

AGENDA - COUNCIL MEETING - TUESDAY - MAY 11, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Adams

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 - MAY 12, 2010 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on a proposal for the City of Houston to annex certain territory in the vicinity of Aldine Westfield and Farrell Road, in Harris County, Texas

MAYOR'S REPORT - Fiscal Year 2011 City Budgets

CONSENT AGENDA NUMBERS 2 through 32

MISCELLANEOUS - NUMBERS 2 and 3

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLANNING COMMISSION**:
 - Position Two - **MR. RICHARD A. RICE**, for a term to expire 9/30/2011
 - Position Three - **MR. JAMES R. JARD**, for a term to expire 9/30/2011
 - Position Nine - **MS. ROBIN REED**, for a term to expire 9/30/2010
 - Position Ten - **MR. TALMADGE SHARP, SR.**, for a term to expire 3/31/2011
 - Position Eleven - **MR. SHAUKAT ZAKARIA**, for a term to expire 9/30/2010
 - Position Twelve - **MS. ALGENITA SEGARS**, for a term to expire 3/31/2011
 - Position Thirteen - **MS. BETH WOLFF**, for a term to expire 3/31/2011
 - Position Fourteen - **MR. DAVID WYNN ROBINSON**, for a term to expire 9/30/2011
 - Position Twenty - **MR. JEFF E. ROSS**, for a term to expire 9/30/2010
3. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$4,874.39 per acre for properties connecting to the 8-inch wastewater line constructed by **ACETYLENE OXYGEN COMPANY** located along Northcourt Street from Flintlock Road - **DISTRICT A - STARDIG**

ACCEPT WORK - NUMBERS 4 through 7

4. RECOMMENDATION from Interim Director General Services Department for approval of final contract amount of \$626,150.70 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Sharpstown Golf Cart Barn - 11.85% over the original contract amount **DISTRICT F - HOANG**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$11,382,530.40 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Kirby Drive Storm Sewer Relief Project Segment 3 20.83% under the original contract amount - **DISTRICT C - CLUTTERBUCK**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,212,020.74 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Midtown-Southeast - 4.36% over the original contract amount - **DISTRICT I - RODRIGUEZ**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$842,721.90 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Eastway Plaza - 3.90% under the original contract amount - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 and 9

8. **EQUIPMENT DEPOT, LTD.** for Forklifts for Houston Airport System - \$63,738.00 - Enterprise Fund
9. **AMEND MOTION #2008-654, 8/20/08, TO INCREASE** spending authority from \$1,577,127.00 to \$1,971,408.75 for Fittings and Appurtenances for Department of Public Works & Engineering, awarded to **CPR SERVICES AND SUPPLIES, INC d.b.a MDN ENTERPRISES** - \$394,281.75 Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 10 through 32

10. RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City Budgets for the time period July 1, 2010 through June 30, 2011; authorizing notice of such public hearing - **HEARING DATE - 1:30 P.M. - TUESDAY - JUNE 8, 2010**
11. RESOLUTION approving and authorizing the nomination of **SYSCO CORPORATION** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project
12. RESOLUTION approving and authorizing the nomination of **TYSON REFRIGERATED PROCESS MEATS, INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - **DISTRICT B - JOHNSON**
13. RESOLUTION supporting the City of Houston's request to the **TEXAS DEPARTMENT OF TRANSPORTATION** to waive Local Match Participation for the Federal Off-System Bridge Program administered by TxDOT - **DISTRICTS A - STARDIG and B - JOHNSON**
14. ORDINANCE **AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES** regarding certain Ground Transportation Permit Fees at the Airports; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause
15. ORDINANCE **AMENDING ARTICLE XV OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to traffic in neighborhood areas; containing findings and other provisions relating to the foregoing subject; providing for severability
16. ORDINANCE authorizing the issuance of one or more series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2010 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and Official Notice of Sale to be used in connection with the sale of the Notes; authorizing the preparation and distribution of an Official Statement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement; authorizing a Co-Bond Counsel Agreement; and making other findings and provisions relating to such Notes and matters incident thereto; and declaring an emergency
17. ORDINANCE approving Supplemental Borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2010A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2010 and ending June 30, 2011; providing for the payment of the principal of and interest on such Notes; authorizing the procedure for determining the terms and conditions of such Notes; authorizing the execution of a Note Purchase Agreement; approving Co-Bond Counsel; making other findings and provisions related to such Notes and matters incident thereto; and declaring an emergency
18. ORDINANCE approving and authorizing contract between the City and **RECIPE FOR SUCCESS FOUNDATION** for Support Services for After-School Education Programs; providing a maximum contract amount - \$485,760.00 - Grant Fund
19. ORDINANCE approving and authorizing first amendment to contract between the City of Houston, the **SPRING BRANCH INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide an additional \$100,000.00 and continue the program for the development of neighborhood parks on public school grounds under the SPARK Program - CDBG Fund - **DISTRICT A - STARDIG**

RESOLUTIONS AND ORDINANCES - continued

20. ORDINANCE approving and authorizing fourth amendment to contract between the City of Houston, the **HOUSTON INDEPENDENT SCHOOL DISTRICT** and **SPARK** to provide an additional \$200,000.00 and continue the program for the development of neighborhood parks on public school grounds under the SPARK Program - CDBG Fund - **DISTRICTS H - GONZALEZ and I - RODRIGUEZ**
21. ORDINANCE approving and authorizing Amendment No. 1 to Automobile Rental Concession Agreements by and between the City of Houston and **AVIS RENT A CAR SYSTEM, INC; BUDGET RENT A CAR SYSTEM, INC; DTG OPERATIONS, INC, d/b/a DOLLAR RENT A CAR; EAN HOLDINGS, LLC, d/b/a ENTERPRISE RENT A CAR; THE HERTZ CORPORATION; VANGUARD CAR RENTAL USA LLC, d/b/a NATIONAL CAR RENTAL; ALAMO RENTAL (US) INC, d/b/a ALAMO RENT A CAR and DTG OPERATIONS, INC d/b/a THRIFTY CAR RENTAL** at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ**
22. ORDINANCE approving and authorizing contract between the City of Houston and **LINEBARGER GOGGAN BLAIR & SAMPSON, LLP** for the Collection of delinquent ad valorem taxes
23. ORDINANCE amending Ordinance No. 99-0161 to establish a maximum contract amount for the contract between the City of Houston and **FROST NATIONAL BANK** for Automated Filing Fee Payment Services for the Houston Police Department - Additional funding \$125,000.00 - General Fund
24. ORDINANCE de-appropriating \$725,800.00 out of Water & Sewer System Consolidated Construction Fund; re-appropriating \$725,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **RATNALA AND BAHL, INC** for Willow Run and Tidwell Timbers Wastewater Treatment Plant Improvements - **DISTRICT B - JOHNSON**
25. ORDINANCE de-appropriating \$400,862.00 out of Water & Sewer System Consolidated Construction Fund (as passed by Ordinance No. 2007-0131); and re-appropriating \$400,862.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Lift Station Renewal and Replacement - **DISTRICT B - JOHNSON**
26. ORDINANCE deappropriating \$6,450,000.00 appropriated from the Street & Bridge Consolidated Construction Fund by Ordinance No. 2009-1021 in connection with the construction of Genoa-Red Bluff Road and deappropriating \$4,137,500.00 appropriated from the Street & Bridge Consolidated Construction Fund by Ordinance No. 2010-0007 in connection with the construction of Scott Street; appropriating \$6,450,000.00 from the Metro Projects Construction Fund for the construction of Genoa-Red Bluff Road as described in Ordinance No. 2009-1021 and appropriating \$4,137,500.00 from the Metro Projects Construction Fund for the construction of Scott Street as described in Ordinance No. 2010-0007 - **DISTRICTS D - ADAMS and E - SULLIVAN**
27. ORDINANCE appropriating \$732,750.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program Work Authorization Project, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - STARDIG; C - CLUTTERBUCK; D - ADAMS and H - GONZALEZ**

RESOLUTIONS AND ORDINANCES - continued

28. ORDINANCE amending Ordinance 2009-0782 approving first amendment to Energy Savings Performance Contract for Energy Conservation Measures for various City facilities between the City of Houston and **SIEMENS INDUSTRY, INC** - **DISTRICTS A - STARDIG and D - ADAMS**
29. ORDINANCE appropriating \$200,000.00 out of Convention & Entertainment Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHP & ASSOCIATES, CONSULTING ENGINEERS, INCORPORATED** for Jones Hall Electrical Improvements - **DISTRICT I - RODRIGUEZ**
30. ORDINANCE appropriating \$33,743.85 out of General Improvement Consolidated Construction Fund; awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at former Kingwood Library; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by the General Improvement Consolidated Construction Fund - **DISTRICT E - SULLIVAN**
31. ORDINANCE appropriating \$465,200.00 out of Parks Consolidated Construction Fund and \$6,000.00 out of Parks Special Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for Ervan Chew Park; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund and Parks Special Fund - **DISTRICT D - ADAMS**
32. ORDINANCE approving and authorizing purchase of a three-year Commercial Crime Insurance Policy from the **CHARTIS GROUP**, through the National Union Fire Insurance Company, a Member Company, for Public Employee Dishonesty Coverage, providing a maximum contract amount - 3 Years - Not to exceed \$94,196.00 - Property and Casualty Fund

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 33 and 34

MISCELLANEOUS

33. RECEIVE nominations for appointment to Position 12 on the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2012
34. **SET HEARING DATE** to consider a Municipal Setting Designation ordinance for Silver Bishop Holdings, LP for the site located at 5802 Navigation Blvd. - **DISTRICT H - GONZALEZ**
HEARING DATE - 9:00 A.M. - WEDNESDAY - JUNE 16, 2010

MATTERS HELD - NUMBERS 35 and 36

35. MOTION by Council Member Clutterbuck/Seconded by Council Member Lovell to adopt recommendation from Director Department of Public Works & Engineering, on request from Chuck Davis, C. L. Davis & Company, on behalf of Houston Independent School District, reviewed and approved by the Joint Referral Committee, for abandonment and sale of Glenheath Street from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat, and a right of entry for Houston Independent School District, Parcels SY10-055A through C and KY10-145 - **DISTRICT I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER RODRIGUEZ

This was Item 14 on Agenda of May 5, 2010

36. ORDINANCE approving and authorizing the City of Houston to submit the 2010 Consolidated Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2010 grant applications: 1) 36th Program Year Community Development Block Grant in the amount of \$32,769,402; 2) Home Investment Partnerships Grant in the amount of \$14,066,375; 3) Housing Opportunities for Persons With AIDS Grant in the amount of \$7,793,944; and 4) Emergency Shelter Grants in the amount of \$1,329,099; and to accept the aforementioned grant funds, if awarded - **TAGGED BY COUNCIL MEMBER JONES**

This was Item 18 on Agenda of May 5, 2010

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

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

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

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

CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
MAY 11, 2010 – 2:00 PM

AGENDA

<u>2MIN</u>	<u>2MIN</u>	<u>2MIN</u>
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NON-AGENDA

<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
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MR. MICHAEL DAVIS – 19031 Walbrook Meadows Ln. – Cypress – TX – 77433 – 832-647-6021
Aggressive driver programs by HPD

MS. PATRICIA HAMMERSLEY - 19031 Walbrook Meadows Ln. – Cypress – TX – 77433 – 281-989-3629
Aggressive driver programs by HPD

MS. BRENDA NEMZIN – 6402 Haskell – 77007 – 713-906-0123 – Memorial Park Master Plan

MR. SKIP BEEDLE – 2525 Old Farm Road 2317 – 77063 – 713-785-0220 – Computer identity theft case

MR. DALE YORK – 8833 Gulf Freeway – 77017 – 713-941-8000 – Do you want to stop wasting money

MR. PETER DINGISS – 5110 San Felipe St., Unit 304W – 77056 – 713-721-4134 – Library hours

MR. LARRY GUERRO – 401 Franklin – 77201 – 713-819-4098 – Impact of USPS moving

MS. LORETTA FRANK – 1476 Wilcrest Dr. – 77014 – 832-329-5087 – Fire Marshall Inspector

MR. JOHN JOHNSON – 1476 Wilcrest Dr. – 77042 – 832-453-1900 – Fire Marshall

MR. ELIAS MICHALOPOULOS – 6960 TC Jester – 77091 – 281-701-3790 – Sign Administration

MR. ROBERT SMITH – 9309 Willowview – 77080 – 713-464-0886 – Apologize to HPD

MR. ANTHONY COLLINS – 6202 Star Lake – Humble – TX – 77396 – 713-344-5732 – Community
Development Block Grant

MRS. JENNIFER PONCIO – 11829 Westmere Dr. - 77077 – 281-772-4391 – HFD Recruitment requirement

MR. ALEJANDRO PONCIO – 11829 Westmere Dr. - 77077 – 832-298-0877 – HFD Recruitment Process

MR. BRIAN SIMON – 115 Plantation – 77024 – 713-468-6767 – B. A. R. C.

MRS. AMY RAMIREZ – 7309 El Paso – 77020 – 713-675-6331 – Down Payment Assistance

MR. MATTHEW NEICE – 7309 El Paso – 77020 – 713-675-6331 – Down Payment Assistance

MR. PAUL CLARK – 5233 Arboles – 77035 – 626-485-0416 – HPD No assistance/no response

CAPT. KHALLID GREENE – 2413 Truxillo - 77004 – 281-245-7642 – Prepare the City of Houston for
Disaster

PREVIOUS

<u>1MIN</u>	<u>1MIN</u>	<u>1MIN</u>
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MS. BARBARANN LACOURSE – 1600 Louisiana – 77002 – 832-880-2010 – HPD

MR. WILLIAM BEAL - 5814 Overdale St. – 77033 – 713-738-3410 1476 Wilcrest Dr. – 77042 – Eagle – Me
Do Wrong Right: James Brown

MR. JAMES PARTSCH-GALVAN – 1611 Holman – 77004 – 713-528-2607 – HPD harassment Chinese
Consultant Staff World Cup 2010

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – Mayor Impostor KKK-Parker-
Terrorist Assassination Attempts Upon my life

MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 – Project lost and ignored

chronicle 4-30-10

NOTICE OF PUBLIC HEARINGS

MAY 12 2010

The City Council of the City of Houston, Texas will conduct a public hearing at 9:00 a.m. on Wednesday, May 12, 2010 in Houston City Council Chambers, Houston City Hall, 901 Bagby, Houston, Texas.

The purpose of the hearing is to receive input from the public on the proposal for the City of Houston to annex certain territory located in the vicinity of Aldine Westfield and Farrell Road, in Harris County, Texas. The City Council will consider proposals to extend the corporate limits of the City of Houston, Texas; to institute proceedings to annex to its corporate limits the territory included in such boundaries; adopt a service plan for such territory; and to assign annexed areas to District B from which District Council member is elected until such time as District boundaries may be changed pursuant to the City of Houston Charter.

All persons desiring to attend such public hearings may view the City Council Agenda to confirm the scheduling of the hearings. The Agenda will be available at <http://www.houstontx.gov/citysec/agenda.html> on the Monday preceding the Hearing. All persons desiring to be heard at such hearings must make a reservation to speak by contacting the Office of the City Secretary of the City of Houston, Public Level, City Hall Annex, 900 Bagby, Houston, Texas, telephone (832) 393-1100. Copies of the proposed service plan are now available in the Office of the City Secretary of the City of Houston on weekdays between the hours of 8:00 a.m. and 5:00 p.m.



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2

MAY 18 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 4-27-10
date

COUNCIL MEMBER: _____

April 22, 2010

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to City of Houston Code of Ordinances, Chapter 33, I am nominating the following individuals for reappointment to the Planning Commission, subject to Council confirmation:

Mr. Richard A. Rice, reappointment to Position Two, for a term to expire September 30, 2011;
Mr. James R. Jard, reappointment to Position Three, for a term to expire September 30, 2011;
Ms. Robin Reed, reappointment to Position Nine, for a term to expire September 30, 2010;
Mr. Talmadge Sharp Sr., reappointment to Position Ten, for a term to expire March 31, 2011;
Mr. Shaukat Zakaria, reappointment to Position Eleven, for a term to expire September 30, 2010;
Ms. Algenita Segars, reappointment to Position Twelve, for a term to expire March 31, 2011;
Ms. Beth Wolff, reappointment to Position Thirteen, for a term to expire March 31, 2011;
Mr. David Wynn Robinson, reappointment to Position Fourteen, for a term to expire September 30, 2011; and
Mr. Jeff E. Ross, reappointment to Position Twenty, for a term to expire September 30, 2010.

Members of the Planning Commission also serve as members of the Airport Commission.

