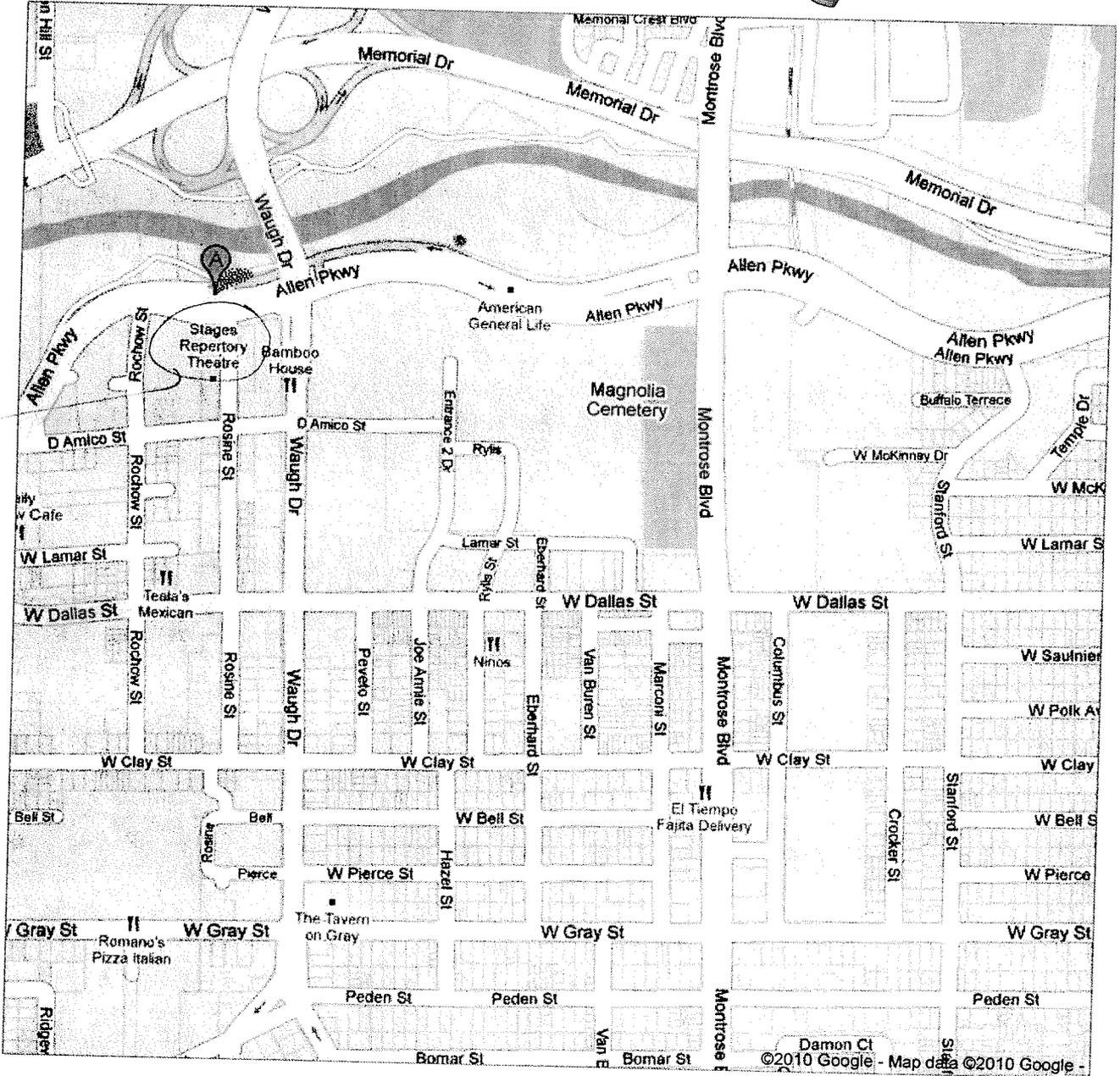
General Services Department:

Forest R. Christy, Jr. Director
Real Estate Division

Get Google Maps on your phone
Text the word "GMAPS" to 466453



Site



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8533

Subject: Approve an Appropriating Ordinance and Amend Council Motion 2007-0923, Passed September 5, 2007, for Water Meters & Water Meter Replacement Parts for the Public Works & Engineering Department S13-S22191-A1

Category #
4

Page 1 of 2

Agenda Item

4+4A

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

Origination Date
January 22, 2010

Agenda Date
MAR 03 2010

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
David Guernsey Phone: (832) 395-3640
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:
CM 2007-0923, passed September 5, 2007

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$1,200,000.00 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500) and amend Council Motion 2007-0923, passed September 5, 2007, to increase the spending authority from \$8,630,476.00 to \$10,788,095.00 for water meters and water meter replacement parts for the Public Works & Engineering Department.

Spending Authority Increased by: \$2,157,619.00

Finance Budget

\$1,200,000.00 PWE - Water & Sewer System Consolidated Construction Fund (8500)
WBS S-000958-0004-5-01
\$ 957,619.00 PWE - Combined Utility System Gen Purchase Fund (8305) Out Years
\$2,157,619.00 -Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$1,200,000.00 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500) and amend Council Motion 2007-0923, passed September 5, 2007, to increase the spending authority for water meters and water meter replacement parts awarded to Badger Meter, Inc. from \$8,630,476.00 to \$10,788,095.00. Additional spending authority is needed in order to pursue a more aggressive meter replacement strategy, which was a recommendation by McKinsey and Company in the Combined Utility System efficiency study conducted in 2009.

Most of the additional funding will be used to replace 709 old and obsolete industrial meters (3-inch or larger), for which there are no replacement parts and that do not meet accuracy standards. This project was not anticipated at the time of award and these changes have a projected 4.5 month return on investment with an increase in revenues of approximately 30.3%. Additional spending authority will also cover increased replacement of 2" and smaller residential meters and new service installations.

This award began September 11, 2007 for a 60-month term in an amount not to exceed \$8,630,476.00. Expenditures as of January 20, 2010 totaled \$7,160,165.30. All other terms and conditions shall remain as originally approved by City Council.

This award consists of two price lists for various Badger meters and parts used by the Department to repair and replace water meters throughout the City for both industrial and residential water usage.

Buyer: Jeff D. Meekins

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

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Not

Date:
1/22/2010

Subject: Approve an Appropriating Ordinance and Amend Council Motion 2007-0923, Passed September 5, 2007, for Water Meters & Water Meter Replacement Parts for the Public Works & Engineering Department S13-S22191-A1

Originator's
Initials
JM

Page 2 of 2

Estimated Spending Authority

Department	FY 10	Out Years	Total
Public Works & Engineering	\$1,200,000.00	\$957,619.00	\$2,157,619.00

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

SUBJECT: Amends Chapter 42, Code of Ordinances to provide additional public notification requirements for replats and variances/special exceptions.	Category #	Page 1 of 1	Agenda Item # 5
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development	Origination Date 02-16-10	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: MSB <i>Marlene L. Gafrick</i>	Council District affected: All
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For additional information contact: Michael Schaffer Phone: 713-837-7780	Date and identification of prior authorizing Council action: 3/24/99, Ord. No. 99-262
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RECOMMENDATION: (Summary)
Amend Sections 42-47, 42-48, 42-49 and 42-83. Amend definition in Section 42-1 to add the definition of a Private Roadway.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION:

Chapter 42 requires written notification and sign posting for replats that require notification to certain residents under State law and requested variances\special exceptions located inside the City. The notification area is generally measured from all corners of the property (200' for certain replats and 250' for projects with variances\special exceptions). The Planning and Development Department also sends notice to Council District Offices, super neighborhoods and civic associations registered with the Department. The proposed amendment expands notification area to:

- 250 feet for replats that require notice under State law; and
- 500 feet along a blockface that abuts any street or private roadway measured from the plat boundary for replats that require notice under State law and variances and special exceptions.

In addition, the applicant is required to update the signs when the plat is deferred.

This final amendment is the result of a Planning Commission Working Committee made up of stakeholders from both neighborhoods and the development community. Public hearings were held by the Planning Commission on June 11, 2009, Council Committee on Regulation and Development on June 22, 2009 and City Council on July 8, 2009.

cc: Marty Stein
Deborah McAbee, City Legal
Omar Izfar, City Legal

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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5

MAR 03 2010

Add the definition of "Private Roadway" to read as follows:

Private roadway shall mean a privately owned and maintained vehicular accessway that provides access to a tract of land.

Sec. 42-47. Applications requesting variance.

(a) The application for a general plan, subdivision plat or development plat requesting a variance from any requirement of this chapter shall:

- (1) Identify the specific requirement for which the variance is sought;
- (2) State the extent of the variance sought;
- (3) Provide a detailed explanation of the hardship that justifies the granting of the variance; and
- (4) Provide a statement of facts addressing each of the conditions for commission approval provided in section 42-81 of this Code.

(b) An application may be amended to request one or more variances that were not requested in the initial application.

(c) The application for a general plan, subdivision plat or development plat requiring notification pursuant to part a. of section 42-83(a)(1) of this Code shall provide the following:

- (1) A list identifying all owners of lots that are within 250 feet of the boundary of the plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of the city.
- (2) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney.

Sec. 42-48. Applications requesting special exception.

(a) The application for a general plan subdivision plat or a development plat requesting a special exception from any requirement of article III of this

CHAPTER 42 NOTIFICATION CHANGES
02/10/2010

chapter shall:

- (1) Identify the specific requirement for which the special exception is sought;
 - (2) State the extent of the special exception sought;
 - (3) Provide a detailed explanation of the circumstances and facts that justify the granting of the special exception; and
 - (4) Provide a statement addressing each of the conditions for commission approval provided in section 42-82 of this Code.
- (b) An application may be amended to request one or more special exceptions that were not requested in the initial application.

(c) The application for a general plan, subdivision plat or development plat requiring notification pursuant to part a. of section 42-83(a)(1) of this Code shall provide the following:

- (1) A list identifying all owners of lots that are within 250 feet of the boundary of the plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of the city.
- (2) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney.

Sec. 42-49. Replats requiring notification of adjacent property owners.

(a) A subdivision plat that is a replat subject to the provisions of section 212.015 of chapter 212 shall provide the following:

- (1) A written statement indicating the applicant's intention to seek commission approval under the requirements of section 212.015 of chapter 212.
- (2) A list identifying all owners of lots ~~within the subdivision that is being replatted and~~ that are within ~~200~~ 250 feet of the lots to be

CHAPTER 42 NOTIFICATION CHANGES
02/10/2010

replatted, as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of either the city or, in the case of a replat in the city's extraterritorial jurisdiction, the county in which the property proposed to be replatted is located.

- (3) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney.

(b) The applicant shall cause notice of the required public hearing to be published before the 15th day before the date of the public hearing in a newspaper of general circulation in Harris, Fort Bend and Montgomery Counties upon authorization by the director, which shall be given after the commission establishes the date for the public hearing. Prior to commission consideration of the subdivision plat, the applicant shall provide an affidavit of publication to the department.

(c) The applicant shall post at least one sign on the property that is the subject of the replat before the 15th day before the date of the public hearing. A sign shall face each public right-of-way bordering the site and the lettering on the sign shall be legible from the public right-of-way. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the site before the close of the public hearing.

Sec. 42-83. Notification of applications for variance or special exception.

(a) The director shall give the notice required by subsections 42-81(g) and 42-82(f) of this Code by:

- (1) Either:
 - a. Mailing a letter to the owners of all lots or tracts that are within 250 feet of the boundary of the general plan, subdivision plat or development plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat as shown on the most recently approved ad valorem tax rolls of the city not less than the seventh day before the first meeting at which

CHAPTER 42 NOTIFICATION CHANGES
02/10/2010

the commission will first consider the application; or

- b. By causing the information to be readily available to the public in an electronic format;* and
- (2) By letter mailed or by electronic mail message to each neighborhood association registered with defined boundaries with the department in whose area the general plan or plat is located as soon as reasonably possible before the first meeting at which the commission will consider the application.

(b) The applicant shall give the notice required by subsections 42-81(g) and 42-82(f) of this Code by posting at least one sign on the property that is the subject of the general plan or plat before the tenth day before the date of the meeting at which the commission will first consider the application. A sign shall face each ~~public right-of-way~~ street or private roadway bordering the site, provided, however, that if more than four signs would be required to be posted, the applicant may request the director to approve an alternative number and location of signs. The director shall approve an alternative to the number and location of signs required by this subsection in excess of four upon determining that the alternative will provide maximum visibility and obtain the objectives of this section without unduly burdening the applicant. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the ~~public right-of-way~~ street or private roadway. The lettering on the sign shall be legible from the ~~public right-of-way~~ street or private roadway. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the commission acts on the application. The sign shall provide the following information:

- (1) The application number of the plat and the fact that a variance or special exception is being requested;
- (2) The date, time, and place of the meeting at which the commission will ~~first~~ next consider the application, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant's plat is deferred by the commission, or if the public hearing is postponed for any reason;
- (3) The proposed land uses of the property, if known.
- ~~(3)~~(4) A telephone number of the applicant to call for additional information; and
- ~~(4)~~(5) A department telephone number to call for additional information.

City of Houston, Texas, Ordinance No. 2010-_____

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SUBDIVISION AND DEVELOPMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

WHEREAS, in the exercise of its lawful authority, the City of Houston may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

WHEREAS, the City may, under the provisions of Chapter 212 of the Texas Local Government Code ("Chapter 212"), establish by ordinance general rules and regulations governing subdivision plats and development of land within its corporate limits and area of extraterritorial jurisdiction in order to promote the health, safety, morals or general welfare of the City, and to promote the safe, orderly and healthful development of the City; and

WHEREAS, the City has adopted Chapter 42 of the Code of Ordinances, Houston, Texas, ("Chapter 42") pursuant to this authority; and

WHEREAS, Chapter 212 also requires the city to give notice of a public hearing for certain replats; and

WHEREAS, the City Council finds that it is appropriate and desirable to adopt certain amendments to Chapter 42 that enhance the current notification requirements in order to provide for greater public participation in public hearings over certain replats, variances, and special exceptions, and in order to promote the public health, safety, morals and general welfare of the City; and

WHEREAS, on June 11, 2009, the Planning Commission of the City of Houston held a public hearing on the proposed amendments to Chapter 42; and

WHEREAS, on July 8, 2009, the City Council held a public hearing on the proposed amendments to Chapter 42; and

WHEREAS, the City Council finds that all procedural requirements necessary for the adoption of amendments to Chapter 42 have been complied with and satisfied; **NOW, THEREFORE;**

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

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

Section 2. That Section 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a definition of "private roadway" in the appropriate alphabetical location, which shall read as follows:

"Private roadway shall mean a privately owned and maintained vehicular accessway that provides access to a tract of land."

Section 3. That Section 42-47(c)(1) and Section 42-48(c)(1) of the Code of Ordinances, Houston, Texas, are each hereby amended to read as follows:

- “(1) A list identifying all owners of lots that are within 250 feet of the boundary of the plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of the city.”

Section 4. That Section 42-49(a)(2) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “(2) A list identifying all owners of lots that are within 250 feet of the lots to be replatted, as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of either the city or, in the case of a replat in the city's extraterritorial jurisdiction, the county in which the property proposed to be replatted is located.”

Section 5. That Section 42-83(a)(1)a of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “a. Mailing a letter to the owners of all lots or tracts that are within 250 feet of the boundary of the general plan, subdivision plat or development plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat as shown on the most recently approved ad valorem tax rolls of the city not less than the seventh day before the first meeting at which the commission will first consider the application; or”

Section 6. That Section 42-83(b) of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the words “public right-of-way” with the words “street or private roadway” throughout the subsection, including the second, fourth, and fifth sentences.

Section 7. That Section 42-83(b)(2) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “(2) The date, time, and place of the meeting at which the commission will next consider the application, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant’s plat is deferred by the commission, or if the public hearing is postponed for any reason;”

Section 8. That Section 42-83(b) of the Code of Ordinances, Houston, Texas, is hereby amended by renumbering items (3) and (4) to items (4) and (5), respectively, and by adding a new item (3) to read as follows:

- “(3) The proposed land uses of the property, if known.”

Section 9. That each of the following shall be processed and considered by the Director of the Planning and Development Department or the Planning Commission, as appropriate, pursuant to the provisions of Chapter 42, Code of Ordinances, Houston, Texas, in effect prior to the effective date of this Ordinance, and the former provisions of Chapter 42 are saved for that limited purpose:

1. Any complete application for a subdivision plat or development plat that is filed with the Department of Planning and Development and pending approval by the Planning Commission prior to the effective date of this Ordinance;
2. Any final plat and subsequent recorded plat that are based on a preliminary plat approved by the Planning Commission prior to the effective date of this Ordinance; or

3. Any plat to be recorded based on a final plat approved by the Planning Commission prior to the effective date of this Ordinance.

Section 10. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 11. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on this date and shall take effect on the first Monday plat submittal date following the passage and approval of this Ordinance.

PASSED AND APPROVED this _____ day of _____, 2010.

Mayor of the City of Houston



Assistant City Attorney

Prepared by the Legal Dep't
(SOI February 11, 2010)
Requested by Marlene L. Gafrick, Director, Planning & Development Department
L.D. File No. 0619600037010

G:\LAND\CHAP42\2010\Notification changes - adopting ordinance 2-10-10.doc

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 47 of the Code of Ordinances relating to Developer Participation Contracts

Page
1 of 1

Agenda Item
#

6

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

2/25/10

MAR 03 2010

DIRECTOR'S SIGNATURE

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

Council District affected:
All

For additional information contact:

Ann Marie Stone Sheridan 713-837-9142 *AMS*

Date and identification of prior authorizing Council action: 4/9/2008 Ord. No. 2008-0307

RECOMMENDATION: (Summary)

Adopt an ordinance amending Chapter 47 to authorize the Director of the Public Works and Engineering Department to extend terms of Developer Participation Contracts and to execute individual Developer Assistance Contracts with the same terms.

Amount and Source of Funding: No Funding Required

SPECIFIC EXPLANATION:

The Developer Participation Contract (DPC) program is codified in Section 47-164 of the Code of Ordinances. The program provides an incentive for the development of single family homes inside the City by offering a reimbursement to developers for part of the cost to build water, wastewater, and in some cases, drainage infrastructure that will serve new houses. In April 2008, Council approved program changes that authorized the Director of the Public Works & Engineering Department to enter into standard-form contracts for 70%, 50% or 30% reimbursement, based on specific program criteria for each level. All DPC's require that developers begin construction within 18 months and that all water, wastewater and drainage infrastructure be complete and a percentage of the houses be complete before the City reimburses their costs.

Although these deadline requirements have worked very well in the past, they are often unachievable due to current financial markets and the slow-down in new construction. In many cases the developer has continued to build but is able to do so at a very slow pace. In others the developer has abandoned the project entirely, but there is interest from another developer, funding institution, or the construction contractor to take over the project and complete it. The proposed ordinance would authorize the Director to extend existing DPC's for up to one year at a time and to enter into new standard-form "Developer Assistance Contracts" with parties who are able to take over (or return to) abandoned projects under the same terms as the DPC. In order to discourage developers from abandoning projects with an expired DPC, the ordinance also removes the one-year prohibition on receiving a contract after failing to complete an earlier one.

Funding for DPC reimbursement is included in the Capital Improvement Plan, and Council authorizes annual or bi-annual appropriations depending on demand. The Director's approval for extensions or take-over contracts would be subject to availability of funds, and in no case would a duplicate reimbursement be eligible.

Because this is a reimbursement program, in no case has the City paid for infrastructure that has not ^{been} built. It is clearly in the City's best interest to keep this potential new housing development within our tax base. The DPC program has been highly successful in attracting single family home development. Since its inception, DPC's have placed the value of 57.2 million water, wastewater, and storm water public infrastructure in the ground for a reimbursement cost to the City of \$ 34.8 million. The total number of new homes constructed meeting affordable to moderate housing standards (below the median price as set by Texas A&M University, currently \$151,591) is 3,714. There are currently 55 active contracts representing 3,248 potential homes.

cc: Susan Bandy
Jun Chang, P.E.

REQUIRED AUTHORIZATION

20UPA43

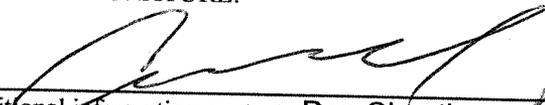
Finance Department

Other Authorization:

Other Authorization:

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

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Section 28-303 of the Code of Ordinances, Houston, Texas, relating to recording parking in yard restrictions in the real property records of the counties in which properties affected are located.		Page 1 of 1	Agenda Item # 7
FROM (Department or other point of origin): Legal Department		Origination Date 2/12/10	Agenda Date MAR 03 2010
DIRECTOR'S SIGNATURE: 		Council District affected: A	
For additional information contact: Don Cheatham  Phone: (832) 393-6437		Date and identification of prior authorizing Council action: Ord. No. 2009-59, 1-28-09	
RECOMMENDATION: (Summary) Approval an ordinance amending Section 28-303 of the Code of Ordinances relating to recording parking in yard restrictions in the real property records of the counties in which such properties are located.			
Amount and Source of Funding: N/A			
SPECIFIC EXPLANATION: <p>Section 28-303 of the Code of Ordinances (Code) is a part of a regulatory ordinance enacted in 2009 and codified as Article X of Chapter 28 of the Code. The 2009 ordinance prohibited the parking of vehicles in the front or side yards of residential properties whose owners sought, through the application and other procedures prescribed in Article X, to impose that restriction on identified properties within the neighborhood or area described in the neighborhood's application. If the application is ultimately approved by the City Council, the imposition of such restrictions is placed on the properties listed for a period of 20 years following the effective date of the action by the City Council. Enforcement of such restriction is effected by a requirement that a certified copy of the ordinance imposing the restriction be recorded in the Real Property Records of each county in which the affected property is located.</p> <p>The cost of recording the first group of such ordinances (12 in number) was in excess of \$1,500.00, leading the City Attorney to recommend the amendment of the recording requirement to allow for a more efficient recording method at a lesser cost. The proposed ordinance amends subsection (q) of Section 28-303 to authorize the recording of information relating to the parking restriction to be carried out in such form, and containing such information, as the City Attorney may deem appropriate. A revised recording form has been devised to reduce the number of pages to be recorded, thereby lowering the recording fees.</p>			
K:\RCA\RDC3843			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	Other Authorization:

Sec. 28-303. Parking of vehicles prohibited in certain residential areas; application and procedures.