Résumés of the nominees are attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:ss

Attachments

cc: Ms. Marlene Gafrick, Director, Planning and Development Department



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Establishment of connection charge for a privately constructed 8-inch wastewater line located along Northcourt Street from Flintlock Road		Category	Page 1 of 1	Agenda Item # <u>3</u>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5-6-10	Agenda Date MAY 12 2010	
DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE, Director		Council District affected: <i>A-158</i>		
For additional information contact: <i>AMS</i> Ann Marie Stone Sheridan, P.E. Phone: (713) 837-9142		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Recommend that a connection charge in the amount of \$4,874.39 per acre be established for the properties connecting to the 8-inch wastewater line constructed by Acetylene Oxygen Company				
Amount of Funding: None Required <i>Dy 4/28/10</i>			Finance Department:	
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) -				
SPECIFIC EXPLANATION: Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) includes provisions for the reimbursement of developers who have constructed a water or sanitary sewer extension. Establishment of a connection charge provides that the owner of each successive property that connects to the line built by the developer will pay a pro-rata share of the cost to construct the line. Under Section 47-168 of the Houston Code, a developer may, with the proper permit provided for in Section 47-165, construct off-site water and/or sanitary sewer lines at their expense (or with City participation) and then apply for reimbursement for their share when other property owners connect to those water and/or sanitary sewer lines. Acetylene Oxygen Company has constructed 870 linear feet of 8-inch wastewater line along Northcourt Street at a cost of \$37,525.00 after deducting the City's share. This wastewater line can potentially serve an area of 7.6984 acres, thereby making a unit connection cost of \$4,874.39 per acre. These monies will be collected at the time that a building permit is issued and will be placed in a pro-rata fee account. The City will make reimbursement to the person constructing such mains two times per year. AMS:ls				
CUIC# 20UPA46				
Finance Department	Other Authorization:		Other Authorization: <i>Mark L. Loether</i> Mark L. Loether, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services	

Pro-rata Charge

3/11/2010

Total acreage serve by 8-inch, 870 feet sanitary sewer on Northcourt Rd

Non-Developer - acres		Developer - acres	
4.8563		1.4000	
		1.4421	
Total	4.8563	Total	2.8421
Total Acreage		7.6984	
Developer Percent		36.92%	
Developer Cost		\$37,525.00	
Cost per Acre		\$4,874.39	

Total construction cost \$75,050.00

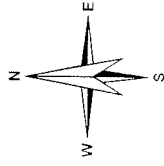
The City reimbursed \$37,525.00

Developer private funded \$37,525.00

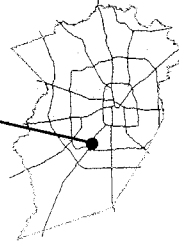
Harris County Appraisal District



0 100 200
PUBLICATION DATE:
1/15/2010



MAP LOCATION

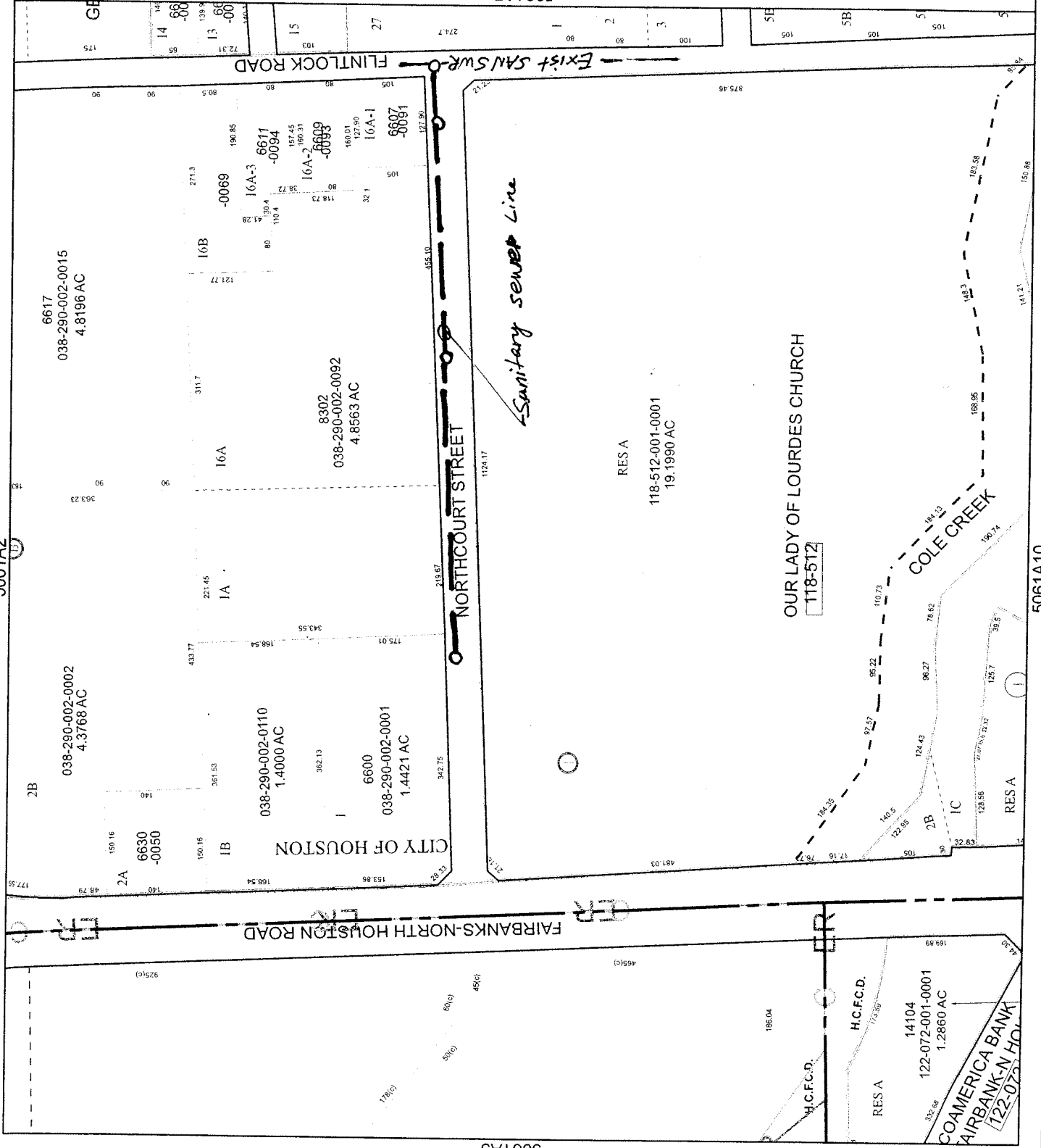


FACET 5061A



1	2	3	4
5	6	7	8
9	10	11	12

5061A2

5061A10



5061A5

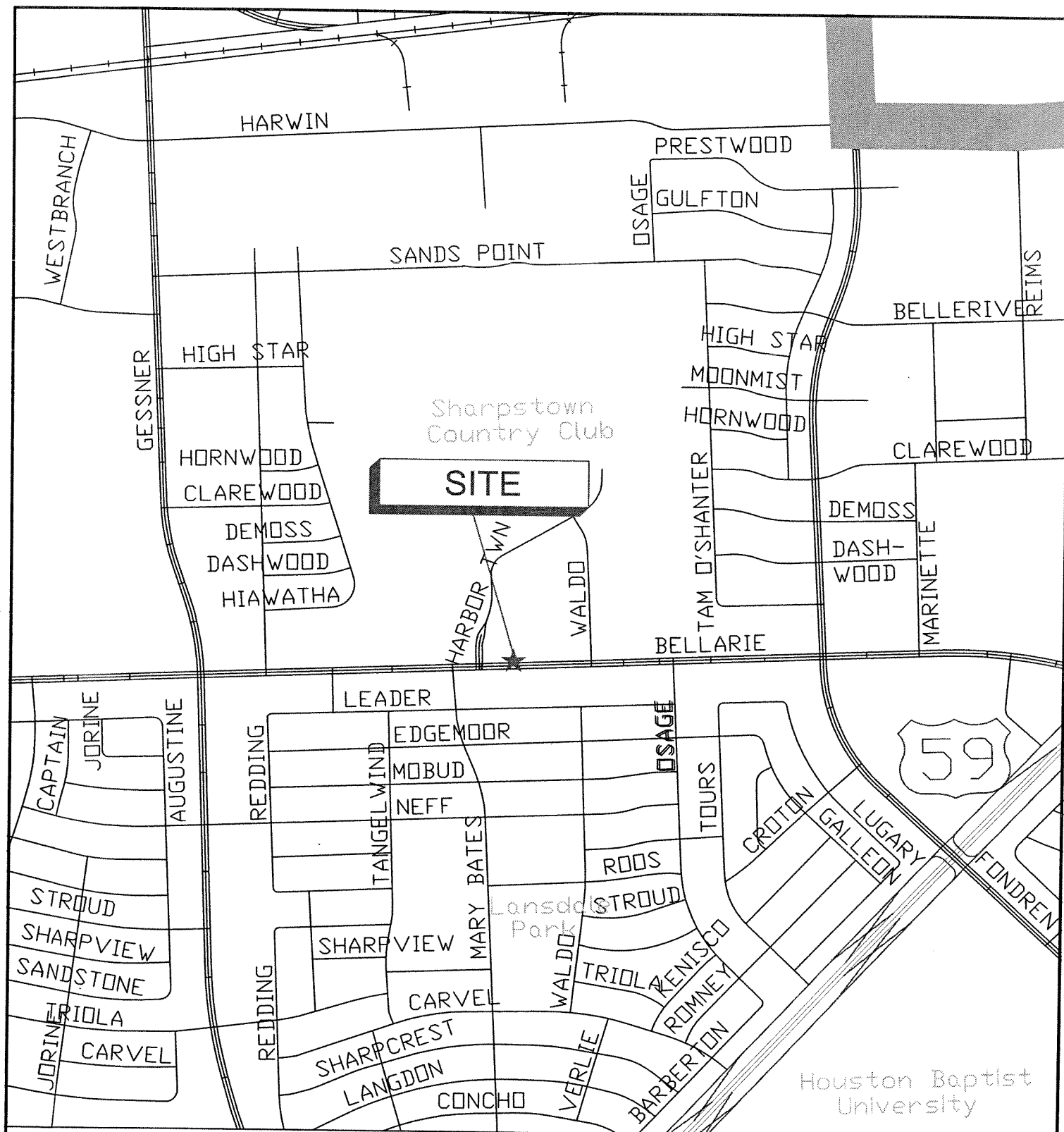
SUBJECT: Accept Work Carrera Construction, Inc. Sharpstown Golf Cart Barn WBS No. F-000665-0001-4		Page 1 of 2	Agenda Item 4
FROM (Department or other point of origin): General Services Department		Origination Date 5-6-10	Agenda Date MAY 12 2010
DIRECTOR'S SIGNATURE: Forest R. Christy, Jr., Interim Director		Council District affected: F	
For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023		Date and identification of prior authorizing Council action: Ordinance No. 2008-0582, June 25, 2008 Ordinance No. 2009-718, August 5, 2009	
RECOMMENDATION: Pass a motion approving the final contract amount of \$626,150.70 accept the work, and authorize final payment.			
Amount and Source of Funding: No Additional Funding Required		Finance Budget:	
Previous Funding: \$675,468.17 Park Capital Project Fund (4011)			
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$626,150.70 or 11.85% over the original contract amount, accept the work and authorize final payment to Carrera Construction, Inc. for construction services in connection with the Sharpstown Golf Cart Barn for the Parks and Recreation Department.			
PROJECT LOCATION: 8200 Bellaire Blvd (530F)			
PROJECT DESCRIPTION: The project demolished the 52-year old golf cart barns and erected a new metal building that includes a staff restroom, storage, shop area and housing for 85 carts. The scope also provided for site grading, concrete slab, concrete driveways, site utilities and landscaping, parking lot improvements.			
CONTRACT COMPLETION AND COST: The contractor completed the project within 257 days: the original contract time of 150 days plus 107 days approved by Change Orders. The final cost of the project, including Change Orders is \$626,150.70 an increase of \$66,337.70 over the original contract amount.			
M2L Associates, Inc. was the project design consultant and construction manager.			
PREVIOUS HISTORY AND PROJECT SCOPE: On August 5, 2009, City Council approved a First Amendment to increase the maximum contract contingency from 5% to 14.53% to address improvements to the existing parking lot, cart path and building enhancements.			
REQUIRED AUTHORIZATION CUIC ID# 25PARK104			
General Services Department:  Richard A. Vella, AAIA Chief of Design & Construction Division		Parks and Recreation Department:  Joe Turner Director	

Date:	Subject: Accept Work Carrera Construction, Inc. Shapstown Golf Cart Barn WBS No. F-000665-0001-4	Originator's Initials LJ	Page 2 of 2
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PREVIOUS CHANGE ORDERS: Change Orders 1-3 added a new drainline at the cart washing station; extended the existing waterline; increased the pipe size at the sanitary sewer tie-in; increased the number of parking stalls; added concrete curb to protect the building; added an intruder alarm; extended the parking lot; added a seal coat to the parking lot; extended the driveway; painted overhead doors and added power to the door; relocated the electrical service rack; added concrete apron to the existing cart; added panic bar to the door in the electrical room; and added non-compensable time extensions to the contract.

IZD:RAV:JLN:LJ:lj

c: Marty Stein, Jacquelyn L. Nisby, Mark Ross, Dan Pederson, Calvin Curtis, Morris Scott, Chris Gonzales, File 1108


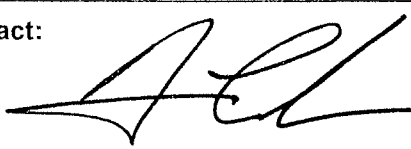


Sharpstown Golf Cart Barn
8200 Bellaire Blvd
Houston, TX 77036

COUNCIL DISTRICT "F"

KEYMAP No. 530F

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Kirby Drive Storm Sewer Relief Project Segment 3, WBS No. M-000771-0003-4.		Page 1 of 1	Agenda Item # 5
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/6/10	Agenda Date MAY 12 2010
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE., Director		Council Districts affected: C	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074		Date and Identification of prior authorizing Council Action: Ord. #2007-775 dated 06/27/2007	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$11,382,530.40 or 20.83% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$16,259,000.00 with \$16,191,000.00 from Drainage Improvements Commercial Paper Series F, Fund No. 4030, reimbursement from the Federal Emergency Management Agency (FEMA) not to exceed \$3,640,000.00 and \$68,000.00 from Water and Sewer System Consolidated Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Storm Drainage Capital Improvements Plan (CIP) and was required to provide drainage improvements within the Harris Gully watershed and to reduce the flood potential to the Texas Medical Center, Rice University, Hermann Park and surrounding areas.

DESCRIPTION/SCOPE: This project consisted of approximately 2,945 linear feet of 14-ft x 12-ft reinforced concrete box storm sewer, 1,544 linear feet of 24-inch, 30-inch, 36-inch, and 48-inch storm sewers, 250 linear feet of 8-inch sanitary, and concrete roadway reconstruction with curb and gutter. Carter and Burgess designed the project with 470 calendar days allowed for construction. The project was awarded to Reytec Construction Resources Inc. with an original Contract Amount of \$14,377,097.00.

LOCATION: The project area is generally bounded by Robinhood to the north, Swift to the south, Morningside to the east and Buffalo Speedway to the west. The project is located in Key Map Grids 532-C and 532-G.

CONTRACT COMPLETION AND COST: The Contractor, Reytec Construction Resources Inc., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and approved Changes Orders No. 1 thru 3, is \$11,382,530.40. This is a decrease of \$2,994,566.60 or 20.83% under the original Contract Amount.


The decreased cost is a result of difference between planned and measured quantities. This decrease is primarily a result of underrun in various bid items, including General Items, Paving Items, Storm Sewer Items, Sanitary Items, Clean Air Incentives and unused items under Extra Unit Items. Full uses of these items are not required to complete the work.

M/WBE PARTICIPATION: The M/WBE goal for this project was 20%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 27.54%. Contractor's M/WBE performance evaluation was rated Outstanding.

MSM:DRM:JTL:JAK:JC:ha

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cc: Velma Laws Craig Foster Waynette Chan Marty Stein File SM5044-03/21.0.

REQUIRED AUTHORIZATION		CUIC ID # 20HA88
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

CITY COUNCIL DISTRICT C

SUBJECT: Accept Work for Water Line Replacement in Midtown-Southeast.
WBS No. S-000035-00C8-4.

Page 1 of 1

Agenda Item #

6

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

5/4/10

Agenda Date

MAY 12 2010

DIRECTOR'S SIGNATURE:

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

Council Districts affected:

1

For additional information contact:

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

Phone: (713) 837-7074

Date and Identification of prior authorizing Council Action:

Ord. #2005-1388 dated 12/20/2005

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,212,020.74, which is 4.36% over the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.

(Original appropriation of \$2,417,770.00 from Water and Sewer System Consolidated Construction Fund No. 755.)

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

DESCRIPTION/SCOPE: This project consisted of 25,140 linear feet of 4-inch, 6-inch, 8-inch, and 12-inch water lines with all related appurtenances in Midtown-Southeast. Washington Group International designed the project with 300 calendar days allowed for construction. The project was awarded to D. L. Elliott Enterprises, Inc. with an original Contract Amount of \$2,119,610.00.

LOCATION: The project area is generally bound by McGowen on the north, Eagle on the south, Hamilton & US 59 North (Eastex Freeway) on the east and Austin on the west. The project is located in the Key Map Grids 493-T, U, X & Y.

CONTRACT COMPLETION AND COST: The Contractor, D. L. Elliott Enterprises, Inc. has completed the Work under subject Contract. The project was completed within the Contract Time with an additional 157 days approved by Change Order No. 2. The final cost of the project, including previously approve Change Order Nos. 1 and 2 and overrun and underrun of estimated bid quantities is \$2,212,020.74, an increase of \$92,410.74 or 4.36% over the original Contract Amount.

The cost overrun is primarily due to Change Order Nos. 1 and 2.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance, the actual participation was 18.62%. The Contractor was awarded an "Outstanding" rating for M/WBE compliance.