* * *

(q) *Action by city council.* Upon consideration of the recommendation of a hearing officer pursuant to subsection (o) of this section, the city council shall either:

- (1) Adopt an ordinance extending the application of this section to the requesting residential area; or
- (2) Deny such recommendation and request, which action shall be final in all respects.

The director ~~city secretary~~ shall provide a true and correct copy of any ordinance extending the application of this section to a residential area to the neighborhood protection official and the parking official and shall cause notice of the passage of such ordinance, containing such information and in such form as the city attorney may deem appropriate, a certified copy of such ordinance to be recorded in the real property records of each county in which the residential area is located.

* * *

City of Houston, Texas, Ordinance No. 2010-_____

AN ORDINANCE AMENDING SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO RECORDING PARKING IN YARDS RESTRICTIONS IN THE REAL PROPERTY RECORDS OF THE COUNTIES IN WHICH PROPERTIES AFFECTED ARE LOCATED; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council passed Ordinance No. 2009-59 to prohibit the parking of vehicles and equipment in the front or side yards of residential properties, which ordinance provided certain procedures to effect its purpose and is now codified as Article X of Chapter 28 of the Houston Code of Ordinances (Code); and

WHEREAS, a provision of the foregoing ordinance, namely, subsection (q) of Section 28-303, requires that the City Secretary record, upon the passage of any ordinance subjecting the residential properties described in such ordinance to the provision of Section 28-303, a certified copy of each such ordinance in the Real Property Records of the county or counties in which the residential properties described therein are located; and

WHEREAS, experience has demonstrated that the recording requirement described in the preceding recital is costly and will continue to add significant costs to the implementation and enforcement of the provisions enacted in Ordinance 2009-59 and therefore such requirement should be amended; and

WHEREAS, the City Council is aware that, unless amended, a number of similar ordinances passed pursuant to the provisions of Article X, Chapter 28, of the Code of Ordinances have not yet been recorded and will cause the City to incur the same costly recording fees incurred in connection with the recording of the initial group of similar ordinances recorded as required by the last sentence of subsection (q), Section 28-303, made the focus of this Ordinance; **NOW, THEREFORE**,

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

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

Section 2. That the last sentence of subsection (q) of Section 28-303 of the Code of Ordinances, Houston, Texas, is here by amended to read:

“The director shall cause notice of the passage of such ordinance, containing such information and in such form as the city attorney may deem appropriate, to be recorded in the real property records of each county in which the residential area is located.”

Section 3. To decrease the costs associated with the recording requirement set forth in the last paragraph of subsection (q) of Section 28-303 of the Code and still ensure that due and proper notice of the action of the City Council in extending the provisions of Section 28-303 to residential properties is given to ensure the viability and enforcement of Subsection (h) of said Section 28-303, the last sentence of Section 2 of each of the following previously enacted ordinances shall be amended to read as follows:

“The City Council further finds that notice of the passage of this Ordinance should be recorded in the Real Property Records of [name of county or counties], Texas, and such notice shall contain such information and be in such form as the City Attorney may determine in order to ensure the effective enforcement of subsection (r) of Section 28-303.”

The ordinances subject to the amendment set forth in this Section 3 are listed in Exhibit A to this Ordinance.

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

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

PASSED AND APPROVED this ___ day of _____, 2010.

Mayor of the City of Houston

Prepared by Legal Dept. *Donna Christman*

RDC:asw 02/18/10

Senior Assistant City Attorney *STW*

Requested by _____

L.D. File No. _____

Ordinance Number

Date of Passage

2009-1002	October 21, 2009
2009-1003	October 21,2009
2009-1004	October 21,2009
2009-1005	October 21,2009
2009-1006	October 21,2009
2009-1007	October 21,2009
2009-1008	October 21,2009
2009-1009	October 21,2009
2009-1010	October 21,2009
2009-1011	October 21,2009
2009-1012	October 21,2009
2009-1013	October 21,2009
2009-1014	October 21,2009
2009-1063	November 4, 2009
2009-1064	November 4, 2009
2009-1119	November 18, 2009
2009-1120	November 18, 2009
2009-1121	November 18, 2009
2009-1122	November 18, 2009
2009-1123	November 18, 2009
2009-1124	November 18, 2009
2009-1125	November 18, 2009
2009-1126	November 18, 2009
2009-1127	November 18, 2009
2009-1239	December 9, 2009
2009-1240	December 9, 2009
2009-1241	December 9, 2009
2009-1242	December 9, 2009
2009-1243	December 9, 2009
2009-1244	December 9, 2009
2009-1248	December 9, 2009
2009-1249	December 9, 2009
2010-33	January 20, 2010
2010-34	January 20, 2010
2010-35	January 20, 2010
2010-36	January 20, 2010
2010-47	January 27, 2010
2010-48	January 27, 2010
2010-49	January 27, 2010
2010-50	January 27, 2010
2010-51	January 27, 2010
2010-52	January 27, 2010
2010-53	January 27, 2010
2010-54	January 27, 2010
2010-55	January 27, 2010

EXHIBIT A

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating all improved single-family residential lots in the Sherwood Oaks Subdivision, Sections 1 & 2 as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of _____	Agenda Item # 8
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date February 10, 2010	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>MS Marlene L. Gafrick</i>	Council District affected: A
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential properties in the Sherwood Oaks Subdivision, Sections 1 & 2 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.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Sherwood Oaks Property Owners 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 Sherwood Oaks Property Owners Association. Notification was mailed to 345 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 timely 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 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
 C.A. McClelland, Acting Chief, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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**Prohibited Yard Parking Requirement Area No. P091001
Planning Director's Approval**

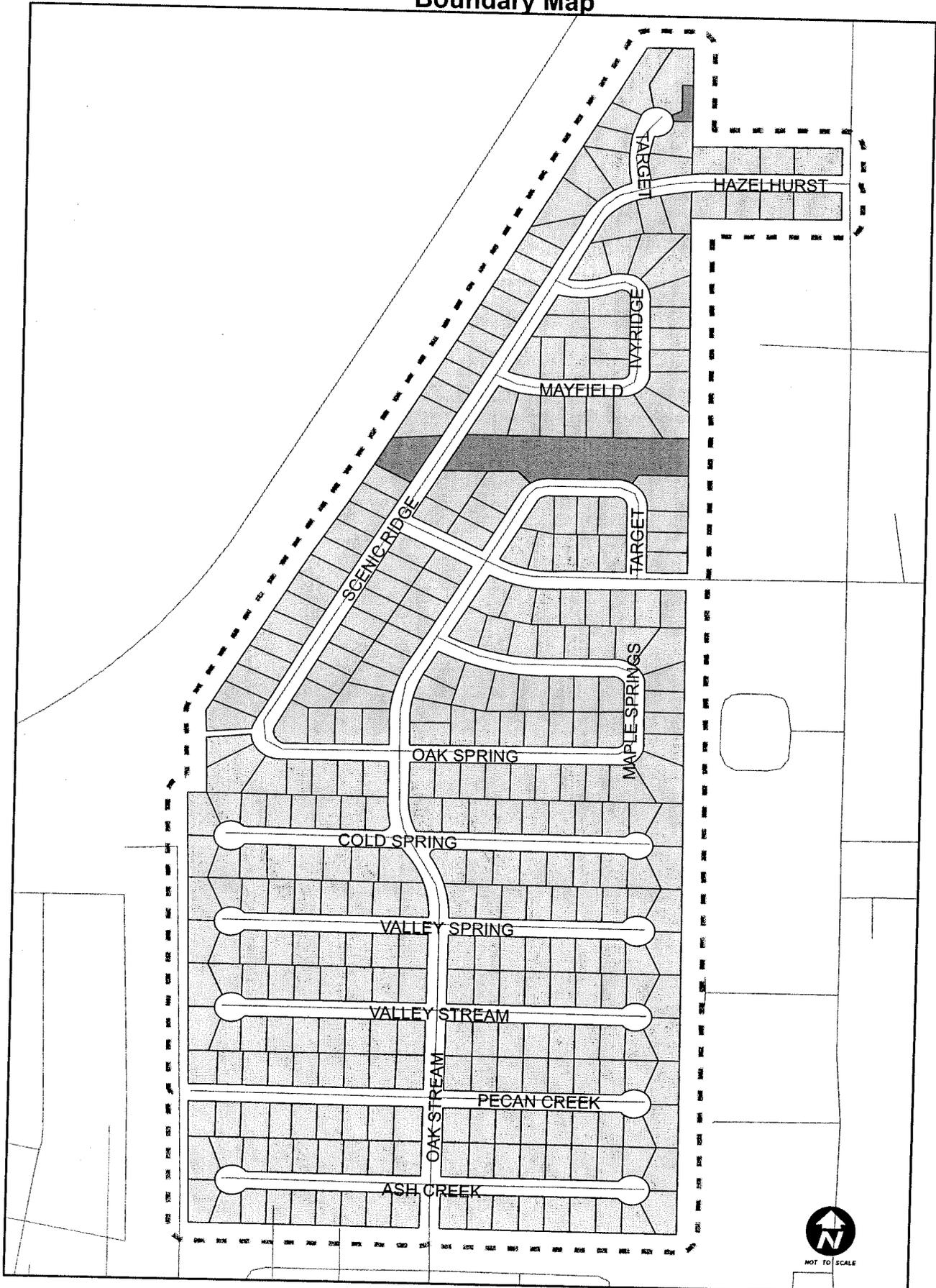
Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p>The application area contains at least five contiguous block faces.</p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p>99.1% of the proposed application area is developed as single-family residential.</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>The president of the Sherwood Oaks Property Owners Association has signed a letter of support.</p>
X		<p><i>No valid protests were timely filed;</i></p> <p>The protest period ended on December 3, 2009 with no protests being timely filed.</p>

The Prohibited Yard Parking Requirement Area meets the criteria.


2/2/10
 Marlene L. Gafrick, Date
 Director

P091001
Sherwood Oaks Property Owner's Association
Boundary Map



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

SUBJECT: Ordinance designating all improved single-family residential lots in the Spring Branch Woods Subdivision, Section 3 as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of ____	Agenda Item # 9
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date January 29, 2010	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>Ms. Marlene L. Gafrick</i>	Council District affected: A
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential properties in the Spring Branch Woods Subdivision, Section 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.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Spring Branch Civic 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 Spring Branch Civic Association. Notification was mailed to 94 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 December 9, 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
C. A. McClelland, Acting Chief, HPD
Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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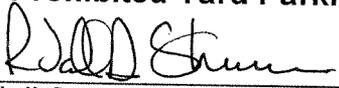
Prohibited Yard Parking Requirement Area No. P090710

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p>The application area contains at least five contiguous block faces.</p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p>92.5% of the proposed application area is developed as single-family residential.</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>The president of the Spring Branch Civic Association has signed a letter of support.</p>
X		<p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p>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.</p>

The Prohibited Yard Parking Requirement Area meets the criteria.

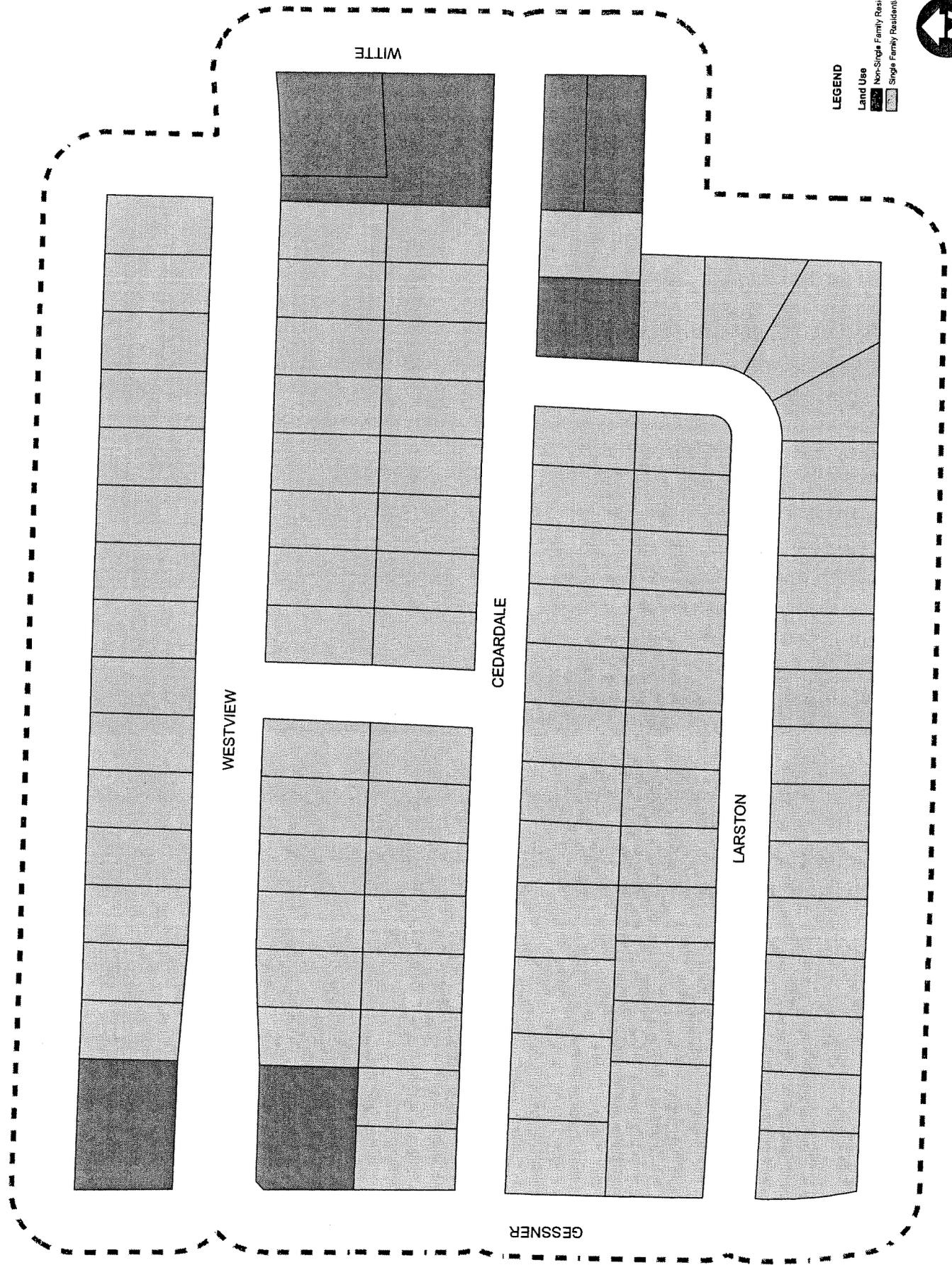


 Randall Stuewer,
 Hearing Official, Presiding

1/21/10

 Date

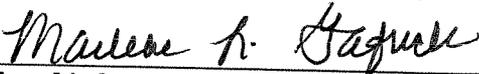
P090710 Spring Branch Civic Association



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating all improved single-family residential lots in the Meyerland Subdivision, Section 10 as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of _____	Agenda Item # <i>10</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date January 29, 2010	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>MS</i> 	Council District affected: C
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential properties in the Meyerland Subdivision, Section 10 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.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Meyerland Community Improvement 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 Meyerland Community Improvement Association. Notification was mailed to 284 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 December 9, 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
 C.A. McClelland, Acting Chief, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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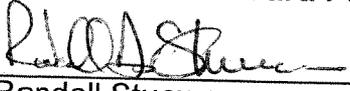
Prohibited Yard Parking Requirement Area No. P090811

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p>The application area contains at least five contiguous block faces.</p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p>98.2% of the proposed application area is developed as single-family residential.</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>The president of the Meyerland Community Improvement Association has signed a letter of support.</p>
X		<p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p>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.</p>

The Prohibited Yard Parking Requirement Area meets the criteria.



 Randall Stuewer,
 Hearing Official, Presiding

1/26/2010

 Date

P090811

Meyerland Community Improvement Association Landuse and Boundary Map



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating all improved single-family residential lots in the Meyerland Subdivision, Sections 1 - 6, 6A and 6B as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of _____	Agenda Item # 11
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date January 29, 2010	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>MS Marlene L. Gafrick</i>	Council District affected: C
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential properties in the Meyerland Subdivision, Sections 1 - 6, 6A and 6B 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.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Meyerland Community Improvement 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 Meyerland Community Improvement Association. Notification was mailed to 1024 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 December 9, 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
 C.A. McClelland, Acting Chef, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Prohibited Yard Parking Requirement Area No. P090805

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p>The application area contains at least five contiguous block faces.</p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p>97.2% of the proposed application area is developed as single-family residential.</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>The president of the Meyerland Community Improvement Association has signed a letter of support.</p>
X		<p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p>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.</p>

The Prohibited Yard Parking Requirement Area meets the criteria.



 Randall Stuewer,
 Hearing Official, Presiding

1/26/2010
 Date

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating all improved single-family residential lots in the Sterling Knoll Subdivision as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of _____	Agenda Item # <i>12</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date February 5, 2010	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>MS Marlene L. Gafrick</i>	Council District affected: E
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential properties in the Sterling Knoll 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.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Sterling Knoll 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 Sterling Knoll Association. Notification was mailed to 343 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 December 9, 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
 C. A. McClelland, Acting Chief, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Prohibited Yard Parking Requirement Area No. P090801

Hearing Official's Approval

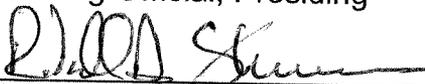
Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p>The application area contains at least five contiguous block faces.</p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p>98.3% of the proposed application area is developed as single-family residential.</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>The president of the Sterling Knoll Association has signed a letter of support.</p>
X		<p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p>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.</p>

The Prohibited Yard Parking Requirement Area meets the criteria.

Nicole Smothers,
Hearing Official, Presiding

Date



1/28/10

Randall Stuewer,
Hearing Official, Presiding

Date

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

SUBJECT: Ordinance designating all improved single-family residential lots in the Briar Village Subdivision, Sections 1 - 4 as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of _____	Agenda Item # 13
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date February 8, 2009	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>MSD Marlene L. Gafrick</i>	Council District affected: G
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-27-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Briar Village Subdivision, Sections 1 - 4 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.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Briar Park Community Improvement 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 Briar Park Community Improvement Association. Notification was mailed to 572 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 January 13, 2010 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, Senior Assistant City Attorney
C. A. McClelland, Acting Chief, HPD
Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Prohibited Yard Parking Requirement Area No. P090901

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces.
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 99.3% of the proposed application area is developed as single-family residential.
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> The president of the Briar Park Community Improvement Association has signed a letter of support.
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> 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.

The Prohibited Yard Parking Requirement Area meets the criteria.

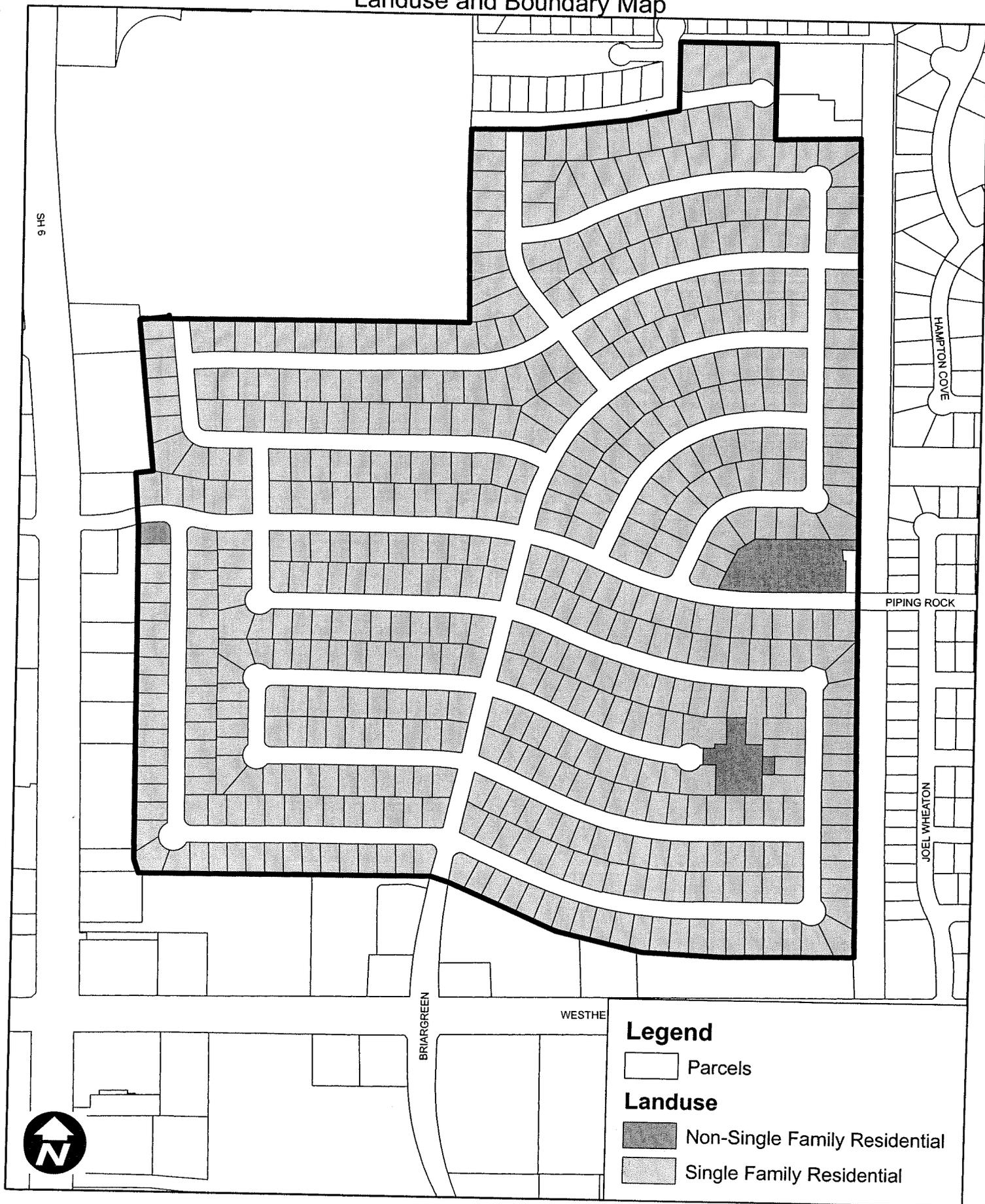
Nicole Smothers 1-28-10

Date

Nicole Smothers,
Hearing Official, Presiding

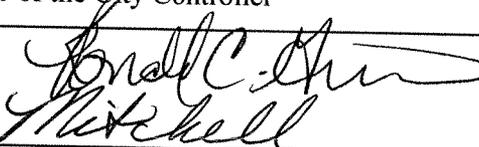
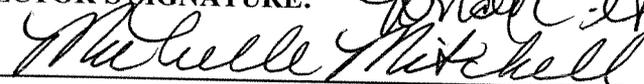
P090901

Briar Park Community Improvement Association Landuse and Boundary Map



SUBJECT: An Ordinance Supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue Refunding Bonds, Series 2010B to refund the City's Combined Utility System First Lien Revenue Refunding Bonds, Series 2008A and Series 2004B up to an aggregate amount of \$330,000,000; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and making other provisions regarding such bonds.	Category #	Page 1 of <u>1</u>	Agenda Item# 14

FROM (Department or other point of origin): Department of Finance and Office of the City Controller	Origination Date: 2/26/2010	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE:  	Council District Affected: All
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For additional information contact: James Moncur Phone: 832-393-1009 Shawnell Holman-Smith Phone: 832-393-3513	Date and identification of prior authorizing Council action: May 8, 2008 – Ordinance No. 2008-293 April 21, 2004 – Ordinance No. 2004-299
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RECOMMENDATION: (Summary) An Ordinance Supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue Refunding Bonds, Series 2010B to refund the City's Combined Utility System First Lien Revenue Refunding Bonds, Series 2008A and Series 2004B up to an aggregate amount of \$330,000,000; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and making other provisions regarding such bonds.