MSM:DRM:JTL:AK:AK.mq
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c: File No. S-000035-00C8-4 - 21.0

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ153

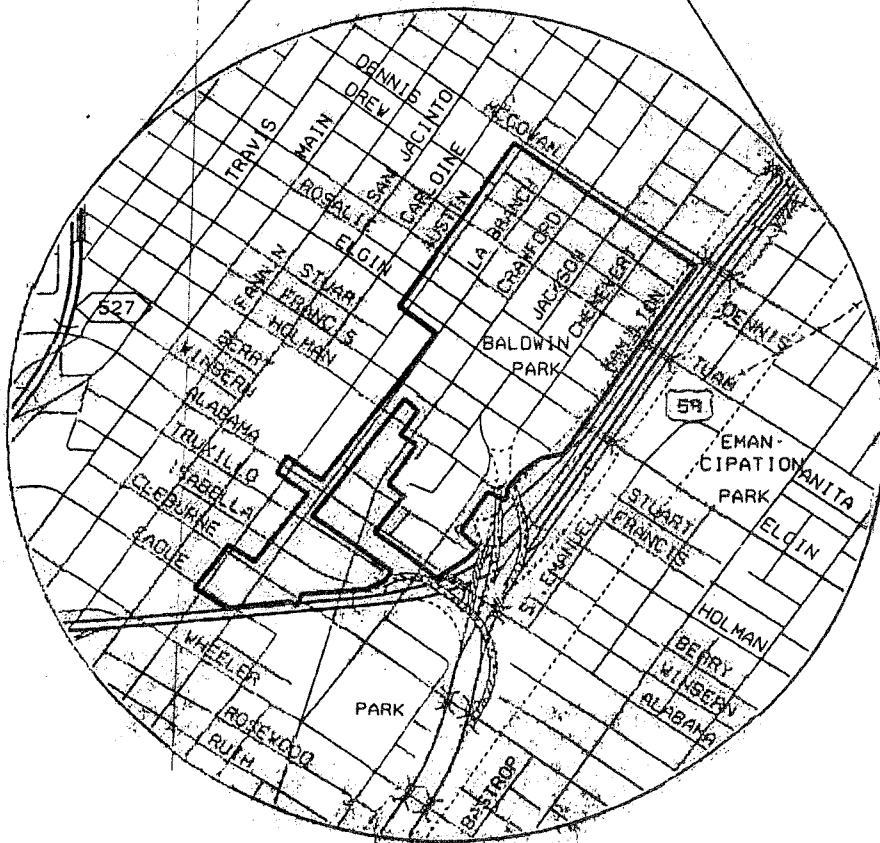
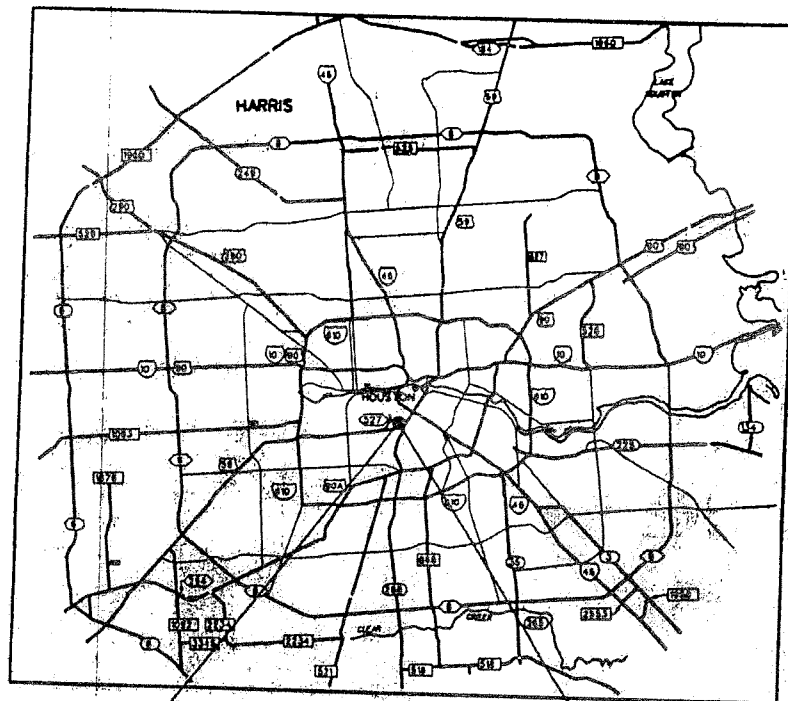
Finance Department:

Other Authorization:

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

Other Authorization:

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



WATERLINE REPLACEMENT

IN MIDTOWN AREA

GFS No. S-0035-C8-3

File No. WA10790

KEY MAP NO. 493-T,U, X, Y

DISTRICT COUNCIL : I



Washington Group International

Integrated Engineering, Construction, and Management Solutions
11011 Richmond Ave. Suite 500 Houston, TX 77042 - (281) 529-3100

SUBJECT: Accept Work for Water Line Replacement in Eastway Plaza.
WBS. No. S-000035-00G3-4.

Page 1 of 1

Agenda Item #

7

FROM (Department or other point of origin):

Department of Public Works and Engineering

**Origination
Date**

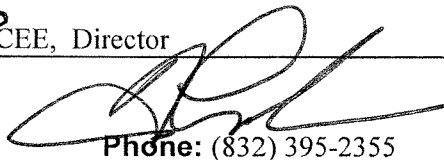
5-6-10

Agenda Date

MAY 12 2010

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

B

For additional information contact:J. Timothy Lincoln, P.E.
Senior Assistant Director
Phone: (832) 395-2355**Date and Identification of prior
authorizing Council Action:**

Ord. #2007-1475 dated 12/19/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$842,721.90, which is 3.90% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.

(Original appropriation of \$1,018,350.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

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

DESCRIPTION/SCOPE: The project consisted of 20 linear feet of 6-inch, 12,628 linear feet of 8-inch, and 1,826 linear feet of 12-inch water lines with all related appurtenances in Willow Run South Area. Ratnala & Bahl, Inc. designed the project with 160 calendar days allowed for construction. The project was awarded to Collins Construction LLC. with an original Contract Amount of \$876,885.23.

LOCATION: The project area is generally bound by Rothermel Road and Briarwick Lane on the north, Duetser Street and Charles Street on the south, Jensen Drive on the east, and Raymondville Road on the west. The project is located in the Key Map Grids 414-T, W & X.

CONTRACT COMPLETION AND COST: The Contractor, Collins Construction LLC. has completed the Work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$842,721.90, a decrease of \$34,163.33 or 3.90% under the original Contract Amount.

The decreased cost is primarily due to the work not requiring use of Clean Air Incentive Items and Extra Unit Price Items.

M/WBE PARTICIPATION: There was no M/WBE goal set for this project

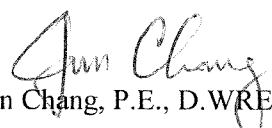

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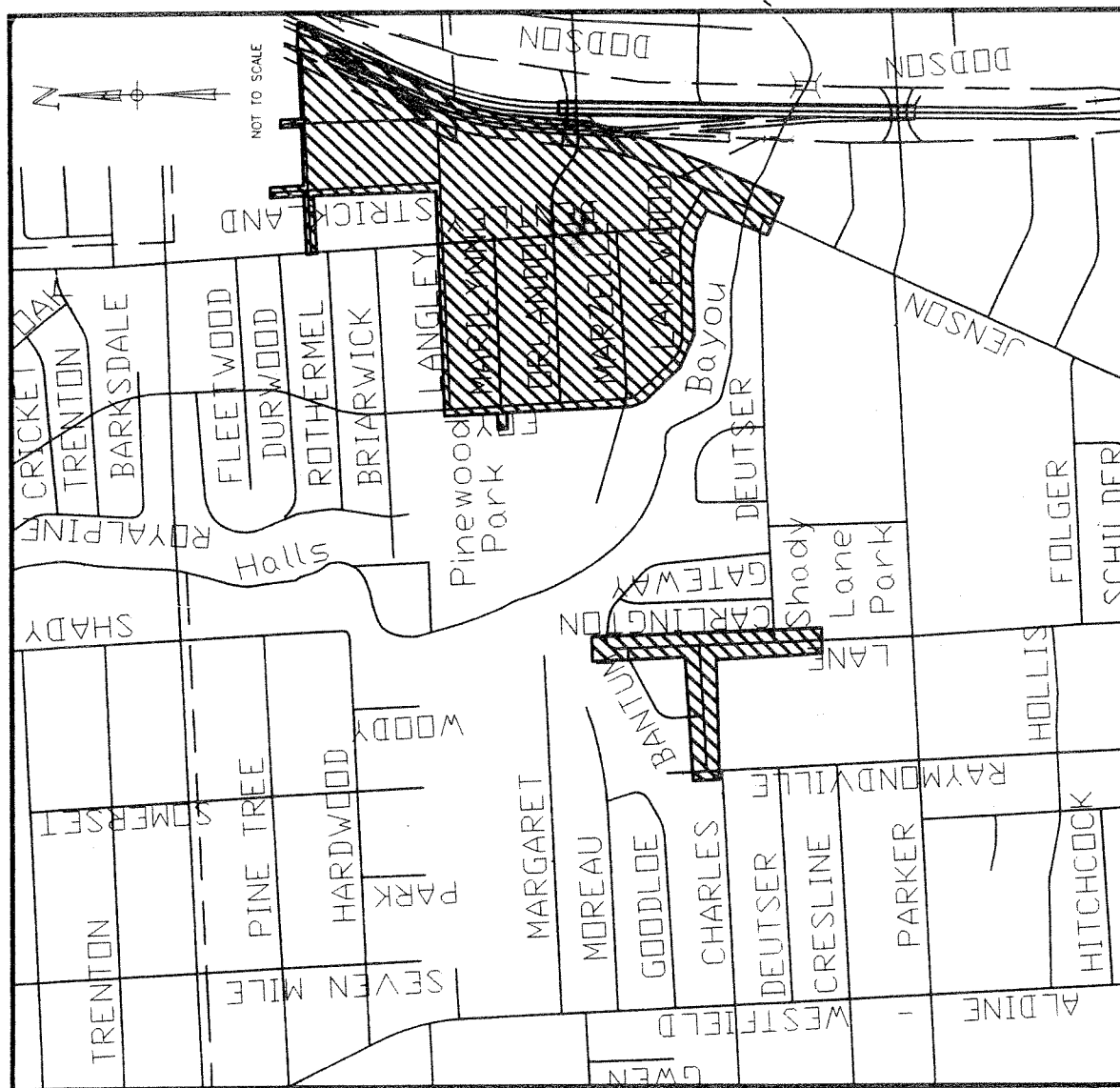
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c: File No. S-000035-00G3-4 - Closeout

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ163

Finance Department:**Other Authorization:**
Jun Chang, P.E., D. WRE., Deputy Director
Public Utilities Division**Other Authorization:**
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8710

Subject: Formal Bids Received for Forklifts for the Houston Airport System
S38-N23545

Category #
4

Page 1 of 1

Agenda Item

8

FROM (Department or other point of origin):

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

Origination Date

April 22, 2010

Agenda Date

MAY 12 2010

DIRECTOR'S SIGNATURE

For additional information contact:

Dallas Evans Phone: (281) 230-8001
Ray DuRousseau Phone: (832) 393-8726

Council District(s) affected
B

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Equipment Depot, Ltd. on its low bid in the amount of \$63,738.00 for forklifts for the Houston Airport System.

Award Amount: \$63,738.00

Finance Budget

\$63,738.00 - HAS-AIF Capital Outlay Fund (Fund 8012)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Equipment Depot, Ltd. on its low bid for Item No. 1 in the amount of \$63,738.00 for two 6,000-lb. lift capacity, electric-powered forklifts for the Houston Airport System, and that authorization be given to issue a purchase order. These forklifts will be used at the George Bush Intercontinental Airport by Department personnel to transport supplies and materials at airport facilities.

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

<u>Company</u>	<u>Amount (Item No. 1)</u>
1. Equipment Depot, Ltd.	\$63,738.00
2. MCFA d/b/a Mitsubishi Forklift Trucks of Houston	\$65,568.00
3. Briggs Equipment, Inc.	\$74,274.90
4. Alden Equipment, Inc.	\$75,970.00

Item Nos. 2 and 3 are not part of this award recommendation as the individual award amounts are less than \$50,000.00.

These new forklifts will come with a full 12-month warranty and the life expectancy is ten years. One of the new forklifts will replace Shop No. 20189, a 17-year-old unit that has exceeded its life expectancy and will be sent to auction for disposition. The other new unit will be an addition to the Department's fleet inventory and is required for the Department's new cargo storage facility to transport various commodities.

Buyer: Lena Farris
PR Nos. 10085799 and 10085874

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT

P

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8668

Subject: Amend Council Motion 2008-0654, Passed August 20, 2008, for Fittings and Appurtenances for the Public Works & Engineering Department
S32-S22766-A1

Category #
4

Page 1 of 1

Agenda Item

9

FROM (Department or other point of origin):

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

Origination Date

April 13, 2010

Agenda Date

MAY 12 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 2008-0654, Passed August 20, 2008

RECOMMENDATION: (Summary)

Amend Council Motion 2008-0654, passed August 26, 2008, to increase spending authority from \$1,577,127.00 to \$1,971,408.75 for fittings and appurtenances for the Public Works & Engineering Department.

Spending Authority Increased by: \$394,281.75

Finance Budget

\$394,281.75 PW&E Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2008-0654, to increase the spending authority for fittings and appurtenances awarded to CPR Services and Supplies, Inc. d.b.a. MDN Enterprises from \$1,577,127.00 to \$1,971,408.75. The additional spending authority is required to continue the repair of the water and sewer lines. In 2008, the City of Houston experienced Hurricane "Ike" and suffered extensive breaks in the water and sewer lines in 2009. As material acquisition is dictated by breaks and leaks, the purchase of various types of fittings and appurtenances has far exceeded the quantities estimated.

This award began August 26, 2008 for a 60-month period in an amount not to exceed \$1,577,127.00. Expenditures as of April 13, 2010 totaled \$1,576,656.57. All terms and conditions shall remain as originally approved by City Council.

This award consists of various price lists for fittings and appurtenances; which include but are not limited to, clamps, joints, couplings, and steel sleeves.

This solicitation was issued with a 1% goal for M/WBE participation. CPR Services and Supplies, Inc. d.b.a. MDN Enterprises has met 0.101% of the goal.

Buyer: Veronica Douglas, CPPB

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NA

9 OK

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: A Resolution providing for a Public Hearing on the
FY2011 Proposed Operating Budgets

Category #

Page 1 of 1

Agenda Item

10

FROM (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date:

5/7/10

Agenda Date

MAY 12 2010

DIRECTOR'S SIGNATURE

[Signature]
For Michelle Mitchell

Council District(s) affected:

All

For additional information contact: Michelle Mitchell
Phone: (713) 221-0935

**Date and Identification of prior authorizing
Council Action: Council Motion (2007-0557)**

RECOMMENDATION: (Summary)

City Council call a public hearing on the Proposed FY2011 Operating Budgets for June 8, 2010 and authorize the City Secretary to publish notice.

Amount of Funding:

N/A

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

N/A

SPECIFIC EXPLANATION:

In order to allow for public input and in accordance with the state statute governing municipal budgets (Chapter 102, Section 102.006), a public hearing is required on the proposed FY2011 Operating Budgets. The hearing will be held at 1:30 p.m. on June 8, 2010 in the City Council Chambers.

c: Marty Stein, Mayor's Office
David Feldman, City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: A resolution to nominate Sysco Corporation located at 24500 Northwest Freeway, Houston, Texas 77429 in the City's ETJ, as an Enterprise Project.

Category #

Page 1 of 1

Agenda Item#

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

5/6/10

Agenda Date

MAY 12 2010

DIRECTOR'S SIGNATURE:

6 

Council Districts affected:

None (project is located in the City's ETJ)

For additional information contact:

Tim Douglass

Phone: 713-837-9857

Keith R. Phillips

Phone: 713-837-0610

Date and identification of prior authorizing Council Action:

Ordinance No. 2008-118 dated 2/13/08, as amended by
Ordinance No. 2008-359 dated 4/23/08

RECOMMENDATION: (Summary) A resolution to nominate Sysco Corporation located at 24500 Northwest Freeway, Houston, Texas 77429 in the City's ETJ, as an Enterprise Project.

Amount of Funding: No City funding required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund☐ Grant Fund☐ Enterprise Fund☒ Other (Specify) State funded incentive

SPECIFIC EXPLANATION:

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment. Designated Enterprise Projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created or retained at the qualified business site. Depending on investment amount, there is a maximum refund of \$2,500 - \$7,500 per job for the company. The program incentives are funded 100% by the State of Texas and no City funding is required.

State law requires that each candidate for designation as an Enterprise Project be nominated by the municipality or county. Houston issued 3 nominations out of a maximum of 9 project designations per biennium, that began on September 1, 2009 and ends on August 31, 2011. The next deadline for the quarterly state application is June 1, 2010. City Council previously adopted an ordinance authorizing the City to nominate projects for this State Funded incentive. State Government Code, Chapter 2303, states that "...territory in the municipal boundaries and in the extraterritorial jurisdiction of a municipality is considered to be in the jurisdiction of the municipality" as it relates to Enterprise Project nominations. Because Harris County's Enterprise Project program has not been fully implemented, the City will use one of its nominations available in its ETJ.

The proposed Resolution will nominate Sysco Corporation as an Enterprise Project with an estimated capital investment up to \$81 million and the creation of 2,000 new jobs over the 5-year program period. Sysco Corporation, a homegrown company founded in Houston in 1970, is the number 1 foodservice supplier in North America, serving more than 400,000 customers. The company is consolidating its internal business services operations throughout North America in several phases over the next 4 years. Sysco will incorporate finance, accounting, human relations, procurement, customer service, and supply chain logistics in its Houston Shared Services Business Center at 24500 Northwest Freeway. An impact analysis by the Greater Houston Partnership estimates the net benefit for the Houston region to be approximately \$63 million over the first ten years.