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

On May 8, 2008, the CUS issued the First Lien Revenue Refunding Bonds Series 2008A1-2 ("Series 2008A Bonds") as variable rate demand bonds ("VRDBs"). VRDBs are long term bonds that are remarketed weekly at short term interest rates. The VRDBs have provided a cost-effective method of financing a portion of the CUS Capital Improvement Program ("CIP"). In order to be marketable, the VRDBs require a liquidity facility provided by a highly rated bank. The current liquidity facility that supports these bonds will expire on May 7, 2010. The Finance Working Group ("FWG") recommends that the Series 2008A Bonds be refunded and defeased with the proceeds of the Combined Utility System First Lien Revenue Refunding Bonds Series 2010B ("Series 2010B Bonds") in an aggregate amount up to \$250 million.

On April 8, 2008 the CUS converted the Series 2004B Bonds, which were originally issued as auction rate securities, into variable rate demand bonds ("VRDBs"). The current liquidity facilities that support these bonds will expire April 8, 2010. The FWG recommends that a portion of the Series 2004B Bonds be refunded and defeased with the proceeds of the Series 2010B Bonds in an aggregate amount up to \$80 million.

The proposed Series 2010B Bonds will be issued as variable rate bonds and privately placed with RBC Capital Markets Corporation. The direct purchase of the Series 2010B Bonds for a period of 3 years by RBC Capital Markets Corporation eliminates the need to replace the expiring liquidity facility.

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

Date: 2/26/2010	Subject: An Ordinance Supplementing the City of Houston, Texas Combined Utility System Master Ordinance; providing for the issuance of Combined Utility System First Lien Revenue Refunding Bonds, Series 2010B to refund the City's Combined Utility System First Lien Revenue Refunding Bonds, Series 2008A and Series 2004B up to an aggregate amount of \$330,000,000; authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and making other provisions regarding such bonds.	Originator's Initials	Page 2 of 2
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The closing is expected to occur on March 11, 2010. Andrews Kurth LLP is recommended as bond counsel and disclosure counsel. Costs of issuance will be paid for with the Combined Utility System Operating Fund (8301).

This item was discussed at the Budget and Fiscal Affairs Committee on January 4th, 2010 and was recommended favorably for full City Council consideration

Recommendation:

The Finance Working Group recommends the approval of this item.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1– Lease Agreement between the City of Houston and Tennessee Gas Pipeline Company – George Bush Intercontinental Airport/Houston (IAH).	Category #	Page 1 of 2	Agenda Item # <i>15</i>
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FROM (Department or other point of origin): Houston Airport System	Origination Date February 18, 2010	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>AM</i> <i>Eric L. Potts</i>	Council District affected: B
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For additional information contact: Janet Schafer <i>JS</i> Phone: 281/233-1796	Date and identification of prior authorizing Council action: 5/22/79 (O) 79-833
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AMOUNT & SOURCE OF FUNDING: REVENUE: \$212,344.38 per year (\$17,695.37* monthly) <i>INS</i>	Prior appropriations: N/A
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RECOMMENDATION: (Summary)
Enact an ordinance approving and authorizing the execution of Amendment No. 1 to a Lease Agreement between the City of Houston and Tennessee Gas Pipeline Company at George Bush Intercontinental Airport/Houston (IAH).

SPECIFIC EXPLANATION:

On May 22, 1979, the City approved Lease Agreement No. 19429 with Tennessee Gas Pipeline Company (Tennessee), a division of Tenneco Inc., in which Tennessee leased approximately 366,188 square feet of unimproved land at 16951 John F. Kennedy Blvd., George Bush Intercontinental Airport (IAH). Tennessee constructed improvements on the lease premises for use in its corporate base operator activities. All improvements except underground storage tanks shall vest in the City at the end of the term. In 1996 Tenneco Inc. was acquired by El Paso, however Tennessee (Lessee) remains a legal entity. The agreement provides that ground rent for the last ten years of the lease term be established by City Council.

The pertinent terms and condition of Amendment No. 1 are as follows:

1. Term: The term remains unchanged, ending January 31, 2020.
2. Leased Premises: The leased premises remain unchanged, approximately 366,188 square feet (approximately 8.407 acres) of improved land.
3. Rent: Based on appraisal, rent, effective on February 1, 2010, will be \$212,344.38 annually (\$17,695.37* monthly, which shall be adjusted at year end to reconcile with the annual rate). The rental amount will increase by 15 percent on February 1, 2015.
4. Use: Corporate Aviation.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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Date February 18, 2010	Subject: Amendment No. 1– Lease Agreement between the City of Houston and Tennessee Gas Pipeline Company – George Bush Intercontinental Airport/Houston (IAH).	Originator's Initials	Page 2 of 2
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5. Underground Storage Tanks: Lessee shall remove any underground storage tanks from the leased premises or pay the City for their removal.

6. Insurance: Lessee shall provide the required insurance in the limits stated in the Amendment.

7. Assignments: Assignments will require the prior written consent of the Director.

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement with InterContinental Hotels Group Resources, Inc., at 14703 Park Row, Houston, Texas for the Radio Communications Division of the Information Technology Department.	Page 1 of 2	Agenda Item 16
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FROM (Department or other point of origin): General Services Department	Origination Date 2/24/10	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE: <i>Issa Z. Dadoush</i> Issa Z. Dadoush, P.E. <i>1/19/10</i>	Council District affected: A
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2008-0952; 10/29/2008 Ordinance No. 2009-0713; 08/05/2009
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RECOMMENDATION Approve and authorize a Lease Agreement between InterContinental Hotels Group Resources, Inc. (Landlord) and the City of Houston (Tenant) for roof top and prefabricated shelter at 14703 Park Row, Houston, Texas for the Radio Communications Division of the Information Technology Department.

Amount and Source Of Funding: FY2010 – \$10,000.00 Police Consolidated Construction Fund (4504) – previously appropriated by Ordinance 2009-0713	Finance Budget:
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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 Lease Agreement with InterContinental Hotels Group Resources, Inc., will allow IT to lease ground space and roof top space for antenna mounts and prefabricated shelter for its communications equipment along with an emergency generator. IT will use the licensed premises for the transmission and reception of communications signals and will install, construct, maintain and operate its communications equipment, including antennas, cables, connectors, radios, and related transmission and reception hardware on the InterContinental tower located in the City of Houston.

FY2010 funding necessary for this lease 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 Lease are as follows:

- **Term** - five-year lease term with three five-year renewal options.

REQUIRED AUTHORIZATION CUIC ID# 25 RB 80

General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr. Director of Real Estate	Information Technology Department: <i>Richard F. Lewis</i> Richard F. Lewis Director
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Date	SUBJECT Lease Agreement with InterContinental Hotels Group Resources, Inc. at 14703 Park Row, Houston, Texas for the Radio Communications Division of the Information Technology Department.	Originator's Initials RB	Page 2 of 2
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- **Monthly License Fee** - \$2,000.00 for the initial term.
- **Maintenance** - IT is responsible for all maintenance and utilities.
- **Total Cost for Initial Base Term (5 years):** \$120,000.00.

The General Services Department recommends that City Council approve and authorize a Lease Agreement with InterContinental Hotels Group Resources, Inc., at 14703 Park Row, 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

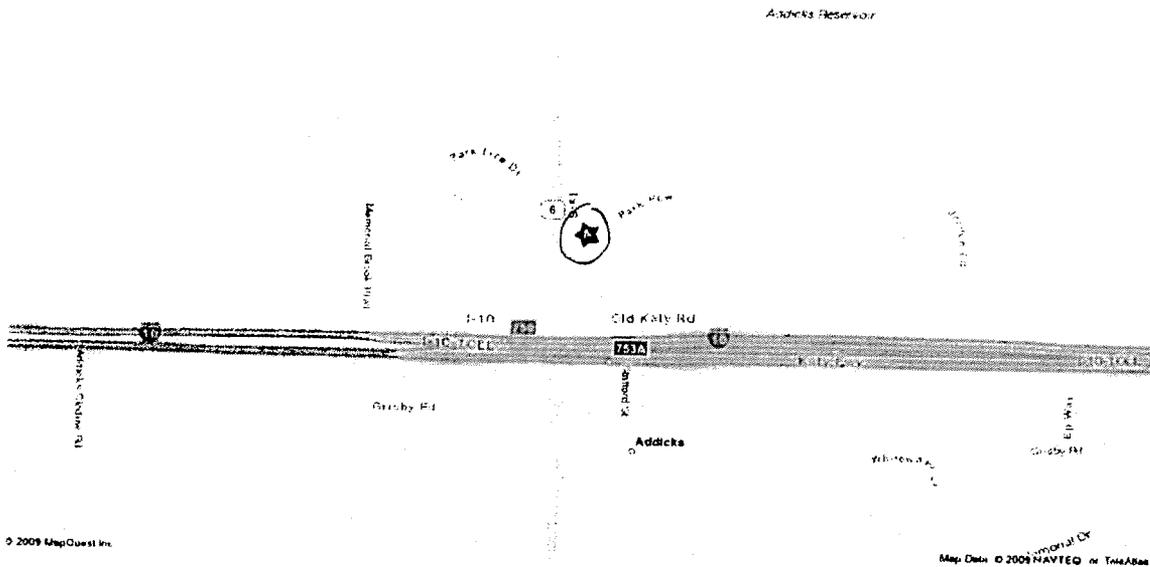
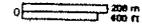


MAPQUEST

Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.