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:



Other Authorization:



GREATER HOUSTON PARTNERSHIP
houston.org

PROJECT LUCY

BRIEFING REPORT

April 23, 2010

PREPARED FOR:

City of Houston

Finance Department – Economic Development



GREATER HOUSTON PARTNERSHIP
houston.org

SYSCO Corporation (SYY)
aka: Project Lucy

CONSULTANT CONTACT:
Scott Grisham
Deloitte
2200 Ross Ave, Suite 1600
Dallas, Texas 75201
214.840.1410
sgrisham@deloitte.com

COMPANY/PROJECT OVERVIEW

Sysco Corporation is a Fortune 500 company headquartered in Houston, Texas. Sysco is the #1 foodservice supplier in North America, serving about 400,000 customers through more than 180 distribution centers in the US and Canada. Its core broadline distribution business supplies food and non-food products to restaurants, schools, hotel, health care institutions, and other foodservice customers, while its SYGMA Network focuses on supplying chain restaurants. Sysco distributes both nationally branded products and its own private-label goods. In addition, Sysco supplies customers with specialty produce and meat products, and it distributes kitchen equipment and supplies for the hospitality industry.

Represented by Deloitte, the Houston-based company, Sysco Corporation, is focused on consolidating its internal business services operations throughout North America in several phases over the next 48 months. The business shared service center will **create 2,000 new jobs** whose functions spread over customer support, finance and accounting, human relations, procurement and supply chain logistics. Approximately 800 of these job positions have a combined average wage greater than the current Harris County average wage. The remainder of the job positions meets or exceeds the standard wage per job position in the Houston area.

The site selection process began with the consideration of 13 states, including Texas (Houston, Dallas/Fort Worth, Austin and San Antonio). The possible site was narrowed to two locations: Houston, TX and Atlanta, GA. In this competitive site selection process, the Texas Enterprise Zone incentive program was critical in Sysco's final site analysis. The Enterprise Zone designation was ultimately a key factor in enticing Sysco to select Houston, TX as the site for its new Shared Services Business Center.

The Houston site Sysco selected is the former Compaq/HP facility on Hwy 290. The 669,000 sq. ft. building is located at **24500 Northwest Freeway, Houston, TX 77429** in the City of Houston ETJ.

SUMMARY

Request:	Enterprise Zone Designation – currently 6 open designations
Council District:	City of Houston ETJ – see map attached
State Deadline:	June 1, 2010



GREATER HOUSTON PARTNERSHIP
houston.org

Project Type:	Business shared services center
Jobs:	2,000 new jobs
Capital Investment:	\$81,000,000
Direct & Indirect Jobs:	4,470
Total Salaries:	\$1,667,602,489
Taxable Purchases by Workers:	\$299,997,139

Figures are part of an Economic Impact analysis over 10 years. See charts below.

BASIC FACTS

Corporate Headquarters:	Houston, TX
Corporate Address:	1390 Enclave Pkwy Houston, TX 77077
Type of Company:	Public
Founded:	1970
Total Employees:	47,000 worldwide
Houston Employees:	2,388 currently in Houston
Industry Type:	Wholesale Food Service Distribution
Credit Rating Score:	A+ (Moody's)
Primary NAICS Code:	424410 – General Line Grocery Market Wholesalers
Markets:	United State and Canada
2008 Net Sales:	\$37 billion

HOUSTON REGIONAL ECONOMIC AND FISCAL IMPACTS

This analysis was created on the assumptions of the created employment and production at Sysco's new Houston facility. Obviously, a drop in employment and production would have an impact on the significant contributions Sysco Corporation is making in the entire Houston region.

Annual Regional Economic Impact of 2,000 New Jobs

Project Name	Lucy
NAICS Industry	#561100
Industry Description	Office Administrative Services
Impact Based on Jobs Created	
Direct Jobs	2,000
Indirect Jobs	2,470
Total Jobs	4,470
Annual Economic Impact	\$533.6 million



GREATER HOUSTON PARTNERSHIP
houston.org

One-Time Regional Economic Impact of \$28.4 Million in Construction

Project Name	Lucy
NAICS Industry	#561100
Industry Description	Office Administrative Services
One-Time Impact Based on \$28.4 Million in Construction	
One-Time Direct Jobs	267
One-Time Indirect Jobs	312
One-Time Total Jobs	579
One-Time Economic Impact	\$66.5 million

SOURCE: Calculations by the Greater Houston Partnership Research Department based on Regional Input-Output Modeling System II (RIMS-II) multipliers supplied by the Bureau of Economic Analysis, U.S. Department of Commerce.

ECONOMIC IMPACT ON THE HOUSTON REGION OVER THE FIRST TEN YEARS

The following are some of the economic impacts that the area can expect from the company over the first ten years:

Some of the Regional Economic Impacts of the Firm over the First Ten Years	
Total number of direct and indirect jobs created	4,470
Total payroll for direct and indirect workers	\$1,667,602,489
Total expected taxable sales and purchases	\$299,997,139
Total property to be added to local tax rolls over the first ten years	\$136,488,599



GREATER HOUSTON PARTNERSHIP
houston.org

NET BENEFITS FOR ALL LOCAL TAXING DISTRICTS OVER THE FIRST TEN YEARS

The county, school district and other districts where the company will be located can expect the following costs and benefits from the firm and the retained direct and indirect employees associated with the firm over the first 10 years.

Net Benefits for the County, School District, and Other Taxing Districts Over the First Ten Years	
<u>Benefits:</u>	
Sales tax collections	\$42,907,499
Property tax collections	\$25,881,251
Hotel occupancy taxes	\$33,092
Collections of other taxes and user fees	\$1,280,648
State and federal school funding	\$44,829,887
Total benefits	\$114,932,377
<u>Costs:</u>	
Costs of providing services to retained residents	\$2,134,414
Costs of providing services to students	\$33,622,415
Reduction in state aid for residential and commercial property on school district tax rolls	\$15,572,542
Total costs	\$51,329,371
Net benefits for county, school district and special taxing districts	<u>\$63,603,006</u>
Note: Does not include impact of utility franchise fees and taxes.	
Note: Does not include impact of firm's taxable purchases.	

Source: Impact DataSource Fiscal Impact Model – Developed by Jerry Walker for the Greater Houston Partnership Research Department



GREATER HOUSTON PARTNERSHIP
houston.org

COMMITMENT IN HOUSTON

Sysco Corporation is a homegrown company founded in Houston, TX in 1970. Sysco's partnership with the Greater Houston region extends to the community at large. Being a good corporate citizen is an integral part of Sysco's business and corporate culture.

- **Community Outreach** – Sysco's weCare Community Service Awards recognized Sysco Houston as one of the 2009 corporate winners. Sysco has partnered with numerous local charities including: American Heart Association and Houston Food Bank.
- **Fighting Hunger** – Sysco is a partner with Share Our Strength working to end childhood hunger in America. Sysco donates products and volunteer hours to Houston Food Bank throughout the year.
- **Encouraging Education** – Sysco has contributed nearly \$1 million in total scholarships since 2003 and supports numerous minority focused scholarship programs.
- **Promoting Diversity** – In 2009 Sysco's product purchases from minority- and women-owned suppliers totaled \$640 million. Sysco has implemented programs to recruit the best and brightest talent from a broad range of cultures.
- **Environmental Protection** – Sysco has implemented a corporate sustainability model with suppliers, associates and customers to reduce the company's overall impact on future generations.



GREATER HOUSTON PARTNERSHIP
houston.org

ENTERPRISE ZONE PROGRAM

The City of Houston passed Ordinance Number 2008-118 on February 13, 2008 to participate in the Enterprise Zone (EZ) Program. The Texas EZ program is an economic development tool for the City of Houston to partner with the State of Texas to encourage job creation, job retention and capital investment.

PHASE I - Request for Nominations

The company requests a nomination as an EZ Project. There is NO COST TO THE CITY, the approved resolution is a required endorsement to allow the company to move to the next phase (application).

PHASE II – Application to State

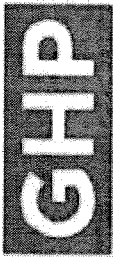
The endorsement will allow the company to submit their EZ application to the state before the June 1, 2010 deadline. There is no guarantee of state approval.

PHASE III – The Benefits

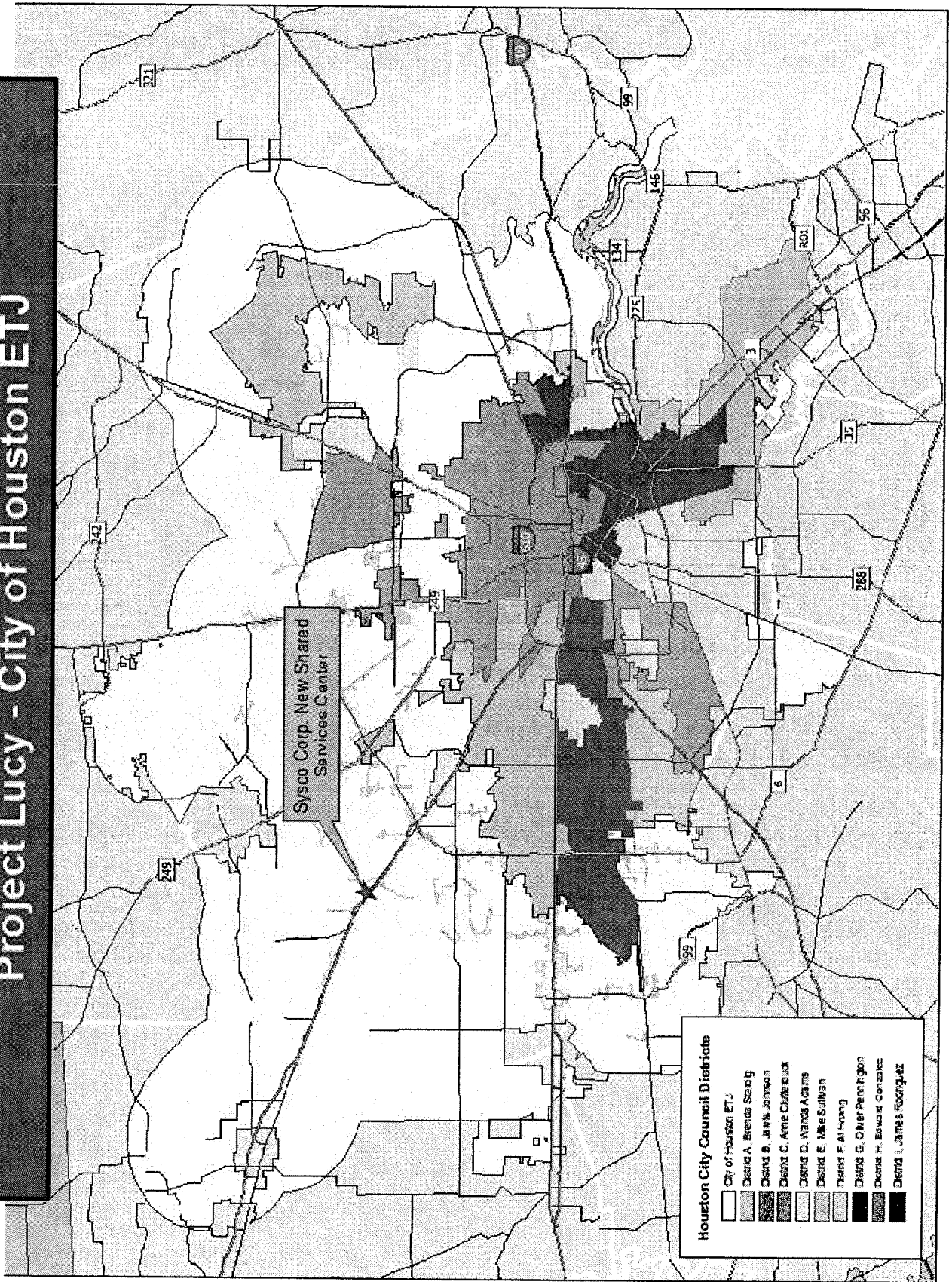
The nominated project, if approved by the State, is eligible for a refund of **STATE** sales and use taxes relative to sales tax paid on investments, jobs created and jobs retained. 5 year duration.

PHASE IV – Compliance

To receive the State sales and uses tax benefits the qualified business must provide a certified report to the State indicating the actual amount of capital investment, as well as the actual number of new and/or retained jobs by category and title.



Project Lucy - City of Houston ETJ



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: A resolution to nominate Tyson Refrigerated Process Meats, Inc. located at 300 Portwall Street, 77029, as an Enterprise Project.

Category #

Page 1 of 1

Agenda Item#

12

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

5/6/10

Agenda Date

MAY 12 2010

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:

District "B" – CM Johnson

For additional information contact:

Tim Douglass

Phone: 713-837-9857

Keith R. Phillips

Phone: 713-837-0610

Date and identification of prior authorizing Council Action:

Ordinance No. 2008-118 dated 2/13/08, as amended by
Ordinance No. 2008-359 dated 4/23/08

RECOMMENDATION: (Summary) A resolution to nominate Tyson Refrigerated Process Meats, Inc. located at 300 Portwall Street, 77029, as an Enterprise Project.

Amount of Funding: No City funding required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☒ Other (Specify) State funded incentive

SPECIFIC EXPLANATION:

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment. Designated Enterprise Projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created or retained at the qualified business site. Depending on investment amount, there is a maximum refund of \$2,500 - \$7,500 per job for the company. The program incentives are funded 100% by the State of Texas and no City funding is required.

State law requires that each candidate for designation as an Enterprise Project be nominated by the municipality or county. Houston issued 3 nominations out of a maximum of 9 project designations per biennium, that began on September 1, 2009 and ends on August 31, 2011. The next deadline for the quarterly state application is June 1, 2010. City Council previously adopted an ordinance authorizing the City to nominate projects for this State Funded incentive.

The proposed Resolution will nominate Tyson Refrigerated Process Meats, Inc. as an Enterprise Project with an estimated capital investment up to \$22 million and the retention of 750 jobs over the 5-year program period. Tyson Refrigerated Process Meats, Inc. produces deli-style meats. The company consolidated its meat processing and has transferred all personnel from its 3100 Canal St. facility into their 300 Portwall St. facility. The Portwall facility has been expanded and upgraded to include new refrigeration units. An impact analysis by the Greater Houston Partnership estimates the net benefit for the City to be approximately \$7 million over the first ten years.

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Tim

Other Authorization:

PROJECT MIKE

BRIEFING REPORT

April 26, 2010

PREPARED FOR:

City of Houston

Finance Department – Economic Development

Tyson Refrigerated Process Meats, Inc

CONSULTANT CONTACT:

Adam H. Glatz
Ryan
100 Congress Avenue
Austin, TX 78701

COMPANY/PROJECT OVERVIEW

Tyson Refrigerated Process Meats, Inc (Tyson), is a wholly owned subsidiary of Tyson Foods, and became part of Tyson Foods through the acquisition of IBP Inc. in 2001. The IBP acquisition included a luncheon meat production facility at 300 Portwall Street. Recently the decision was made to close the Ponca City, OK processed meats plant and begin shifting production to other Tyson facilities. As one of only three Tyson facilities that produce deli-style meats, the Houston facility will experience a significant increase in production demand.

In order to remain competitive and attract more production, Tyson is upgrading its Portwall Street location. In total, this upgrade will include up to \$22 million in capital investment in Houston. The capital investment includes an immediate \$10M investment to replace and upgrade existing manufacturing and packaging equipment: meat injector, slicers, and packaging machines. The EZ designation will solidify this investment and allow the local facility to be considered for a proposed \$12M upgrade to its current cooking system.

In accordance with the requirements of the Texas Enterprise Zone Program, Tyson intends to retain all of the 750 positions at its Houston facility for which they will receive program benefit and Tyson further intends that at least 35% of any replacement or new positions will be filled by Enterprise Zone residents or economically disadvantaged individuals.

SUMMARY

Request:	Enterprise Zone Designation - currently 6 open designations
Council District:	B
State Deadline:	June 1, 2010
Project Type:	Consolidation and Upgrade of manufacturing facility & equipment
Jobs:	Retention of 750 persons
Capital Investment:	\$10M and up to \$22M
Direct & Indirect Jobs:	2,249
Total Salaries:	\$852M
Taxable Purchases by retained workers:	\$175M
Net Benefit to City of Houston:	\$7.3M

Figures are part of an Economic Impact analysis over 10 years. See following charts and figures.

OTHER U.S. LOCATIONS

Tyson Foods operates over 70 processing plants across the United States. Texas locations and operations:

Amarillo - Beef processing plant, tannery, forward warehouse/distribution center, cold storage warehouse

Carthage - Poultry complex, chicken processing/further-processing plant

Center - Poultry complex, chicken processing plant, hatchery, animal protein facility, route sales, transportation

Dallas - Foodbrands America - KPR Foods plant

Fort Worth - Foodbrands America - KPR Foods plant, Prepared Foods Division headquarters

Gonzales - Chicken feed mill, hatchery, grow out

Nacogdoches - Chicken feed mill, hatchery

N. Richland Hills - Foodbrands America - Dorskocil Food Service plant

Seguin - Poultry complex, chicken processing/further-processing plant, animal protein facility, service center, route sales

Teneha - Chicken feed mill, hatchery

Timpson - Hatchery

Vernon - Foodbrands America - Wright Brands plant and administration

BASIC FACTS

One of the largest US chicken producers, Tyson's purchase of beef and pork giant IBP Fresh Meats made it a giant in the worldwide meat-processing industry, serving retail, wholesale, and foodservice customers in the US and more than 90 countries overseas. In addition to fresh meats, Tyson produces processed and pre-cooked meats, refrigerated and frozen prepared foods, and animal feeds. Its chicken operations are vertically integrated -- the company hatches the eggs and then supplies contracted growers with chicks and feed, and brings them back for processing when ready. Former chairman Don Tyson is the controlling owner of the company.