★ **14703 Park Row**
Houston, TX 77079-1039

MAPQUEST



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REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance de-appropriating and appropriating funds for the Workforce Housing Downpayment Assistance Program ("Workforce Program")		Category	Page 1 of 1	Agenda Item # 17
FROM (Department or other point of origin): Housing and Community Development Department		Origination Date: February 23, 2010	Agenda Date: MAR 03 2010	
DIRECTOR'S SIGNATURE: Richard S. Celli, Director <i>RS Celli</i>		Council District affected: A, B, D, H, & I		
For additional information contact: Juan Chavez 713-865-4196		Date and identification of prior authorizing Council action: Ord. #2008-742 – August 20, 2008 Ord. #2007-981 – August 29, 2007		

RECOMMENDATION:
Adopt ordinance de-appropriating \$2,000,000 out of Affordable Housing Uptown Series 2004 Fund (2417); de-appropriating \$650,000 out of TIRZ Affordable Housing Fund (2409); and appropriating \$2,000,000 out of the Affordable Housing Uptown Series 2004 Fund (2417) and appropriating \$950,000 out of the TIRZ Affordable Housing Fund (2409), for the Workforce Housing Downpayment Assistance Program

Amount and source of funding:
 \$2,000,000 – De-appropriation - Affordable Housing Uptown Fund (2417) - Developer Participation Contracts
 \$ 650,000 – De-appropriation - TIRZ Affordable Housing Fund (2409) - Single Family Home Repair
 \$ 300,000 – Appropriation from TIRZ Affordable Housing Fund (2409)
\$2,950,000 – Total Funding

EXPLANATION:

The City of Houston Housing and Community Development Department (HCDD) created the Workforce Housing Downpayment Assistance Program to assist qualified applicants with purchasing new affordable housing in areas designated by the Mayor for revitalization. Unlike downpayment assistance programs that are federally funded and can only target lower income applicants, the City's Workforce Program provides assistance to potential homebuyers earning from 81% - 110% of Area Median Income (AMI), adjusted for family size.

Since the Workforce Program began in March 2008, HCDD has expended \$3,485,000 in TIRZ Affordable Housing Funds to provide 117 homeowners with downpayment and closing cost assistance. This program has been very successful, and the current anticipated need for this target population is approximately 18 homeowners per month. Downpayment assistance of \$30,000 per homeowner plus \$500 in project delivery costs equates to \$549,000 per month. The proposed ordinance will provide funding for the program for the next six months, partly from sources originally appropriated for other purposes but that are available for the Workforce Program.

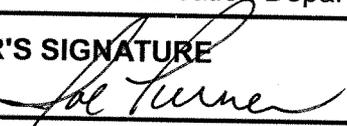
Currently, there is \$300,000 in the TIRZ Affordable Housing Fund (2409) available for appropriation to the Workforce Program. By Ordinance 2008-742, City Council appropriated Affordable Housing Uptown Series 2004 Funds (2417) for the Public Works and Engineering Department Developer Participation Contract Program. Due to the recession and a slow-down in new home construction, \$2,000,000 is available from the DPC Program to be transferred to Workforce Program. By Ordinance 2007-981, Council appropriated TIRZ Affordable Housing Funds (2409) for the HCDD Single Family Home Repair Program. The amount of \$650,000 can be de-appropriated and re-allocated to the Workforce Program. These actions will provide a total of \$2,950,000, which will allow the program to continue until additional TIRZ Affordable Housing funds are available in approximately six months.

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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SUBJECT: Approval of an ordinance authorizing an Interlocal Agreement with Montgomery County and appropriating funds for the Interlocal Agreement with Montgomery County for park road and trail improvements in Lake Houston Park WBS: F-000695-0003-4	Page 1 of 1	Agenda Item 18
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FROM (Department or other point of origin): Houston Parks and Recreation Department	Origination Date 2-24-10	Agenda Date MAR 03 2010
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DIRECTOR'S SIGNATURE Joe Turner 	Council District(s) affected: ALL
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For additional information contact: Dan Pederson Phone: (832)-395-7062	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Adopt an ordinance authorizing the Director to enter into an Interlocal Agreement with Montgomery County and appropriate funds in the amount of \$ 500,000.00 for Lake Houston Park.

Amount and Source Of Funding: \$ 500,000.00 Woodlands Regional Participation Fund (2425)	Finance Budget:
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SPECIFIC EXPLANATION: The Houston Parks and Recreation Department (HPARD) recommends that City Council authorize an Interlocal Agreement with Montgomery County and appropriate \$500,000.00 to build new roads and trails in Lake Houston Park and maintain the new roads for HPARD.

PROJECT LOCATION: 22031 Baptist Encampment Rd. (257P)

PROJECT DESCRIPTION: This project is a part of Phase I development for Lake Houston Park. The agreement will reimburse Montgomery County for materials, including 40,000 tons of 1" – 2" crush concrete, necessary to complete 5 miles of newly created park roads. Montgomery County also agrees to maintain these new park road including the culverts and ditches in the future. Additionally Montgomery County agrees to construct 12,000 linear feet of new trails (approx 2.25 miles) in the park.

The following is a breakdown of expected expenditures:

- \$ 450,000.00 New park road improvements
- \$ 50,000.00 New trails
- \$ 500,000.00 Total Appropriation**

Project History: In 2008 HPARD contracted with SWA Group, Inc. to create a master plan for the newly acquired 5000 acre Lake Houston Park. The master plan identified a variety of amenities and activities that expect to create a self-sustaining park. Recent improvements include a new 6 acre lake and clearing 5 miles of roadway through the forest. Current projects include the installation of two vehicular bridges over intermittent streams for the new roadways, an overlook at Peach Creek and the installation of a restroom/shower facility for visitors/campers.

JT:DP:RMG:LJ:CP:cp

cc: Marty Stein, Joe Turner, Mark Ross, Daniel Pederson, Chip Perry, Chris Gonzales, File 812

REQUIRED AUTHORIZATION

Other Authorizations:

Other Authorizations:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Approval of an Ordinance allowing the Parks and Recreation Department to apply for and receive a Juvenile Justice and Delinquency Prevention (JJDP) grant.

Category #

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FROM (Department or other point of origin):

Houston Parks and Recreation Department

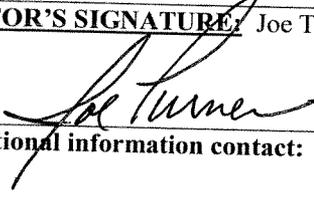
Origination Date:

February 15, 2010

Agenda Date:

MAR 03 2010

DIRECTOR'S SIGNATURE: Joe Turner, Director

MS


Council Districts Affected:
All

For additional information contact:

Karen Cullar 832-395-7056
Twonda Thompson 832-395-7244
Dan Pederson 832-395-7062

Date and identification of prior authorizing Council Action:

2/18/2009, 2009-125

RECOMMENDATION (summary):

The Houston Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the director to apply for and receive a second-year reimbursable continuation grant from the Governor's Criminal Justice Division to support the After-School Achievement Program.

Amount of Funding: No City Funding Required

Finance Budget:

SPECIFIC EXPLANATION:

The Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the Director to apply for and receive a second year continuation grant in the amount of \$80,000 from the U.S. Department of Justice Juvenile Justice and Delinquency Prevention Act Fund administered by the Governor's Criminal Justice Division (CJD). No matching funds are required. The application will be filed electronically, and CJD requires that City Council adopt an Ordinance in support of the application in order to receive funding.

The Houston-Galveston Area Council will prioritize and recommend projects to the Texas CJD. Subject to funding availability, continuation grants typically receive priority funding over new grant projects. If awarded the grant start date is September 1, 2010.

The grant is requested to expand the number of middle-school sites that will receive funding from HPARD's After School Achievement Program (ASAP). The City of Houston established the After-School Achievement Program (A.S.A.P.) in 1998 to fund after-school programming which engages youth K through 12 in structured, supervised activities after-school to reduce juvenile crime and victimization during these dangerous hours. ASAP distributes grants directly to schools, community-based and faith-based organizations through a process of Request for Proposals that takes place annually from February to April. Proposals are scored based on specific criteria, and grants are awarded to approximately 70 after-school program sites each year. If awarded JJDP funds will be awarded in September 2010 to at least three eligible HISD middle schools serving at-risk children in Houston's inner-city for use in the 2010 - 2011 school year.

Selected schools will be required to incorporate the following types of activities within their after-school curriculum: tutorials, homework assistance, test preparation skills, college exposure/preparatory skills, leadership skill development, team building, conflict management, financial literacy, job readiness, recreation, sports, arts, dance, creative writing, and community involvement such as volunteerism and community service.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Approval of an Ordinance allowing the Parks and Recreation Department to apply for and receive a Safe and Drug Free Schools and Communities (SDFSC) grant.

Category #

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Agenda Item:

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FROM (Department or other point of origin):

Houston Parks and Recreation Department

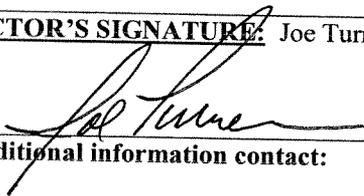
Origination Date:

February 10, 2010

Agenda Date:

MAR 03 2010

DIRECTOR'S SIGNATURE: Joe Turner, Director



Council Districts Affected:

All

For additional information contact:

Twonda Thompson 832-395-7244
Karen Cullar 832-395-7056
Dan Pederson 832-395-7062

Date and identification of prior authorizing Council Action:

N/A

RECOMMENDATION (summary):

The Houston Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the director to apply for a reimbursable grant from the Governor's Criminal Justice Division to support the After-School Achievement Program.

Amount of Funding: No City Funding Required

Finance Budget:

SPECIFIC EXPLANATION:

The Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the Director to apply for and receive a reimbursable grant from the U.S. Department of Education Safe and Drug Free Schools and Communities Act Fund administered by the Governor's Criminal Justice Division (CJD). Funding is limited to \$100,000. No matching funds are required. CJD requires an Ordinance passed by City Council to be eligible to apply for and receive funds. The Houston-Galveston Area Council will prioritize and recommend projects to the Texas CJD. If awarded the grant start date is September 1, 2010.

The grant is requested to initiate services at high-school sites that will receive funding from HPARD's After School Achievement Program (ASAP). The City of Houston established the After-School Achievement Program (A.S.A.P.) in 1998 to fund after-school programming which engages youth K through 12 in structured, supervised activities after-school to reduce juvenile crime and victimization during these dangerous hours. ASAP distributes grants directly to schools, community-based and faith-based organizations through a process of Request for Proposals that takes place annually from February to April. Proposals are scored based on specific criteria, and grants are awarded to approximately 70 after-school program sites each year. If awarded SDFSC funds will be distributed in September 2010 to at least three additional eligible HISD high schools serving at-risk youth in Houston's inner-city for use in the 2010 - 2011 school year.

Selected schools will be required to incorporate the following types of activities within their after-school curriculum: tutorials, homework assistance, test preparation skills, college exposure/preparatory skills, leadership skill development, team building, conflict management, financial literacy, job readiness, recreation, sports, arts, dance, creative writing, and community involvement such as volunteerism and community service.

REQUIRED AUTHORIZATION

Finance Director:

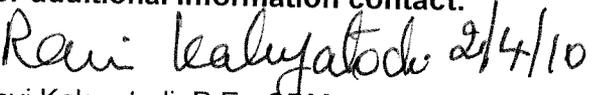
Other Authorization:

Other Authorization:

SUBJECT: Approve Amendment One of the Agreement for the Construction of West White Oak Bayou Trail Extension – A Joint Project between City of Houston and Texas Department of Transportation WBS No. N-000420-0024-4, TxDOT CSJ 0912-71-545	Page 1 of 2	Agenda Item # 21
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From: (Department or Other Point of Origin) Department of Public Works and Engineering	Origination Date 2/25/10	Agenda Date MAR 03 2010
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Director's Signature:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: A&B MS
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For additional information contact:  Ravi Kaleyatodi, P.E., OPM Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action: Ord. No. 09-539 Dated: 06/17/2009 Ord. No. 97-1042 Dated: 08/27/1997
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Recommendation:
 Adopt an ordinance approving Amendment One.

Amount and Source of Funding: No additional funding required. (Previous original appropriation of \$12,134.00 from the Street and Bridge Consolidated Construction Fund No. 437 and subsequent appropriation of \$3,708,300.00 from the Street and Bridge Consolidated Construction Fund No. 4506.)

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project is a part of the Houston Bikeway Program and is funded jointly by the City and Texas Department of Transportation. The Houston Bikeway Program provides design and construction of approximately 339 miles of bikeways and trails in the City of Houston. To date 319 miles of "On-street" bikeways and "Off-street" trails have been completed. An additional 20 miles mostly off-street trails are currently under design. The Houston Bikeway Program was implemented to develop a citywide network of bicycle facilities projected to be integrated into an overall transportation network for the Houston area. The eligible costs of the projects are 80% funded by the Federal Highway Administrative under the Intermodal Surface Transportation Efficiency Act under the Transportation Enhancement, Congestion Mitigation and Air Quality Programs. The 20% local match funding is provided by the City of Houston. In addition to the local match, the City is responsible for paying 100% of the costs in excess of federal participation. This amendment will provide for replacing the Enhancement Fund portion of the federal funding with the American Recovery Act Fund and incremental payments of the City's share of the local match.

The West White Oak Bayou Trail Extension project is currently in final design, and is scheduled for construction letting in April 2010.

DESCRIPTION/SCOPE: This project consists of constructing a reinforced concrete hike and bike trail approximately 2.26 miles long and 10 feet wide complete with one bridge, four under crossings, one on street crossing, rails, retaining walls, striping, accessibility ramps, and landscaping.

REQUIRED AUTHORIZATION CUIC ID #20MHS120

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	SUBJECT: Approve Amendment One of the Agreement for the Construction of West White Oak Bayou Trail Extension – A Joint Project between City of Houston and Texas Department of Transportation WBS No. N-000420-0024-4, TxDOT CSJ 0912-71-545	Originator's Initials M.S.	Page 2 of 2
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LOCATION: The trail is generally bounded by Victory Drive on the north, Pinemont on the south, T.C. Jester on the east, and Antoine on the west. Key Map grids: 411U, Y and 451C, D and H.

PREVIOUS HISTORY AND SCOPE: City Council approved the advanced funding agreement with TxDOT by Ordinance No. 97-1042 appropriating \$12,134.00 for TxDOT engineering review and administrative cost. West White Oak Bayou Trail Extension portion was \$4,223.00. On June 17, 2009 by Ordinance No. 2009-539, City Council approved the project local match in the amount of \$3,708,300.00 including City project management.

ACTION RECOMMENDED: It is recommended that City Council approve Amendment One of the TxDOT funding agreement.

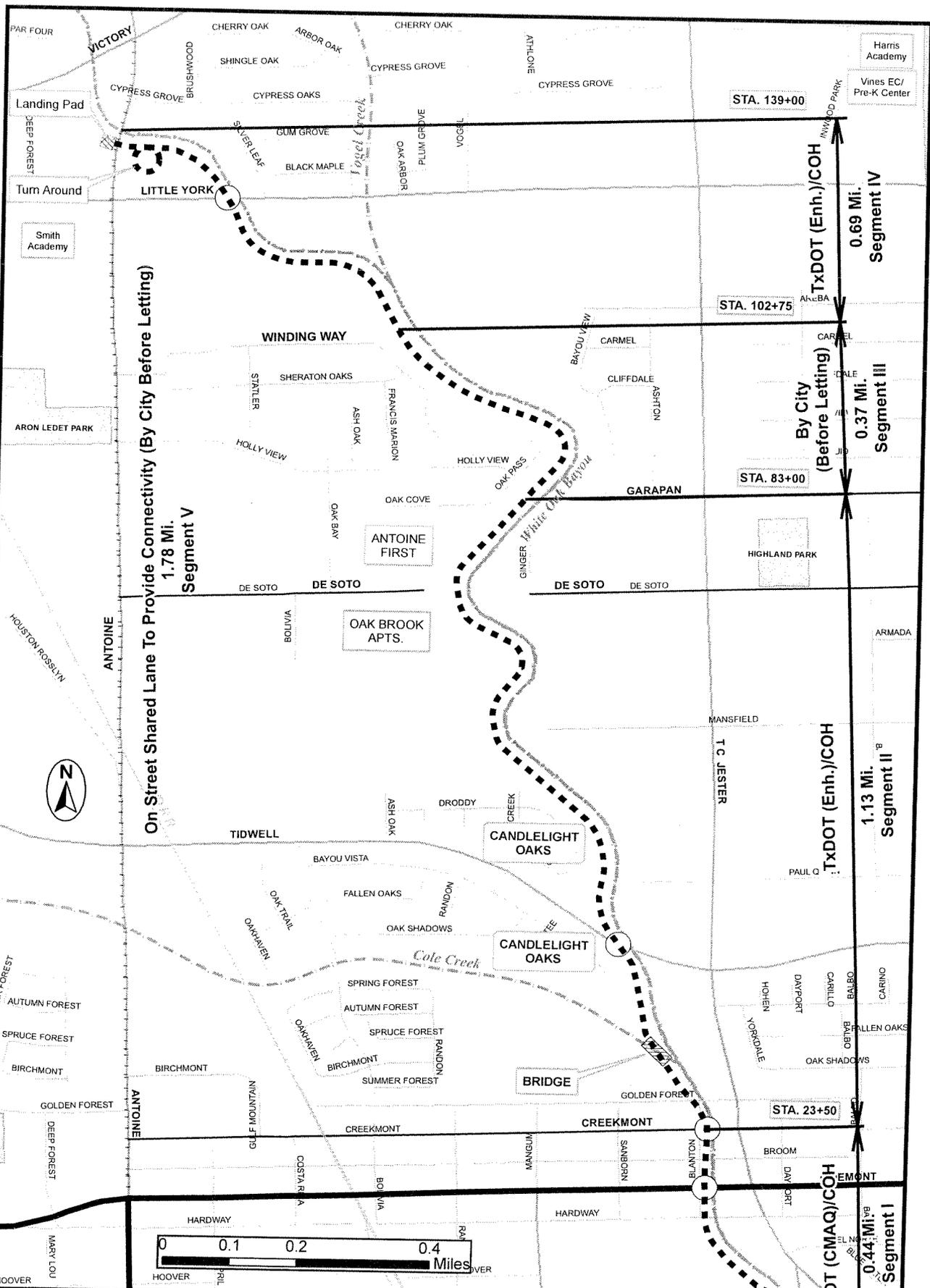
M/WBE INFORMATION: TxDOT will bid the project for construction according to TxDOT M/WBE requirements.

Marty Stein

MSM:DRM:RK:FOS:BB:MHS:mg

Z:\design\A-NP-DIV\Bikeway Files\Mahe\N-0420-24 West White Oak Bayou Trail Extension\1.0 Design Contract\1.2 RCA\Construction RCA\RCA # 20MHS120.doc

- c: Marty Stein
- Velma Laws
- Susan Bandy
- Craig Foster
- File No. N-000420-0024-4 (1.2 RCA)



HOUSTON BIKEWAY PROGRAM
 West White Oak Bayou Trail Extension
 WBS N-000420-0024-3
 Total Project Length: 4.41 Miles

Council District: A, B

Key Map: 411-U, Y
 451-C,D,H

LEGEND:

- Bike Trail
- - - Sidewalk
- Onstreet
- Undercrossing
- Exist. Bkwy.

CONNECTION TO WEST
 WHITE OAK TRAIL

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Services Contract between the City of Houston and the Houston Clean City Commission, d.b.a. Keep Houston Beautiful, for Environmental Stormwater Education Program Services.

Page
1 of 2

Agenda Item #
22

FROM (Department or other point of origin):
Department of Public Works and Engineering

Origination Date
2/18/10

Agenda Date
MAR 03 2010

DIRECTOR'S SIGNATURE:
Michael S. Marcotte
Michael S. Marcotte, P.E. D.WRE, BCEE

Council District affected:
All

For additional information contact:
Derrick Neal, Staff Analyst – (713) 837-7516
Jedediah Greenfield, Staff Analyst – (713) 837-7563

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)
An ordinance approving a Professional Services Contract with the Houston Clean City Commission, d.b.a. Keep Houston Beautiful, and allocate funds.

Amount and Source of Funding: \$100,000 from the Stormwater Maintenance Fund No. 2302 *Jay 2/18/10*

PROJECT JUSTIFICATION: The City of Houston is co-permitted to discharge stormwater into local waterways under the Texas Pollutant Discharge Elimination System (TPDES), under provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code. Part III, section 10 of the permit requires the co-permitted to implement a public education program aimed at educating the public about stormwater pollution. In addition, the City of Houston's waterways are impaired with bacteria, and implementation of such an education program is directed to reduce bacteria loads from polluted stormwater runoff.

In past years the City has participated in a regional stormwater campaign which has had limited results. This program represents a cost savings compared to the regional program, will have direct measurable goals to evaluate effectiveness, and will be focused on beneficiaries within the City of Houston.

DESCRIPTION/SCOPE: This contract consists of creating a stormwater education program to develop state approved, Texas Essential Knowledge and Skills (TEKS), lesson plans for stormwater education to be used in classrooms throughout the City of Houston. Keep Houston Beautiful will develop 12 stormwater education lesson plans, including layout and design, printing, website development that will allow educators to login and access the plans, provide teacher training on how to use the stormwater curriculum, and develop other supporting education material.

The total cost of this project is \$100,000.00 to be appropriated as follows: \$100,000.00 for contract services.

REQUIRED AUTHORIZATION CUIC ID# 20EKDD07A **NOT**

Finance Department

Authorization:
Eric K. Dargan 02-16-10
Eric K. Dargan, Deputy Director
Right-of-Way and Fleet Maintenance

Other Authorization:

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Esther de Ipolyi & Assoc.	Curriculum Development	\$22,000.00	22.0%
2. Absolute Color	Printing	\$9,000.00	9.0%
TOTAL		\$31,000.00	31.0%

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.

- c: Marty Stein
Eric Dargan
Susan Bandy
Velma Laws
Craig Foster

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT:

Ordinance granting a Commercial Solid Waste Operator Franchise

RCA #

Category #

Page 1 of 1

Agenda Item#

23

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

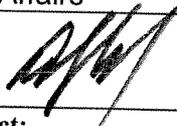
Origination Date

February 25, 2010

Agenda Date

MAR 03 2010

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

For additional information contact:

Juan Olguin Phone: (713) 837- 9623
Nikki Cooper Phone: (713) 837- 9889

Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:

REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. I.G.S. Environmental

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT:

Ordinance granting a Commercial Solid Waste Operator Franchise

RCA #

Category #

Page 1 of 1

Agenda Item#

2nd Reading

24 #

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date
February 17, 2010

Agenda Date

~~FEB 24 2010~~

DIRECTOR'S SIGNATURE:

[Signature] *Chenwoy 18 Feb 10*

Council Districts affected:

ALL

MAR 03 2010

For additional information contact:

Juan Olguin *JO* Phone: (713) 837- 9623
Nikki Cooper Phone: (713) 837- 9889

Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:

REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. Double T Services, LLC

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

3rd Reading

25 28 45

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

FINAL

Origination Date
January 29, 2010

Agenda Date
~~FEB 10 2010~~
FEB 17 2010

DIRECTOR'S SIGNATURE:

[Handwritten Signature]

Council Districts affected:

ALL

For additional information contact:

Juan Olguin *SFO* Phone: (713) 837- 9623
Nikki Cooper Phone: (713) 837- 9889

Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:

REVENUE

FIN Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. Action Restoration, Inc.