Tyson Foods:	Houston
Location:	300 Portwall
Facility:	n/a Sq Ft
Current U.S. Headquarters:	Springdale, Arkansas
Type of Company:	Public
Date Founded:	1947
Employees:	750 (Houston); 107,000 (Globally)
Industry Type:	Manufacturing and processing
Products:	Poultry, beef, pork
Primary NAICS Code:	31141 - Frozen Food Manufacturing
Markets:	Worldwide

ECONOMIC AND FISCAL IMPACTS

This analysis was created on the assumption of the retained employment and production at the Houston facility. Obviously, a drop in employment and production would have an impact on the significant contributions Tyson is making to not only the City of Houston, but the entire region. *Source: Impact DataSource Fiscal Impact Model – Developed by Jerry Walker for the Greater Houston Partnership – Research Department*

Economic Impact Over the First Ten Years

The following are some of the economic impacts that the area can expect from the firm over the first ten years:

Some of the Economic Impacts of the Firm over the First Ten Years ¹	
Total number of direct and indirect jobs to be created	2,249
Total salaries to be paid to direct and indirect workers	\$852,340,656
Total expected additional taxable sales and purchases	\$175,848,837
Total property to be added to local tax rolls over the first ten years	\$2,000,000

Costs and Benefits for Over the First Ten Years

The city can expect the following costs and benefits from the plant and from the retained direct and indirect employees associated with the plant over the over the first ten years:

Net Benefits for the City Over the First Ten Years	
<u>Benefits:</u>	
Sales taxes collections	\$1,758,488
Property tax collections	\$357,700
Utility revenues and utility franchise fee collection	\$5,173,740
Collections of other taxes and user fees	\$13,319
Total benefits	\$7,303,247
<u>Costs:</u>	
Costs of providing municipal services to new residents	\$0
Costs of providing utility services to new residents and the firm	\$0
Total costs	\$0
Net benefits	\$7,303,247

Net Benefits for All Local Taxing District Over the First Ten Years

The city, county, school district and other districts where the plant is located can expect the following costs and benefits from the plant and the retained direct and indirect employees associated with the plant over the first 10 years.

Net Benefits for the City, County, School District, and Special Taxing Districts Over the First Ten Years	
<u>Benefits:</u>	
Sales tax collections	\$7,991,765
Property tax collections	\$1,413,272
Utility revenues	\$4,973,994
Utility franchise fees	\$199,747
Hotel occupancy taxes	\$24,736
Collections of other taxes and user fees	\$0
Building permits	\$0
Additional state and federal school funding	\$0
Total benefits	\$14,603,514
<u>Costs:</u>	
Costs of providing services to new residents	\$0
Costs of providing city utility services to new residents	\$0
Costs of providing services to new students	\$0
Reduction in state aid with the addition of new residential and commercial	\$647,752
property on school district tax rolls	
Total costs	\$647,752
Net benefits for city, county, school district and special taxing districts	\$13,955,762

COMMITMENT IN HOUSTON

Charitable Contributions

Tyson supports the Houston region through various contributions and local activities such as:

- Houston Livestock Show and Rodeo
- Weekly contributions to the Houston Food Bank
- Employee participation in Crime Stoppers, Boys & Girls Club, Lions Club & Kiwanis.

RECENT NEWS

TYSON FOODS TO EXPAND ITS SOUTHERN INDIANA OPERATIONS – OCTOBER 9, 2009 (STATES NEWS SERVICE)

Tyson Foods, Inc. announced plans today to expand its poultry processing operations here, creating 78 new jobs in the next year. Tyson Foods, the world's largest processor and marketer of chicken, beef and pork, will invest \$626,000 in new equipment to relocate chicken deboning lines from Arkansas and Missouri to its 130,000 square-foot facility in Harrison County.

Scientist testifies about poultry industry boom – October 8, 2009 (Associated Press State & Local Wire)


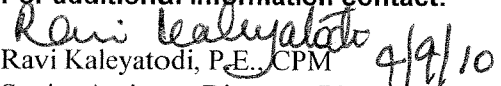

Poultry production in the Illinois River watershed multiplied again and again over the past half-century, companies went from producing about 12 million birds in 1950 to about 152 million in 2002.

ENTERPRISE ZONE PROGRAM

The City of Houston passed Ordinance Number 2008-118 on February 13, 2008 to participate in the Enterprise Zone (EZ) Program. The Texas EZ program is an economic development tool for the City of Houston to partner with the State of Texas to encourage job creation, job retention and capital investment.

- **PHASE I - Request for Nominations**
The company requests a nomination as an EZ Project. There is NO COST TO THE CITY, the approved resolution is a required endorsement to allow the company to move to the next phase (application).
- **PHASE II – Application to State**
The endorsement will allow the company to submit their EZ application to the state before the December 1, 2009 deadline. There is no guarantee of state approval.
- **PHASE III – The Benefits**
The nominated project, if approved by the State, are eligible for a refund of **STATE** sales and use taxes relative to sales tax paid on investments, jobs created and jobs retained. 5 year duration.
- **PHASE IV – Compliance**

To receive the State sales and uses tax benefits the qualified business must provide a certified report to the State indicating the actual amount of capital investment, as well as the actual number of new and/or retained jobs by category and title.

SUBJECT: Waiver of Local Match Participation for the Federal Off-System Bridge Program administered by the Texas Department of Transportation; WBS No. N-001320-0011-3.		Page 1 of 2	Agenda Item # 13						
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/6/10	Agenda Date MAY 12 2010						
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE		Council District affected: A & B 300							
For additional information contact:  Ravi Kaleyatodi, P.E., CPM 4/9/10 Senior Assistant Director Phone: (832) 395-2326		Date and identification of prior authorizing Council action:							
RECOMMENDATION: (Summary) Approve a Resolution supporting the City of Houston's request for a Waiver of the Local Match Participation Requirements for the Federal Off-System Bridge Program.									
Amount and Source of Funding: N/A									
PROJECT NOTICE/JUSTIFICATION: The Federal Off-System Bridge Program is administered by the Texas Department of Transportation (TxDOT) to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets not located on the designated state highway system. This Resolution will support a request for a waiver of the local match requirements of the Program in return for the City agreeing to perform structural improvement work on other deficient bridges within the City's roadway system.									
PREVIOUS HISTORY AND SCOPE: Under this Program, the usual fund participation ratio for projects is 80 percent federal, 10 percent state and 10 percent local government. The Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent local government match requirement may be waived on this project if the local government performs an equivalent dollar amount of structural improvement work on another deficient bridge within its jurisdiction (Equivalent-Match Projects). The City of Houston has included in the FY 2011-2014 Capital Improvement Plan \$4,400, 000 for the Bridge Rehabilitation/Replacement Program. The Texas Transportation Commission approved Minute Order No. 111335, dated April 24, 2008 for the reconstruction of the bridge listed below under the Off-System Bridge Replacement Program, hereinafter, referred to as "Participation Waived" Project.									
<table border="1"><thead><tr><th>Bridge</th><th>Key Map No.</th><th>Council District</th></tr></thead><tbody><tr><td>Aldine Westfield at HCFC Ditch</td><td>413D</td><td>B</td></tr></tbody></table>				Bridge	Key Map No.	Council District	Aldine Westfield at HCFC Ditch	413D	B
Bridge	Key Map No.	Council District							
Aldine Westfield at HCFC Ditch	413D	B							
REQUIRED AUTHORIZATION CUIC ID # 20TAA46									
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division							

Date	SUBJECT: Waiver of Local Match Participation for the Federal Off-System Bridge Program administered by the Texas Department of Transportation; WBS No. N-001320-0011-3	Originator's Initials ERJ	Page <u>2</u> of <u>2</u>
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Based on field investigations, Public Works & Engineering has identified the following bridge as an appropriate candidate for replacement under this Program.

<i>Location</i>	<i>Key Map No.</i>	<i>Council District</i>
1200 Adkins	450Y	A

The City proposes to replace an existing deficient 2 span wood bridge with a new 2 span wood bridge, which will cost approximately \$60,000.00. The local match participation required for the reconstruction of the Participation-Waived bridge is \$52,635.00.

This resolution requests the State's consideration of waiving the local match participation on the Participation-Waived Off-System Bridge by utilizing funds expended in the Bridge Rehabilitation/Replacement Program under the City's Capital Improvement Plan.

ACTION RECOMMENDED: It is recommended that Council approve a resolution supporting the Waiver of Local Match Participation Requirements for the Federal Off-System Bridge Program.

MSM:DRM:RK:TAA:PKC:ERJ

Z:\constr\A-SB-DIV\Design\TxDOT\Projects\0912-72-229 Aldine Westfield @ HCFCD Ditch\RCA\Resolution1 RCA.DOC

- c: Marty Stein
Susan Bandy
Velma Laws
Craig Foster
File – TxDOT – Aldine Westfield at HCFCD Ditch

**PROJECT
LOCATION**

GAULT

HCFC-DITCH

STRAWN

LAUDER

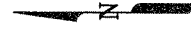
HCFC-DITCH

VERHALEN
BALMORHEA
CONNER

REEVESTON

CHRISMAN

ALDINE - WESTFIELD



750 1500 3000

KEY MAP: 413 D

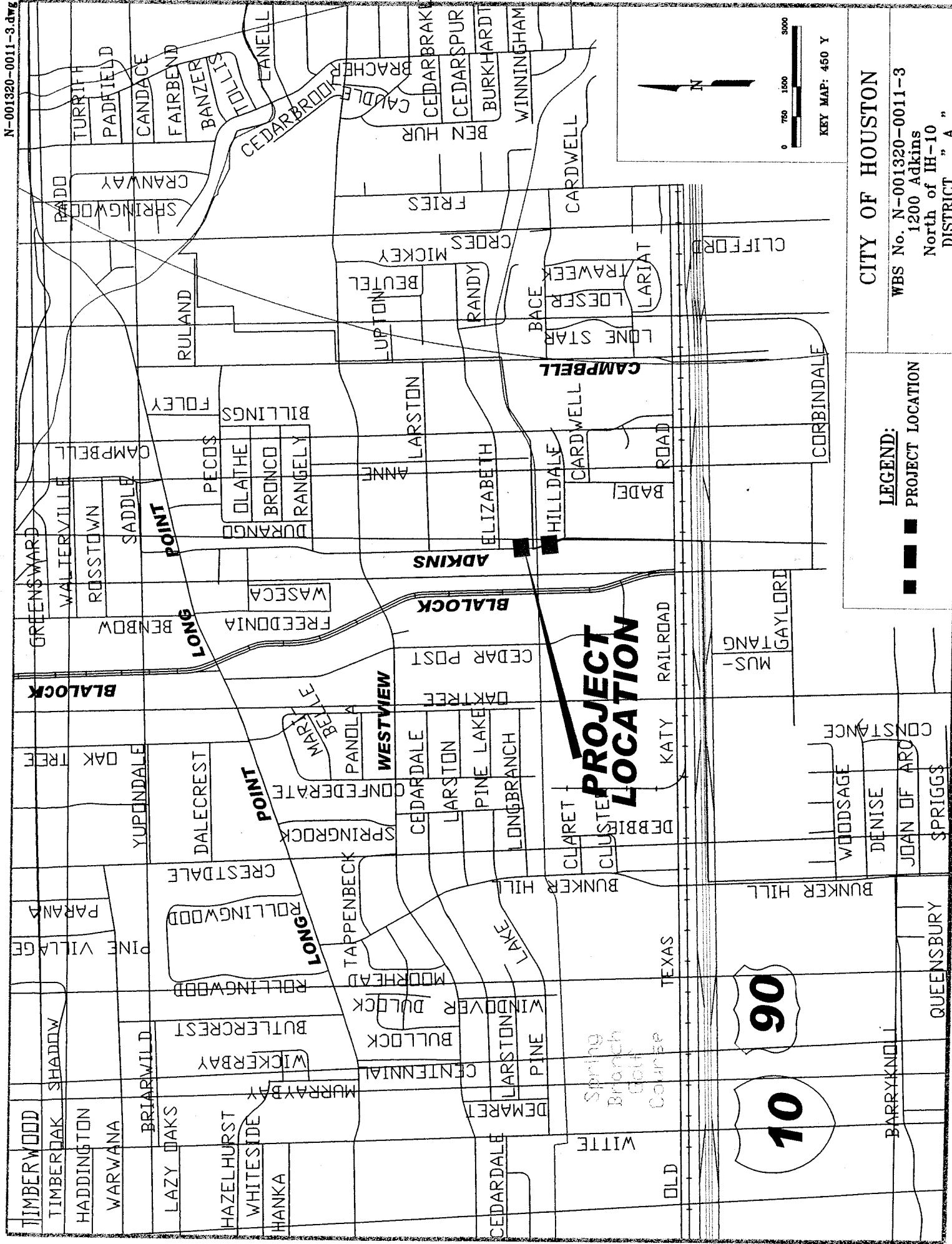
CITY OF HOUSTON

LEGEND:

PROJECT LOCATION

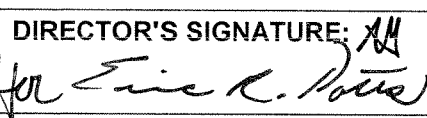
WBS No. N-001320-0011-3
Aldine Westfield Bridge Replacement
COUNCIL DISTRICT "B"

Drawn By: Ester Jordan



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amending Chapter 9, Article III of the Code of Ordinances as it relates to certain ground transportation fees at the Houston airports		Category #	Page 1 of 2	Agenda Item # 14
FROM (Department or other point of origin): Houston Airport System		Origination Date May 5, 2010	Agenda Date MAY 12 2010	
DIRECTOR'S SIGNATURE: 		Council District affected: B, E, I		
For additional information contact: Ian Wadsworth Phone: 281-233-1682 Scott Feldman Phone: 281-233-1547		Date and identification of prior authorizing Council action:		
AMOUNT & SOURCE OF FUNDING: N/A		Prior appropriations: N/A		
RECOMMENDATION: (Summary) Enact an ordinance amending Chapter 9, Article III of the Code of Ordinances as it relates to certain ground transportation fees at the Houston airports.				
SPECIFIC EXPLANATION: Limousines, courtesy vehicles, and some scheduled ground transportation providers currently pay trip charges through the EZ Tag Automatic Vehicle Information system, which is operated by the Harris County Toll Road Authority (HCTRA). As the operation of the EZ Tag program at airports proved to be too costly for HCTRA, on January 12, 2010, the Harris County Commissioner's Court approved the termination of the program effective July 20, 2010. Due to the upcoming termination of the EZ Tag airport program, the Houston Airport System (HAS) is recommending that City Council amend Chapter 9 of the Code of Ordinances to eliminate the trip charge fee structure that is currently in place for limousines, courtesy vehicles and some scheduled ground transportation providers, and replace it with a fixed annual access fee. The benefits of migrating to a fixed annual access fee include: cost savings by avoiding investments in a new AVI system; cost savings through elimination of HCTRA's 7.75% fee; simplified accounting for both HAS and ground transportation providers by eliminating the need for reconciling credit card charges for trip fees; and elimination of disputed charges and collection issues. All commercial vehicles using the airport occasionally (no more than twice a week) will not be required to receive an Airport Use Permit and will pay the existing occasional use trip fee. Taxis, Off-Airport Parking Operators, and selected ground transportation operators will not be impacted by these changes. The modifications to Chapter 9 are as follows:				
<ul style="list-style-type: none"> • Sec. 9-55 Header will change from "Application fees" to "Application fees for Class 2, 4, 5, & 6 vehicles only". • Sec. 9-55 (4) This will change the application fee for a temporary permit from \$15 to \$30. • Sec. 9-57 (d) The fee for a temporary substitute vehicle will change from \$15.00 to \$30.00 and the fee for a replacement permit will be \$30.00. 				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization:		Other Authorization:

Date
May 5, 2010

Subject: Amending Chapter 9, Article III of the Code of Ordinances as it relates to certain ground transportation fees at the Houston airports

**Originator's
Initials**

Page
1 of 2

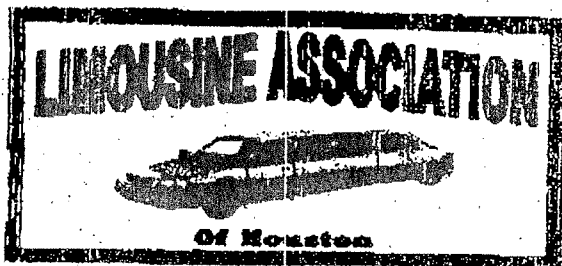
- Table 9-1 Recurring Airport Use Fees for Commercial Passenger Vehicles (except classes 2, 4, 5, & 6) will change as follows:

Class	Description	Previous Trip Fee	New Flat Fee
3 Commercial Carrier Service (Special Permit Conditions)	Vehicles providing commercial carrier service not under contract with the City, but with special permit conditions under subsection 9-54	1 – 11 seats: \$1.00 12 – 24 seats: \$1.25 Over 24 seats: \$2.25	1 – 6 seats: \$325/Yr 7 – 11 seats: \$400/Yr 12 – 24 seats: \$475/Yr Over 24 seats: \$550/Yr
7 Courtesy Limousines	Courtesy vehicles providing limousine services	1 – 6 seats: \$2.00 7 – 11 seats: \$3.00 12 – 24 seats: \$5.00 Over 24 seats: \$7.50	1 – 6 seats: \$325/Yr 7 – 11 seats: \$400/Yr 12 – 24 seats: \$475/Yr Over 24 seats: \$550/Yr
8 Other Courtesy Vehicles	All Courtesy vehicles not covered above	1 – 11 seats: \$0.65 12 – 24 seats: \$1.00 Over 24 seats: \$1.50	1 – 6 seats: \$325/Yr 7 – 11 seats: \$400/Yr 12 – 24 seats: \$475/Yr Over 24 seats: \$550/Yr
9 All other Vehicles	All other vehicles not covered above	1 – 6 seats: \$2.00 7 – 11 seats: \$3.00 12 – 24 seats: \$5.00 Over 24 seats: \$7.50	1 – 6 seats: \$325/Yr 7 – 11 seats: \$400/Yr 12 – 24 seats: \$475/Yr Over 24 seats: \$550/Yr

To implement these changes, HAS developed a transition plan to spread out the renewal of approximately 2,000 permits over three months, preserve the integrity of renewal dates (ie. stagger future renewals), charge ground transportation providers proportionately with permit length, and minimize or eliminate any potential negative revenue impact from the transition. To achieve these objectives, the transition plan will do the following:

- GT providers will be required to obtain a new permit from the GT office between June 1 and July 31.
- To spread out the initial renewal process, GT providers will be assigned to one of eight groups with a targeted week to obtain their new permits. A 10% discount will be offered as an incentive to renew during the targeted week.
- To stagger subsequent renewals throughout the year, the initial permit will be a transitional permit valid for a set number of months based on their current permit expiration date. The fee will be prorated. Thereafter, permits will be valid for 12 months preserving the integrity of renewal dates.

The proposed changes were presented before the Transportations, Infrastructure and Aviation Committee on April 15, 2010, resulting in a recommendation that they be forwarded to full Council for consideration.



Limousine Association of Houston
P O Box 640 Kemah TX 77565

Joe Jordan
President
713-680-3181

Ismael Abed
Vice President
713-626-5466

Linda Pomerleau
Secretary
281-808-1260

Walter John
Treasurer
713-747-30

LETTER OF SUPPORT

All Members, City Council
City of Houston

Tuesday, May 04, 2010

Ladies and Gentlemen:

The purpose of this letter is to advise you that the Limousine Association of Houston is in agreement with the proposed changes to the Houston Airport System Limousine Parking Fees.

This is after a conference call on 04/07/2010 with Ian Wadsworth, Scott Feldman and Steve Weeks where the need for the structure was changed as a result of the cancellation of the contract with Harris County Toll Road Authority (HCTRA). We then scheduled a meeting with the same group with the Board of Directors of the Limousine Association which was held on 04/09/2010.

The rate structure below is agreeable and acceptable to the Limousine Association of Houston:

Fixed Rate Annual Fees for Vehicles:

1-6 Passengers	\$325
7-11 Passengers	\$400
12-24 Passengers	\$475
25+ Passengers	\$550

In addition, the time limits without extra charges will be one hour for domestic flights and two hours for international flights. Vehicles remaining in the lots after those time limits would be charged \$1.50 for each fifteen minute time increment.

We encourage to accept this formula and approve it for implementation.

Respectfully,

Joe L. Jordan, President
LIMOUSINE ASSOCIATION OF HOUSTON
LCT/NLA Association of the Year 2010
P.O. Box 640
Kemah TX 77565-0640
713 680-3181
www.houstonlimos.info
yachtsmanjoe@aol.com

Chapter 9 Division 3 Ground Transportation Ordinance Redline

Underlined text is added. Strikethrough is deleted.

Sec. 9-53. Airport use permits generally.

(l) Refund of annual permit fees. A permit holder whose permit has been suspended or revoked for a reason other than nonpayment of fees shall be entitled to a refund of the pro rata share of the annual fee paid.

Sec. 9-55. Application fees.

(a) For vehicle classes 2, 4, 5 and 6 as defined in Table 9-1, a non-refundable application fee must accompany each application for an airport use permit. The amount of the fee is \$50.00 for an original permit or a renewal permit or for transfer of a permit.

(b) For vehicle classes 3, 7& 8 as defined in Table 9-1, the application fee is included in the annual user fee. ~~In addition, if an automatic device is issued to a permittee, the director may require a refundable deposit to secure the return of the device, not to exceed included in the cost of the device.~~

Exceptions:

(c) Exceptions to the provisions of this section:

- (1) If the applicant began operations or continued operations without a valid permit, the application fee is twice the amount of the regular application fee \$100.00 (to cover additional costs imposed upon the city);
- (2) If the director prescribes a permit term shorter than one year, the full application fee must be paid, but the director shall grant the applicant a credit toward the next renewal fee, and the credit shall equal the pro rata part of \$50.00 not covered by the short permit term;
- (3) If the director prescribes a permit term longer than one year, the fee shall be increased pro rata; and
- (4) The application fee is \$1530.00 for a temporary permit (term shorter than 30 days).
- (5) See section 9-57 of this Code for additional provisions, as applicable.

Sec. 9-56. Recurring Annual and recurring airport use fees.

The annual and recurring airport use fees, which are in addition to the ~~application fees and any~~ other fees provided for in this division, shall be as set out in Table 9-1. Annual use permit fees are due in full at the time of issuance airport use permit.

Sec. 9-57. Airport use fees; additional provisions.

(a) *Billing accounts.* The director is authorized to establish monthly billing accounts for permittees who regularly use an airport.

(b) *Payment procedures.* Payment of the airport use fees required by this division shall be made in accordance with procedures promulgated by the director and at the times specified by the director. The director is authorized to employ automatic vehicle identification devices and other measures deemed appropriate by the director for this purpose, which devices, if used, shall be affixed to vehicles as prescribed by the director. Payment shall be made by charging the fee to an account established by the director pursuant to this section or by United States currency. With respect to taxicabs and non-Houston taxis at city airports, the director shall also have the authority prescribed by chapter 46 of this Code.

(c) *Appeals.* The fee for an appeal to the hearing officer is \$150.00, but the hearing officer may order the refund of part of a fee, to the extent, if any, that the hearing officer determines that the cost incurred by the city is less than \$150.00 for that appeal.

(d) *Temporary substitutes.* The fee for a temporary substitute vehicle is \$1530.00.

(e) *Replacement permits.* The fee for a replacement permit is \$30.00.

(f) *Periodic revisions.* Periodically, the director shall calculate and submit to the city council for approval a new schedule of airport use fees that reflect changes in costs of providing, operating, and maintaining airport facilities.

~~(f) *Multiple categories.* In case of vehicles used to provide two or more categories of service, the director shall prescribe a method whereby applicable airport use fees for each category of service will be paid without double payment of per trip fees. For this purpose, the director is authorized: (i) to require the highest applicable fee, except to the extent the permittee provides clear, verified proof of the levels of service actually provided in lower categories (including passengers, trips, revenues and other relevant data); and (ii) to assign multiple category trips to the principal business served, if necessary to perform a fee calculation calling for both trips and gross receipts.~~

(g) *Certain waivers.* For vehicles authorized to be operated under other types of agreements for use of airport property (e.g., airline agreements, hotel agreements, leases of real property) in exchange for rentals, fees or other charges paid to the city, the director may waive the fees required by this division (but not the requirement to

14
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Pg 3

obtain an airport use permit), if waiver is necessary to avoid a double payment to the city. The director may also waive the requirements for airport use permits and fees for local transit vehicles, if suitable vehicle identification provisions are made, and if, as a practical matter, they provide an essential public service requiring a direct tax subsidy. The director may also waive the requirements for airport use permits and fees for vehicles transporting passengers for purely charitable purposes or events if adequate evidence is provided to the director that such purpose or event is not for the commercial enrichment of an individual or entity.

Table 9-1.
Annual and Recurring Airport Use Fees for Commercial Passenger Vehicles

Class		Description/Criteria	Fees
1	Taxicabs	HOU: Departures from the airline terminal building at HOU with one or more passengers.	\$1.25 per departure
		IAH: Departures from anywhere at IAH with one or more passengers	\$2.75 per departure
2	Commercial Carrier Service (Contract)	Vehicles providing commercial carrier service under contract with the City.	Fees are as prescribed in the contract.
3	Commercial Carrier Service (Special Permit Conditions)	Vehicles providing commercial carrier service not under contract with the City, but with special permit conditions under subsection 9-54.	For each trip through a terminal complex, a per trip. The annual use fee applies, based on number of seats (including driver) is: 1 through 11 seats: \$1.00 <u>\$325.00</u> 7 through 11 seats: <u>\$400.00</u> 12 through 24 seats: \$1.25 <u>\$475.00</u> 25 seats or more: \$2.25 <u>\$550.00</u>
4	On-Airport Rental Car Users	Vehicles used in connection with the business of on-airport rental car users.	Fees are as specified in the contract.
5	Off-Airport Rental Car Users	Vehicles used in connection with the business of off-airport rental car users.	Off-airport percentage of adjusted gross receipts. See Note 3-1.
6	Off-Airport Parking Users	Vehicles used in connection with the business of off-airport parking users.	7% of gross receipts. See Note 4-2.
7	Courtesy Limousines (courtesy vehicles providing limousine service)	Courtesy vehicles providing limousine service Trips without AVI: For each trip not registered by the automatic vehicle identification system, a fee applies to each departure from an appropriate loading area. See Note 1.	The annual use fee Fee per departure, based on number of seats (including driver) is: 1 through 6 seats: \$4.00 <u>\$325.00</u> 7 through 11 seats: \$6.00 <u>\$400.00</u> 12 through 24 seats: \$10.00 <u>\$475.00</u> 25 seats or more: \$15.00 <u>\$550.00</u> <u>Additional fee for each hour over first for parking in Limousine Lot is \$1.50 per</u>

			each 15 minute increment. Waive first chargeable hour for vehicles waiting for international flights.
		Trips with AVI: For each trip through a terminal complex registered by an automatic vehicle identification system, the fee is based on chargeable time increments. See Note 2.	Fee per chargeable time increment, based on number of seats (including driver): 1 through 6 seats: \$2.00 7 through 11 seats: \$3.00 12 through 24 seats: \$5.00 25 seats or more: \$7.50
8	Other Courtesy Vehicles (all other courtesy vehicles, not covered above)	Fees apply to each trip through a terminal complex. All other courtesy vehicles not covered above	Fee per trip The annual use fee, based on number of seats (including driver) is: 1 through 6 seats: \$2.00 7 through 11 seats: \$0.65 \$3.00 12 through 24 seats: \$1.00 \$5.00 25 seats or more: \$1.50 \$7.50
9	All Others (all other commercial passenger vehicles, not covered above)	Trips without AVI: For each trip not registered by the automatic vehicle identification system, a fee applies to each departure from an appropriate loading area. See Note 1. All other commercial passenger vehicles, not covered above	Fee per departure The annual use fee, based on number of seats (including driver) is: 1 through 6 seats: \$4.00 \$325.00 7 through 11 seats: \$6.00 \$400.00 12 through 24 seats: \$10.00 \$475.00 25 seats or more: \$15.00 \$550.00
		Trips with AVI: For each trip through a terminal complex registered by an automatic vehicle identification system, the fee is based on chargeable time increments. See Note 2.	Fee per chargeable time increment, based on number of seats (including driver): 1 through 6 seats: \$2.00 7 through 11 seats: \$3.00 12 through 24 seats: \$5.00 25 seats or more: \$7.50
10	Occasional Use	All commercial vehicles using the airport occasionally (no more than twice in any week).	Fee per trip, based on number of seats (including driver): 1 through 6 seats: \$2.00 7 through 11 seats: \$3.00 12 through 24 seats: \$5.00 25 seats or more: \$7.50

Note 1 ~~Trips without AVI (departure fees).~~ Fee covers waiting, parking in a designated area, loading, and any departure with a passenger picked up in a terminal complex (there being no fee for unloading only)

Note 2 ~~Trips with AVI (chargeable time increments).~~ Fee covers one trip through a terminal complex (for waiting, parking in a designated area, loading, unloading or any other purpose). The chargeable time increments for each trip are the second, third, fifth, seventh, eighth and any subsequent increments. For each trip, the first time increment is the first 15 minutes (or part thereof) when the vehicle is within the terminal complex, as determined by the automatic vehicle identification system. The second time increment is the next 15 minutes (or part thereof), and so on.

Note 3 ~~Rental car users (percentage, gross receipts).~~ For off-airport rental car users: (i) the off-

airport percentage is two percentage points lower than the prevailing percentage rate of gross receipts for on-airport rental car users at the airport in question, as determined by the director, and (ii) "adjusted gross receipts" means the sum of money, for any given time period, computed according to the following formula: $(G - N) - E$. In this formula:

- "G" is gross receipts, which for this purpose shall mean all revenue paid or payable and all compensation received in connection with the user's business operations at the facility served by the commercial passenger vehicles in question, including without limitation, the following: all sums received as time and/or mileage charges after discount, for the rental of automobiles by the user; all sums received from the user's customers by the reason of their acceptance of personal accident insurance; all sums received for any other insurance or airport fees, including any renewal policy issued to any customer; all sums received in connection with automobile rentals for mobile phones, car seats, and other amenities; all sums received for valet services, or other services rendered in connection with user's business; the fair market value of any goods, services or other things of value received as compensation for, or in exchange for, the supply of automobiles or any of the other goods and services referred to above; but "gross receipts" shall not include the following: the amount of any federal, state, or municipal sales or other similar taxes (which do not include non-tax fees such as airport use fees), whether or not separately stated and/or collected directly from customers of the user, now or hereinafter levied or imposed; any sums received as insurance payments or otherwise for damage to automobiles or other property of the user or for loss, conversion, or abandonment of such automobiles; amounts paid by customers of the user separately billed as additional charges for waiver by the user of its right to recover from customers for damage to the vehicle rented; any charges collected from customers as reimbursement for refueling an automobile rented pursuant to a rental agreement under which the customer is obligated to return the automobile with the same amount of gasoline furnished at rental; or any sums received by reason of the user's disposal of capital assets and/or trade fixtures.
- "N" is the amount, if any, of the user's non-airport-related gross receipts (included in "G") for the time period in question, as determined by the director. The user may seek to have such an amount determined for any given time period by applying in writing to the director on or before the due date of the fee for that time period and providing clear and convincing documented proof as to the amount of the user's non-airport-related gross receipts during such time period. If such proof is made to the satisfaction of the director, the director shall issue an order determining the amount of "N" for such time period and adjusting the airport use fee accordingly. If the director does not issue such an order within 30 days following the day that the user makes an application, the user may appeal the failure to issue the order to the hearing officer in the same manner as an appeal for the denial of a permit.
- "E" is \$15,000.00 per month, prorated on a daily basis for time periods shorter than a month.

Note 42 *Parking users (gross receipts)*. For off-airport parking users, "gross receipts" means all revenue paid or payable and all compensation received from the user's business operations at each facility served by the commercial passenger vehicles in question, including without limitation, the following: all sums received as parking charges after discount; all sums received as airport fees; all sums received in connection with providing any amenities or services in connection with parking; all sums received for valet services or other services rendered in connection with user's business; the fair market value of any goods, services or other things of value received as compensation for, or in exchange for, motor vehicle parking or any of the other goods and services referred to above; but "gross receipts" shall not include the following: the amount of any federal, state, or municipal sales, or other similar taxes (which do not include non-tax fees such

as airport use fees), whether or not separately stated and/or collected directly from customers of the user, now or hereinafter levied or imposed; any sums received as insurance payments or otherwise for damage to automobiles or other property of the user or for loss, conversion, or abandonment of such automobiles or property; or any sums received by reason of the user's disposal of capital assets and/or trade fixtures. With the approval of the director, a user that also provides parking for non-airport-related activities may deduct the resulting non-airport-related gross receipts. Any such deduction is determined and governed by the provision, above, for the non-airport-related deduction from the gross receipts of off-airport car rental users (see "N" in the formula for adjusted gross receipts of off-airport car rental users).

SUBJECT: Ordinance proposing amendments to Article XV, Chapter 45 of the City of Houston Code of Ordinances concerning Neighborhood traffic calming

Category #

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Agenda Item #

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

Origination Date
April 29, 2010

Agenda Date
MAY 12 2010

DIRECTOR'S SIGNATURE:



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

Council District affected:
All

For additional information contact: 832-395-2461
Jeff Weatherford Phone: (713) 837-0125
Michael Ereti Phone: 713-837-0506

Date and identification of prior authorizing Council Action: Oct. 4, 1995 Ord. No. 95-1070

RECOMMENDATION: The Public Works and Engineering Department ("PWE") recommends that City Council consider and adopt proposed amendments to the administration and approval processes concerning the implementation of traffic calming devices pursuant to the city's neighborhood traffic management program.

Amount and Source of Funding: N/A

BACKGROUND: In 1995 the City implemented two traffic calming programs; the Neighborhood Traffic Projects (NTP) and the Speed Hump programs. The NTP program was governed by ordinance 95-1070 which establishes the procedures for application and review, approval, financing and construction of projects to minimize or eliminate traffic congestion, cut-through traffic or other traffic-related problems in a neighborhood area. In short, the implementation of traffic calming devices pursuant to the current NTP program requires notification and involvement from residents of a defined neighborhood area, traffic study, and a series of public meetings whereby residents of the affected neighborhood area may voice their support, opposition, or concerns regarding the proposed implementation of traffic control devices in their neighborhood area.

In slight contrast with the NTP program, the city's Speed Hump program is a street by street approach to address the problem of speeding on residential streets. The study area for the speed hump program is limited to the properties fronting the street where the installation of the speeds humps is being contemplated. Eligibility for consideration of installation of speed humps pursuant to the city's speed hump program requires documented evidence of excessive speeding in the study area as well as support from the residents on the street where the speed humps would be installed.

In 2009 the Texas Legislature passed House Bill 3082 which requires the governing body of a municipality with a population of 1.9 million or more to take specific action(s) prior to the installation of traffic calming devices. The net effect of House Bill 3082 has been the elimination of the speed hump program and the necessity to amend certain aspects of the current NTP program. The recommended amendments include renaming the program concerning the installation of traffic calming devices to the *Neighborhood Traffic Management Program*, providing flexibility, yet clarity concerning the defined term "neighborhood area", expanding upon the program's eligibility requirements, while ensuring that the city's neighborhood traffic management program accurately reflects the legislature's intent concerning notification and public hearing requirements as a result of the adoption of House Bill 3082. PWE also recommends that all projects that receive approval by the director shall require final approval by City Council prior to the installation of a traffic calming device.

This item was reviewed by the Transportation, Infrastructure and Aviation committee on March 11, 2010 and was moved to full council with a recommendation.