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

3rd Reading

26 29 #6

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

FINAN

Origination Date
February 2, 2010

Agenda Date

~~FEB 10 2010~~
FEB 17 2010

DIRECTOR'S SIGNATURE:

[Handwritten Signature]

Council Districts affected:

ALL

For additional information contact:

Juan Olguin Phone: (713) 837- 9623
Nikki Cooper Phone: (713) 837- 9889

Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002;
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

1. Pnevuc Transfer, Inc., DBA UVAC, Inc.

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

REQUIRED AUTHORIZATION

Finance Director:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

10 - Vista Bonita

SUBJECT: An Ordinance authorizing an Agreement between the City of Houston and Midway Fountainview Investors, LLC		Category #	Page 1 of 2	Agenda Item 27 26
FROM (Department or other point of origin): Richard S. Celli Director, Housing and Community Development Department		Origination Date: 2/18/10	Agenda Date: FEB 24 2010 MAR 03 2010	
DIRECTOR'S SIGNATURE: <i>Richard Celli by DeWison</i>		Council District affected: District "E"		
For additional information contact: Donald Sampley, Asst. Director Phone: 713-868-8458		Date and identification of prior authorizing Council action:		

RECOMMENDATION: (Summary)

The Department recommends approval of an Ordinance authorizing an Agreement between the City of Houston and Midway Fountainview Investors, LLC for the acquisition and rehabilitation of Vista Bonita Apartments.

Amount of Funding: \$1,730,000 **CDBG - DR** **Finance Budget:**

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) CDBG DR

SPECIFIC EXPLANATION:

Midway Fountainview Investors, LLC (Midway) will be the borrower of the subject loan to rehabilitate Vista Bonita Apartments ("Vista"). The ownership structure for the project is proposed as follows: CB Texas I, Ltd, owner, CB Texas I GP, LLC, 50% general partner, George Kaleh managing member, and Midway Fountainview Investors, LLC, 50% special limited partner.

CB Texas I, Ltd is currently under contract to purchase Vista Bonita, a 118-unit (100% vacant) multifamily project located in District "E" on the east side of I-45, approximately 1½ miles south of Monroe Rd. The property was built in 1964 and has suffered damage due to Hurricane Ike and is in need of extensive renovation of the exterior and interior, including modernizations to improve its useful life.

The developer received \$10,425,571 in tax credits from the Texas Department of Housing and Community Affairs (TDHCA) in 2008. The Tax Credits could not be sold given the financial markets thus the Applicant returned the credits to the State under the Tax Credit Exchange Program, created from the American Reinvestment and Recovery Act of 2009 (ARRA). Due to the increased number of 30% area medium income (AMI) units and the rent restriction period of 40 years, they have been approved to receive \$10,822,758 (\$.85 exchange price) in the form of a grant from the Treasury, in lieu of low-income housing tax credits. The grant will be secured by a subordinated recapture mortgage. The City and the approved Contractor will adhere to and comply with special reporting requirements associated with the ARRA grant expenditures as required by the granting agency and/or Office of Management and Budget.

Per the Exchange program, 100% of the units will be restricted to individuals making 30%, 50%, and 60% AMI for a period of 40 years. The property is 100% vacant and therefore does not require a relocation plan.

Amegy Bank will provide a first lien, construction to permanent loan in an approximate amount of \$1,411,802. The loan will be an interest only revolving line of credit during the first 24 months and will then convert to a 15 year permanent with principal and interest payments based on a 30 year amortization. Amegy Bank has financed the gap for several Tax Credit projects and just recently closed the first Tax Credit Exchange transaction with the State.

The City is a sub-recipient of CDBG Disaster Recovery funds, received through TDHCA, to provide a \$1,730,000 forgivable performance based loan (PBL) to Midway Fountainview Investors, LLC (50% Special Limited Partner). Midway will make a loan to the operating partnership, CB Texas I, Ltd. As collateral, Midway will convey its security interest in the Note and the Deed of Trust from the partnership to the City of Houston.

REQUIRED AUTHORIZATION

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

The City will fund the entire \$1.73MM at closing for a portion of the acquisition cost. The City's PBL will have an interest rate of 0% and a term of five (5) years with two (2) five (5) year extension options. The PBL will be forgiven so long as the borrower complies with the terms and conditions of the City's loan agreement, and the property is in full compliance with HUD guidelines.

The Disaster Recovery contract between the State and the City, calls for seventy-four (74) units, being approximately fifty-one percent (51%) of the current 144 units, to be leased to tenants making 80% AMI or less, for a period of five (5) years, at affordable rents. The affordable rental rates will be consistent with TDHCA affordable rents.

While the City's loan will be inferior to the first lien (Amegy Bank), the City's Land Use Restrictions Agreement (LURA) will prime the loan through a subordination agreement. The principals of Midway (Bradley Freels, the CEO, Bo Sanford the President, Jonathan Brindsen the EVP and COO) and the president of Cornerbrook (George Kaleh/Kaleh Family Living Trust) will guarantee completion of construction and will be released upon completion and stabilization.

Midway Companies, headquartered in Houston, have been active in the development of commercial, residential, and land for 30 + years. In that time frame they have developed 1,170 multifamily units throughout the Houston area. George Kaleh is president of Sugar Land based Cornerbrook Development Co. Started in the 80's, Cornerbrook has participated in the development of over 50 properties consisting of more than 14,000 units throughout Texas and the East Coast.

The proposed rehab is designed to extend the useful life of the property for at least 20 years. The rehab will include replacing plumbing, windows, and HVAC systems with a focus on energy efficiency; replacing the roofs, siding, balconies; full interior strip down to the studs with upgrades including new drywall, appliances, bathtubs, countertops, flooring; and improving security with lighting and fencing improvements.

The Borrower plans to remove 26 units (22 units located in 100 year flood plain and 4 units to be retro-fitted into a Community Center) for a proposed total unit count of 118. The budget includes conversion of 6 units (5%) to meet ADA guidelines and 2 units (2%) to meet hearing/visually impaired requirements. Other amenities will include; a business center, fitness room, playground, and two pools. Hard costs total \$8,138,337 and rehab work will be conducted by a joint venture (JV) between Lyda Swinerton Builders, a California based General Contractor and Cornerbrook Construction. The Contractor will be bonded for payment and performance.

Sources of Funds:	Overall Budget	Per Unit	Per SF
Exchange Proceeds	\$10,822,758	\$91,718	\$110
Amegy Bank (1st Lien)	\$1,411,802	\$11,964	\$14
City of Houston/CDBG - DR	\$1,730,000	\$14,661	\$18
<u>Equity</u>	<u>\$158,964</u>	<u>\$1,347</u>	<u>\$2</u>
Total Source of Funds	\$14,123,524	\$119,691	\$143

Uses of Funds:	Overall Budget	Per Unit	Per SF
Acquisition Cost	\$2,525,000	\$21,398	\$26
Hard Costs	\$8,138,337	\$68,969	\$82
Soft Costs	\$2,594,454	\$21,987	\$26
<u>Financing & Other Costs</u>	<u>\$865,733</u>	<u>\$7,337</u>	<u>\$9</u>
Total Uses of Funds	\$14,123,524	\$119,691	\$143

The project is consistent with the City of Houston's Consolidated Plan to create affordable housing units. The City's participation in the project will contribute to the goal of increasing the number of safe, decent, and affordable rental housing units in the Houston area. The Department recommends approval of an Agreement between the City of Houston and Midway Fountainview Investors, LLC.

RC: DS: LC: PC

cc: Mayor's Office
City Secretary
Legal Department
Finance

REQUEST FOR COUNCIL ACTION

RCA# 8581

TO: Mayor via City Secretary

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Mail Processing Services for Various Departments S33-T23374

Category #
4

Page 1 of 2

Agenda Item

28 | 29

MAR 03 2010
~~FEB 24 2010~~

FROM (Department or other point of origin):

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

Origination Date

February 09, 2010

Agenda Date

for
MK

DIRECTOR'S SIGNATURE

S. H. Rousseau

Council District(s) affected
All

For additional information contact:

Sahira Abdool Phone: (713) 247-4105
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to HOV Services, Inc. in an amount not to exceed \$2,510,000.00 for mail processing services for various departments.

Maximum Contract Amount: \$2,510,000.00

Finance Budget

- \$ 450,000.00 - Parking Management Fund (8700)
- \$ 500,000.00 - Building Inspection Fund (2301)
- \$1,560,000.00 - General Fund (1000)

\$2,510,000.00 - 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 HOV Services, Inc. in an amount not to exceed \$2,510,000.00 for mail processing services for various departments. The City Purchasing Agent or the Department Director may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all personnel, management, supervision, labor, equipment and incidentals necessary to implement the mail processing services that will provide the Municipal Courts Administration (MCA), Public Works & Engineering Department (PWE) and the General Services Department (GSD) with an efficient correspondence bulk mail processing service.

The contractor will be required to provide all facilities, personnel, transportation and supplies necessary to process and mail all MCA, PWE and GSD official correspondence. It is estimated that MCA will process a minimum of 35,000 court notices, PWE will process a minimum of 5,000 letters of notification and GSD will process a minimum of 11,000 parking notices per month. This contract will allow MCA, PWE and GSD to outsource the mail processing function at a lower cost. Each department will provide the contractor with a hard copy of the forms/letters/notices that will be mailed. The contractor shall customize the forms/letters/notices utilizing the information as provided and mail to all applicable addresses provided by the City of Houston.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. Sixty-three prospective bidders downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from All Printing, Inc., HOV Services, Inc., and Questmark Information Management, Inc. The evaluation committee consisted of five evaluators. The proposals were evaluated based upon the following criteria:

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MK

Date:
2/9/2010

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Mail Processing Services for Various Departments
S33-T23374

Originator's
Initials
CJ

Page 2 of 2

- Organizational staff knowledge and experience
- Track Record
- Cost
- Financial Stability
- M/WBE Participation

HOV Services, Inc. received the highest overall score.

M/WBE Subcontractor:

This RFP was issued as a goal-oriented contract with an 11% M/WBE participation level. HOV Services, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>Subcontractor</u>	<u>Type of Work</u>	<u>Percentage</u>	<u>Amount</u>
City Office Supply, Inc.	Supplies	11%	\$276,100.00

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: Conley Jackson

Estimated Spending Authority

Department	FY10	Out Years	Total Amount
General Services	\$72,000.00	\$378,000.00	\$450,000.00
Municipal Courts Administration	\$80,000.00	\$1,480,000.00	\$1,560,000.00
Public Works & Engineering	\$100,000.00	\$400,000.00	\$500,000.00
Totals	\$252,000.00	\$2,258,000.00	\$2,510,000.00