20JSW39

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Jeff Weatherford

Deputy Director

Traffic and Transportation

4/29/10

ARTICLE XV. NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM PROJECTS

Sec. 45-361. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed to them in this section unless the context of their usage clearly indicates a different meaning:

Access street has the meaning ascribed in section 42-7 of this Code.

Applicant means one or more property owners or residents within a neighborhood area, a duly authorized representative of a neighborhood association or the director who makes a request for the construction of a project.

Collector street means a street that is not a designated major thoroughfare, but that provides access and circulation between major thoroughfares and local, access and interior streets.

Designated street means that portion of a particular street, within the right-of-way of which a device is proposed to be constructed under this article. Designated streets may include the rights-of-way of access, interior or local streets, but may not include any portion of a major thoroughfare.

Device means a traffic ~~calming~~ mitigation device, consisting of the physical structure or other improvement constructed, placed or located, whether on a temporary or a permanent basis, upon a designated street pursuant to this article.

Director means the director of the department of public works and engineering or the traffic engineer or any other person designated by the said director to perform the director's duties under this article.

Install or installation means the permanent placement of a device following approval by final action of city council as required pursuant to section 45-372 of this Code. Install or installation does not include the temporary placement of a device for test or evaluation purposes.

Interdepartmental review committee means a committee consisting of one representative each of the fire, police, planning and development, solid waste management, public works and engineering, and convention and entertainment facilities departments of the city who shall each be appointed by the mayor and one representative designated by the Metropolitan Transit Authority of Harris County.

Interior street has the meaning ascribed in section 42-7 of this Code.

Local street has the meaning ascribed in section 42-7 of this Code.

Neighborhood area means any contiguous area within the city that generally has as its boundaries: (i) the interior right-of-way line of any major thoroughfare or collector street; (ii) the interior boundary or right-of-way line of any railroad line, utility or pipeline corridor, river or waterway (not including drainage or flood control ditches not being traversed by other streets within the general locale); (iii) the corporate limits of the city; or (iv) any combination of one or more of the foregoing boundaries. A neighborhood area may consist of one or more subdivisions and shall include only those properties within and fronting on or taking their only access from a street within the bounded area. The director may adjust the boundaries of a neighborhood area at any stage of the neighborhood traffic management process upon the consideration of additional information including, but not limited to, public input from residents or property owners in the neighborhood area or findings made by the director as a result of the presence of special conditions affecting the neighborhood area.

Neighborhood association means any homeowners' association, property owners' group or civic association, whether incorporated or not, whose membership includes property owners and/or residents of a neighborhood area.

Neighborhood traffic committee means a committee, consisting of not more than five members drawn from the residents or property owners within a neighborhood area, selected as provided in section 45-366 of this Code, to assist in the processing of a request for a project.

Neighborhood traffic management program ~~project or project~~ means the entirety of the processes and procedures as described in this article whereby one or more devices may be placed upon a designated street in a neighborhood area.

Project means the construction of one or move devices upon a designated street in the neighborhood area.

Property owner means the owner(s) of any tract or parcel of real property within a neighborhood area.

Resident means any person who resides in or owns or operates a home or business upon any tract or parcel of real property within a neighborhood area.

Sec. 45-362. Purpose; regulations.

(a) The purpose of this article is to establish the procedures governing the application for and review, approval, financing and construction of projects to minimize or eliminate traffic congestion, cut-through traffic or other traffic-related problems in a neighborhood area. In accordance with the provisions of this article, the director shall prepare and make available to the public appropriate forms to request a project.

(b) Consistent with the other provisions of this article, the director may promulgate request forms and may promulgate rules and regulations for the implementation of this article. A copy of the rules and regulations shall be maintained for public inspection in the offices of the said director, and copies may be purchased at the fees prescribed by law.

Sec. 45-363. Request for projects.

(a) A request for a project must be initiated by an applicant. Multiple requests from the same or similar neighborhood areas may be consolidated into and considered as a single request, at the director's option.

(b) The director shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid by an applicant for a project. Payment of any applicable fees when due is a condition of the processing of a request under this article.

Sec. 45-364. Preliminary review process.

(a) Each request for a project shall be made or forwarded by the applicant to the director upon a form promulgated for that purpose by the director and shall include, at a minimum, the following:

- (1) A description or definition of the proposed neighborhood area;
- (2) A list containing the names, addresses and telephone numbers of the individuals comprising the applicant or, in the case of a request from a neighborhood association, the name, address and telephone number of the duly authorized representative of the neighborhood association;-
- (3) A general description of the traffic problem or condition to be remedied;
- (4) Special conditions ~~Historical data~~ concerning the proposed neighborhood area, including, but not limited to, such factors as the location and nature of

businesses, schools, parks, churches or other non-residential traffic generators within or in close proximity to the neighborhood area;

- (5) Written evidence of neighborhood or community support for the project from residents and property owners within the affected neighborhood area, including the residents and property owners immediately adjacent to the proposed location of the device ~~Evidence of neighborhood or community support for the project;~~
- (6) Whether public funding or assistance is requested for the project; and
- (7) Any other information reasonably required by rule or regulation of the director in order to make any determination specified under this article.

(b) Each request shall initially be reviewed for completeness. If determined to be complete, the request shall be considered to have been filed when received in the director's offices and shall be acted upon as further provided in this article. If determined to be incomplete, the request shall be returned to the applicant with written notice of the deficiencies.

(c) Each request that is properly filed shall be reviewed and evaluated in accordance with section 45-365 of this Code. If the director determines that the request does not merit further consideration, based upon the criteria set forth in section 45-365(1) through (5) of this Code, then the director shall so notify the applicant in writing and, wherever practicable to do so, shall provide any suggested modifications to the request that might cause it to receive more favorable consideration if resubmitted. For requests that the director determines merit further consideration under the criteria of section 45-365(1) through (5) of this Code, the applicant shall be so advised in writing and shall also be advised:

- (1) If no public funding or assistance has been requested, that the project is eligible to proceed to an initial public meeting under section 45-366 of this Code; or
- (2) If public funding or assistance has been requested, whether or not the director has given preliminary approval for consideration of the project on a publicly funded basis under the criteria of section 45-365(6) of this Code, and:
 - a. If so, that the project is eligible to proceed to an initial public meeting under section 45-366 of this Code; or

- b. If not, that the project will not be further considered or receive a public meeting under section 45-366 of this Code unless the applicant withdraws the request for public assistance or funding.

(d) All requests seeking public funding or assistance in the planning and/or construction of a project must be filed no later than March 1 preceding the commencement of the fiscal year in order to be eligible for funding during that fiscal year. Late filed requests shall be held for possible review for inclusion in a subsequent fiscal year's budget, unless the applicant elects, in writing, to proceed with private funding or withdraws the request.

Sec. 45-365. Review criteria.

The director shall evaluate and prioritize all requests pursuant to the following criteria:

- (1) Whether the request identifies a problem that could be remedied under this article;
- (2) Whether the request identifies a problem that could readily be addressed through the installation of a type of ~~traffic control~~ device that may be installed without approval under this article;
- (3) Whether special conditions ~~historical data~~ concerning the neighborhood area, including, but not limited to, the location and nature of businesses, schools, parks, churches or other non-residential traffic generators within or in close proximity to the neighborhood area, may support approval of the project;
- (4) Whether there is public support for the project as evidencing that the project will enhance and promote the public health, safety and welfare;
- (5) Whether existing evidence, studies, data or reports regarding the severity of the existing problem, if any, merit the project; and
- (6) For requests that include a public funding component, the amount of public funds available for planning of projects, the number of outstanding requests for publicly funded project planning, and the apparent merit of the request as compared to that of other requests and established city priorities, including, but not limited to, the city's neighborhoods to standards program for low to moderate-income areas.

Sec. 45-366. Initial public meeting; neighborhood traffic committee; citizen comments.

(a) Not later than 180 days fFollowing the receipt of notification by the director that a project has received preliminary approval for further consideration, the applicant shall notify the director of a suitable location for the holding of a public meeting within the neighborhood area for the purpose of receiving public comments on the project. If the applicant fails to provide notice of a suitable location for the holding of a public meeting within the prescribed time, the applicant shall be notified that the request for a project has been closed. Any applicant who desires to renew a request for a project that has been closed due to the applicant's failure to notify the director of a suitable location for the holding of an initial public meeting shall be required to provide the director with a new application containing the minimum requisites pursuant to section 45-364(a) of this Code.

(b) Following receipt by the director of the information required by subsection (a) above, a written notice, in a form approved by the director, shall be mailed to all property owners and residents within the neighborhood area setting forth the date, time and location of a public meeting to receive public input on a proposed project. The notice shall specify the location and general nature of the proposed project and shall solicit public comments on the project. The director shall select the method(s) utilized to identify the property owners and residents to be notified, with due regard to the cost, time and accuracy of the method(s) to be utilized.

(c) Each notice shall be effective when deposited in the U.S. mail, postage prepaid, addressed to the property owner, resident or representative of a neighborhood association. Failure of any person to receive actual notice of the hearing required by this section shall not affect the validity of any action taken by the city in connection with the project.

(d) At the initial public meeting:

- (1) A neighborhood traffic committee shall be selected by those present;
- (2) Public comments shall be received on the proposed project; and
- (3) The director shall ensure that the necessary provisions are made for the receipt of written comments ~~Comment cards shall be distributed for additional comments~~ and public input on the proposed project. Written comments concerning the project shall not be considered in evaluating any project unless received in the offices of the director or such other place as the director may specify within 14 days after the meeting.

(e) Persons in attendance may register, and the names and addresses of those who do register shall be delivered to the director and added to the notification list for any future meetings held in connection with a project.

(f) The initial public meeting shall be conducted by the director, and all requirements and expenses relating to its being conducted shall be borne by the city for requests that receive preliminary approval for further consideration as a publicly funded project pursuant to section 45-364(c)(2) of this Code. For all other requests, the initial public meeting shall be conducted in all respects at the expense of the applicant, and the director may delegate to the applicant the accomplishment of any one or more of the requirements of this section in accordance with rules and regulations promulgated for that purpose by the director. The applicant shall provide to the director evidence that any requirements so delegated have been fully and properly carried out.

Sec. 45-367. Traffic studies.

Upon receipt of all public comments and information required by section 45-366, the director shall cause or authorize to be conducted a traffic study to complete the preliminary eligibility review of a proposed project. Unless the director has given preliminary approval for consideration of the project on a publicly funded basis, the director shall determine, and notify the applicant concerning, the scope and type of traffic study to be conducted by the applicant and indicate any additional information required by the director to facilitate review of the proposed project.

Sec. 45-368. Completion of staff review.

The director shall determine, based upon all available information regarding a project, including, without limitation, any traffic study prepared in accordance with section 45-367 of this Code, whether the project is eligible for further consideration and processing in accordance with section 45-369 of this Code. The director shall consider the impact of the following on selected streets within the neighborhood area in making a determination whether a project is eligible for further consideration and processing in accordance with section 45-369 of this Code ~~The criteria to be utilized by the director in making his determination under this section are:~~

- (1) whether the estimated percentage of cut-through traffic on a street is equal to or greater than 20% of the observed daily traffic volume, and the observed daily volume is equal to or greater than 720 vehicles per day;
- (2) whether at least 15% of observed vehicle speeds on a street is equal to or in excess of the posted speed limit plus three miles per hour;

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- ~~— (2) — The estimated percentage of the total volume of traffic through the neighborhood area consisting of trucks having more than two axes;~~
- ~~— (3) — The percentage of residential land use in the neighborhood area;~~
- ~~— (4) — The presence or absence of sidewalks in the neighborhood area; and~~
- ~~— (5) — Evidence of neighborhood or community support for the proposed project.~~

Written notice of the director's determination shall be given to the applicant. Absent demonstrable evidence of a significant change in traffic volume or traffic patterns in the intervening period which would in the director's reasonable professional judgment prompt an earlier review. Any applicant whose project is declared ineligible for further consideration pursuant to this section shall not be eligible permitted to file a new request for reconsideration for the same or a similar project for a period of three years.

Sec. 45-369. Concept plan.

The director shall prepare a concept plan for each project approved pursuant to section 45-368, taking into account all traffic studies, public comments and other data and factors developed in accordance with the requirements of this article. Each concept plan shall be reviewed by the neighborhood traffic committee and approved by the interdepartmental review committee and the city attorney before being submitted for public comments, as hereinafter provided. No concept plan or project shall be approved by the interdepartmental review committee if it is found that:

- (1) Pedestrian traffic or access to a neighborhood area would be denied or materially impeded;
- (2) General mobility of traffic in the neighborhood area, the surrounding community, or both, as determined by the city's traffic engineer, would be unreasonably adversely affected to a material extent;
- (3) Based upon review of any reasonably suitable alternative methods identified by the interdepartmental review committee to resolve the problem, that the proposed resolution is not the least restrictive device that could reasonably be expected to substantially mitigate or resolve the problem;
- (4) The project would prevent any owner of property from having direct vehicular access to at least one abutting street in the city; or

- (5) The project would be likely to significantly delay ~~emergency services vehicles'~~ ingress to or egress from neighborhoods by emergency service vehicles.

The city attorney shall approve the concept plan unless he determines that its implementation would be contrary to local, state or federal laws or regulations. Written notice of the interdepartmental review committee and the city attorney's determination shall be given to the applicant. If either declines to approve a concept plan, the applicant shall be so notified. Absent demonstrable evidence of a significant change in traffic volume or traffic patterns in the intervening period which would in the director's reasonable professional judgment prompt an earlier review, and shall not be permitted to file a new request for the same or a similar project shall not be eligible for reconsideration for a period of three years.

Sec. 45-370. Second public meeting.

(a) Upon approval of the concept plan, a second public meeting shall be held to gather public comments. Notice of the meeting shall be given in the same manner and to the same parties notified of the initial public meeting, plus those persons who registered their names and addresses at the initial public meeting, and shall contain a description of the concept plan and a comment card for use by members of the public to address public safety, convenience and traffic issues and to express either support for or opposition to the concept plan. Unless the director has given preliminary approval for consideration of the project on a publicly funded basis, the director shall require that all expenses of conducting the second public meeting shall be borne by the applicant, and the provisions of section 45-366(f) shall also be applicable to the second public meeting.

(b) At the second public meeting, comments regarding the concept plan may be made by any interested party. Written comments concerning the plan shall not be considered unless received in the offices of the director or such other place as the director may specify within 14 days after the meeting.

Sec. 45-371. Final review and ranking; recommendation by director.

(a) Following the close of the public comment period provided in section 45-370(b) above, the director shall evaluate each concept plan and shall compare it to all other unimplemented concept plans that have reached the same level in the approval process. The director shall either (i) disapprove the concept plan and its underlying request and so notify the applicant in writing; or (ii) approve the concept plan for further consideration and so notify the applicant in writing. The director shall give those concept plans receiving approval a priority ranking that shall be used to establish the order in which the various approved projects will be considered for implementation. If the director disapproves the concept plan, and absent demonstrable evidence of a significant change in traffic volume

or traffic patterns in the intervening period which would in the director's reasonable professional judgment prompt an earlier review, the applicant shall not be permitted to file a new request for the same or a similar project shall not be eligible for consideration for a period of three years.

(b) Each concept plan must be tested with a temporary device and receive a recommendation of approval from the director before being submitted to city council for final approval. Unless the project has been approved by the director for public funding assistance, the temporary device shall be placed ~~installed~~ at the applicant's sole expense. Each concept plan whose priority ranking is sufficient to indicate that public funding will be available to complete the project, if approved, during the current or next succeeding fiscal year and each concept plan for a project to be financed from private funding sources shall receive approval from the director for the construction of a temporary device, in accordance with its priority ranking, provided that the director may approve a temporary device for any ranked project without regard to its priority ranking in order to reflect special or changed circumstances or in order to avoid delay in implementing worthy projects that have not been approved for public funding. No temporary ~~traffic~~ device may be placed ~~installed~~ without the approval of the director. Temporary ~~traffic control~~ devices shall be in place for a testing period of not less than 90 days, provided that the director shall immediately remove a temporary device that is determined to be a threat to public health, safety or welfare.

(c) Upon authorization of placement ~~installation~~ of a temporary device:

- (1) The device, with appropriate signs, shall be constructed within the neighborhood area in accordance with the published concept plan;
- (2) City staff, the neighborhood traffic committee and the interdepartmental review committee shall monitor and review traffic impact and any comments received regarding the temporary device during the testing period; and
- (3) At least 90 but no more than 210 days following the placement ~~installation~~ of the temporary device, a third public meeting shall be called and conducted, in the same manner as for the second public meeting with written notice to the same parties notified as for the second public meeting and to those additional persons who registered their names and addresses at the second public meeting, to receive public comments regarding the temporary device. The provisions of section 45-366(f) of this Code shall also be applicable to the third public meeting.

(d) Upon the conclusion of the public meeting and expiration of the 14 day comment period following the third public meeting, the director shall review all of the available information regarding the temporary device, including timely received public

comments, and either (i) remove or cause to be removed the temporary device and deny all or part of the concept plan or (ii) forward his recommendation for final approval of the concept plan to city council, during which time the temporary device may remain in place. Written notice of the director's action shall be given to the applicant. If the director disapproves the concept plan, in whole or in part, and absent demonstrable evidence of a significant change in traffic volume or traffic patterns in the intervening period which would in the director's reasonable professional judgment prompt an earlier review, the concept plan or disapproved portions thereof may not be resubmitted as any part of a new request for the same or a similar project for a period of three years. ←

(e) If a project is proposed to be constructed by employees of the city or a city contractor, the director shall prepare and present to city council as part of his recommendation under subsection (d) above a preliminary cost estimate and time line for the project, which shall identify the source of funds to be used to finance the project and the time and priority in which the city would construct the project if the project is approved by city council.

Sec. 45-372. Final action by city council.

(a) All projects recommended for approval by the director as provided in section 45-371(d) shall be forwarded to city council ~~shall be~~ accompanied by a summary setting forth in relevant detail the information relied upon in formulating the recommendation, including copies of all timely received written public comments provided as a result of a request for a project.

The director shall cause all residents and property owners within one-half mile of the proposed device to receive sufficient notice of city council's consideration of the project. The notice shall be provided at the same time that the director provides city council his recommendation regarding the concept plan in subsection 45-371(d) of this Code and shall include a description of the general nature of the project, shall specify that public comments may be received, and shall specify the date, time, and location where city council shall consider the matter. On the request of affected residents and property owners within one-half mile of the proposed device, city council shall hold a public meeting to consider the implementation of a device.

(b) The city council shall, by motion, approve or deny the request for the project.

(c) A decision by city council to approve or deny a request shall be final and shall not be subject to further appeal or rehearing. If the city council denies the request, the applicant shall not be permitted to file a new request for the same or a similar project for a period of three years.

- ~~(3) whether at least 8% of the total daily traffic volume on a street consists of trucks having more than two axles; and~~
- ~~(4) The presence of any additional special conditions or safety concerns within the approved neighborhood area as determined by the director.~~
- ~~(1) The estimated percentage of cut-through traffic in the neighborhood area;~~
- ~~(2) The estimated percentage of the total volume of traffic through the neighborhood area consisting of trucks having more than two axles;~~
- ~~(3) The percentage of residential land use in the neighborhood area;~~
- ~~(4) The presence or absence of sidewalks in the neighborhood area; and~~
- ~~(5) Evidence of neighborhood or community support for the proposed project.~~

Written notice of the director's determination shall be given to the applicant. Any applicant whose project is declared ineligible for further consideration pursuant to this section shall not be permitted to file a new request for the same or a similar project for a period of three years.

Sec. 45-369. Concept plan.

The director shall prepare a concept plan for each project approved pursuant to section 45-368, taking into account all traffic studies, public comments and other data and factors developed in accordance with the requirements of this article. Each concept plan shall be reviewed by the neighborhood traffic committee and approved by the interdepartmental review committee and the city attorney before being submitted for public comments, as hereinafter provided. No concept plan or project shall be approved by the interdepartmental review committee if it is found that:

- (1) Pedestrian traffic or access to a neighborhood area would be denied or materially impeded;
- (2) General mobility of traffic in the neighborhood area, the surrounding community, or both, as determined by the city's traffic engineer, would be unreasonably adversely affected to a material extent;
- (3) Based upon review of any reasonably suitable alternative methods identified by the interdepartmental review committee to resolve the problem, that the

proposed resolution is not the least restrictive device that could reasonably be expected to substantially mitigate or resolve the problem;

- (4) The project would prevent any owner of property from having direct vehicular access to at least one abutting street in the city; or
- (5) The project would be likely to significantly delay ~~emergency services vehicles'~~ ingress to or egress from neighborhoods by emergency service vehicles.

The city attorney shall approve the concept plan unless he determines that its implementation would be contrary to local, state or federal laws or regulations. Written notice of the interdepartmental review committee and the city attorney's determination shall be given to the applicant. If either declines to approve a concept plan, the applicant shall be so notified and ~~shall not be permitted to file a new request for the same or a similar project~~ shall not be eligible for consideration for a period of three years.

Sec. 45-370. Second public meeting.

(a) Upon approval of the concept plan, a second public meeting shall be held to gather public comments. Notice of the meeting shall be given in the same manner and to the same parties notified of the initial public meeting, plus those persons who registered their names and addresses at the initial public meeting, and shall contain a description of the concept plan and a comment card for use by members of the public to address public safety, convenience and traffic issues and to express either support for or opposition to the concept plan. Unless the director has given preliminary approval for consideration of the project on a publicly funded basis, the director shall require that all expenses of conducting the second public meeting shall be borne by the applicant, and the provisions of section 45-366(f) shall also be applicable to the second public meeting.

(b) At the second public meeting, comments regarding the concept plan may be made by any interested party. Written comments concerning the plan shall not be considered unless received in the offices of the director or such other place as the director may specify within 14 days after the meeting.

Sec. 45-371. Final review and ranking; recommendation by director.

(a) Following the close of the public comment period provided in section 45-370(b) above, the director shall evaluate each concept plan and shall compare it to all other unimplemented concept plans that have reached the same level in the approval process. The director shall either (i) disapprove the concept plan and its underlying request and so notify the applicant in writing; or (ii) approve the concept plan for further consideration and

so notify the applicant in writing. The director shall give those concept plans receiving approval a priority ranking that shall be used to establish the order in which the various approved projects will be considered for implementation. If the director disapproves the concept plan, the applicant shall not be permitted to file a new request for the same or a similar project shall not be eligible for consideration for a period of three years.

(b) Each concept plan must be tested with a temporary device and receive a recommendation of approval from the director before being submitted to city council for final approval. Unless the project has been approved by the director for public funding assistance, the temporary device shall be placed installed at the applicant's sole expense. Each concept plan whose priority ranking is sufficient to indicate that public funding will be available to complete the project, if approved, during the current or next succeeding fiscal year and each concept plan for a project to be financed from private funding sources shall receive approval from the director for the construction of a temporary device, in accordance with its priority ranking, provided that the director may approve a temporary device for any ranked project without regard to its priority ranking in order to reflect special or changed circumstances or in order to avoid delay in implementing worthy projects that have not been approved for public funding. No temporary ~~traffic~~ device may be placed installed without the approval of the director. Temporary ~~traffic control~~ devices shall be in place for a testing period of not less than 90 days, provided that the director shall immediately remove a temporary device that is determined to be a threat to public health, safety or welfare.

(c) Upon authorization of placement installation of a temporary device:

- (1) The device, with appropriate signs, shall be constructed within the neighborhood area in accordance with the published concept plan;
- (2) City staff, the neighborhood traffic committee and the interdepartmental review committee shall monitor and review traffic impact and any comments received regarding the temporary device during the testing period; and
- (3) At least 90 but no more than 210 days following the placement installation of the temporary device, a third public meeting shall be called and conducted, in the same manner as for the second public meeting with written notice to the same parties notified as for the second public meeting and to those additional persons who registered their names and addresses at the second public meeting, to receive public comments regarding the temporary device. The provisions of section 45-366(f) of this Code shall also be applicable to the third public meeting.

(d) Upon the conclusion of the public meeting and expiration of the 14 day comment period following the third public meeting, the director shall review all of the available information regarding the temporary device, including timely received public comments, and either (i) remove or cause to be removed the temporary device and deny all or part of the concept plan or (ii) forward his recommendation for final approval of the concept plan to city council, during which time the temporary device may remain in place. Written notice of the director's action shall be given to the applicant. If the director disapproves the concept plan, in whole or in part, the concept plan or disapproved portions thereof may not be resubmitted as any part of a new request for the same or a similar project for a period of three years.

(e) If a project is proposed to be constructed by employees of the city or a city contractor, the director shall prepare and present to city council as part of his recommendation under subsection (d) above a preliminary cost estimate and time line for the project, which shall identify the source of funds to be used to finance the project and the time and priority in which the city would construct the project if the project is approved by city council.

Sec. 45-372. Final action by city council.

(a) All projects recommended for approval by the director as provided in section 45-371(d) shall be forwarded to city council ~~shall be~~ accompanied by a summary setting forth in relevant detail the information relied upon in formulating the recommendation, including copies of all timely received written public comments provided as a result of a request for a project.

The director shall cause all residents and property owners within one-half mile of the proposed device to receive sufficient notice of city council's consideration of the project. The notice shall be provided at the same time that the director provides city council his recommendation regarding the concept plan in subsection 45-371(d) of this Code and shall include a description of the general nature of the project, shall specify that public comments may be received, and shall specify the date, time, and location where city council shall consider the matter. On the request of affected residents and property owners within one-half mile of the proposed device, city council shall hold a public meeting to consider the implementation of a device.

(b) The city council shall, by motion, approve or deny the request for the project.

(c) A decision by city council to approve or deny a request shall be final and shall not be subject to further appeal or rehearing. If the city council denies the request, the applicant shall not be permitted to file a new request for the same or a similar project for a period of three years.

Sec. 45-373. Construction.

The director shall be responsible for the construction, or shall direct and oversee the construction by a private contractor or contractors, of approved projects. Approval under this article shall not excuse the applicant from obtaining any other permit or authorization required by law to perform the work.

Sec. 45-374. Removal.

(a) Nothing contained in this article shall be construed to prohibit the city from removing any device or portion thereof. If, and only if, the device to be removed is a gate, then the removal must first be authorized by the city council.

(b) The director shall maintain an accurate record of each approved project, which he shall review every five years to determine its continued viability.

Sec. 45-375. Limitation on action of city.

The approval, installation and maintenance of a project and associated devices, as provided for by this article, shall never be construed to cause an abandonment or relinquishment of any street or public property or to authorize the installation of a device upon any right-of-way not under the control of the city. The installation of a project and associated devices that involves the closure of a street to vehicular traffic shall require a public hearing by city council and approval by a majority vote.

Sec. 45-376. Coordination with city council offices.

The director shall cause notice to be given to each city council member of the filing of a request for a project under this article. Thereafter, notice shall be given to each district council member whose district includes any part of the neighborhood area and to any other city council member who so requests of the progress of the request under this article, including, but not limited to, notice of each public meeting, the concept plan, the traffic study and the proposed placement ~~installation~~ of any temporary device.

Secs. 45-377--45-379. Reserved.

SUBJECT: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2010 (the "Series 2010 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2010 Notes and matters incident thereto.

Category #

Page
1 of 2

Agenda Item #
16-17

FROM (Department or other point of origin):
Finance Department and Office of City Controller

Origination Date:

May 7, 2010

Agenda Date

MAY 12 2010

DIRECTOR'S SIGNATURE:

Michelle Mitchell C.B. Brown

Council District Affected:
All

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:

RECOMMENDATION: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2010 (the "Series 2010 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2010 Notes, in an amount not to exceed \$350 million.

Amount of Funding:

Not Applicable

Finance Dept Budget:

Source of Funding:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

The City's General Fund revenue collections are not evenly distributed throughout the fiscal year. The major revenue source is ad valorem taxes, the largest part of which is collected shortly before the tax delinquency date of February 1st of each year. In order to finance its general operation expenditures each fiscal year, the City borrows against anticipated collection of taxes and revenues to cover temporary cash flow shortages. This request is for City Council's approval to issue Tax and Revenue Anticipation Notes ("TRANS") for Fiscal Year 2011 in an aggregate amount not to exceed \$350 million.

The TRANS are structured in two parts, which helps the City comply with tax laws and arbitrage regulations. The first ordinance will approve the initial borrowing. This initial issuance is sized to comply with the federal tax law exemptions and avoid arbitrage penalties. We currently project that the initial issuance will be between \$200 and \$275 million and this amount, based on preliminary cash flows for FY2011, will continue to be conservatively refined until the pricing in June. The ordinance also authorizes the POS and the distribution of the POS so the City can proceed with the competitive sale for this portion of the Series 2010 Notes. The closing for these notes is anticipated to occur in July 2010.

The second ordinance will authorize the Mayor and City Controller to finalize the terms of a second offering for a supplemental borrowing if there are additional cash needs later in the fiscal year. If the supplemental borrowing occurs (not to exceed \$350 million between both the initial and supplemental borrowing), the terms of the sale will be presented to City Council to award the sale. The supplemental notes, (2010A) would be repaid prior to fiscal year end, typically following the receipt of property tax revenues. The supplemental borrowing option has only been utilized once in at least the past 5 years, in FY 2009, in an amount of \$40 million for Hurricane Ike related expenditures.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Date: May 7, 2010	Subject: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2010 (the "Series 2010 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2010 Notes and matters incident thereto.	Originator's Initials	Page 2 of 2
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For the first borrowing, electronic bids for the Notes will be received on the morning of a meeting date for City Council. If any bid becomes a leading bid within two minutes prior to the scheduled end of the bidding, the time period for submission of bids will automatically be extended by two minutes from the time that such bid was received. At the close of the bidding period, the Office of the City Controller, Finance Department and the City's Financial Advisors will verify interest rate calculations of bids received and join the City Council session to announce the results. City Council will be asked to adopt a motion to award the sale based on the lowest true interest cost.

Since this is a competitive auction, there will not be a necessity for an underwriting team. Vinson & Elkins and the Law Offices of Francisco G. Medina will serve as co-bond counsel.

This item was presented to the Budget and Fiscal Affairs Committee on May 4, 2010 and reported out favorably.

Recommendation:

The Finance Working Group recommends approval of this item.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance authorizing a contract between the City of Houston and Recipe for Success Foundation, Inc., a Texas non profit		Category #	Page 1 of 2	Agenda Item # <i>18</i>
FROM (Department or other point of origin): Department of Health and Human Services		Origination Date 4/21/10		Agenda Date MAY 12 2010
DIRECTOR'S SIGNATURE: <i>Celina Garcia Rudge for SW</i>		Council District affected: All		
For additional information contact: Kathy Barton Telephone: 713-794-9998; Cell: 713-826-5801		Date and identification of prior authorizing Council action:		
RECOMMENDATION: Approval of an ordinance authorizing a contract between the City of Houston and Recipe for Success Foundation, Inc., a Texas non profit				
Amount of Funding:		Maximum Contract Amount: \$485,760.00		Finance Department:
		Initial Allocation: \$242,880.00		
		Federal State Local Pass Through Fund (5030)		
SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify):				
<p>The Houston Department of Health and Human Services (HDHHS) requests City Council to approve an ordinance authorizing a contract with Recipe for Success Foundation, Inc., a Texas non profit. The initial term of the contract is from the date of countersignature to September 30, 2010 with two one year renewals. The maximum contract amount is \$485,760.00.</p> <p>HDHHS received a Social Service Block Grant (SSBG) from the Houston Galveston Area Council (H-GAC) in January 2010. The funding will be used to provide Seed-to-Plate Nutrition Education Programming for children ages 9 to 11 citywide at multi-service centers and elementary schools. Recipe for Success has developed an innovative curriculum for after school classes that feature cooking and gardening. The 120-hour program is tailored to teach children how to cook healthy meals and snacks, expose them to the kitchen and garden, and teach them how food is developed and marketed to American consumers.</p> <p>The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.</p> <p>cc: Finance Department Legal Department Agenda Director</p>				
REQUIRED AUTHORIZATION				
Finance Department	Other Authorization:		Other Authorization:	

SUBJECT: First Amendment to the SBISD Contract for the (B09) 35 th Year CDBG funded "SPARK" Program with the Spring Branch Independent School District (SBISD), SPARK and the City of Houston		Category #	Page 1 of 2	Agenda Item # 19
FROM (Department or other point of origin): James Noteware, Director Housing and Community Development		Origination Date 05/04/10	Agenda Date MAY 12 2010	
DIRECTOR'S SIGNATURE: <i>James Noteware for Jim Noteware</i>		Council District affected: "A"		
For additional information contact: Gayve F. Anklesaria Phone: 713-868-8466		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) City Council Ordinance approving and authorizing First Contract Amendment with SBISD, SPARK and City of Houston to allow new allocation of CDBG funding in the amount of \$100,000 approved in the City of Houston Consolidated Plan for the (B09) - 35 th Year program.				
Amount of Funding: Grant Funds- 5000			Finance Department:	
SOURCE OF FUNDING <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) Community Development Block Grant (CDBG)				
SPECIFIC EXPLANATION: <p>City Council is being requested to authorize and approve the First Contract Amendment between Spring Branch Independent School District (SBISD) SPARK and City of Houston for a "SPARK" program. This Agreement will provide for the development of neighborhood parks on public school grounds and authorized Community Development Block Grant (CDBG) funding in conjunction with other outside funding sources for implementation of this program.</p> <p>This First Contract Amendment will provide this new allocation of \$100,000 from the (B09) 35th Year CDBG Program for Cedar Brook Elementary School to be appropriated for work specified in the scope of work below in the low-income eligible areas.</p> <p>PROJECT DESCRIPTION/SCOPE: CDBG funds will be utilized for renovation and/or installation of: 6 picnic tables with concrete pads, concrete walkway & paver entrance, 8 swings, 3 benches, swings and fall surfacing</p> <p>PROJECT NAME AND LOCATION: Cedar Brook Elementary, 2121 Ojeman, Houston, Texas 77080</p> <p>PROJECT COST: In addition to CDBG funds, each SPARK Park gets funding from several outside sources, which include; Private sector, Corporations, Foundations, School District, Community fund raisers, County and the SPARK agency.</p> <p>The Neighborhood Housing and Redevelopment Committee considered this item and recommended it for full Council approval on Thursday March 25, 2010.</p> <p>Approval of this Ordinance is recommended.</p> <p>JN:ga</p> <p>xc: City Attorney Mayor's Office City Secretary Finance and Administration</p>				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:	Other Authorization:		

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

09-HISD.RCA

SUBJECT: Fourth Amendment to the HISD Contract for the (B09) 35 th Year CDBG funded "SPARK" Program with the Houston Independent School District (HISD), SPARK and the City of Houston		Category #	Page 1 of 2	Agenda Item 20
FROM (Department or other point of origin): James Noteware, Director Housing and Community Development		Origination Date 04/29/2010	Agenda Date MAY 18 2010	
DIRECTOR'S SIGNATURE: <i>VC [Signature] for Jim Noteware</i>		Council District affected: "I,,H"		
For additional information contact: Gayve F. Anklesaria Phone: 713-868-8466		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) City Council Ordinance approving and authorizing Fourth Contract Amendment with HISD, SPARK. and City of Houston to allow new allocation of CDBG funding in the amount of \$200,000 approved in the City of Houston Consolidated Plan for the (B09) – 35 th Year program.				
Amount of Funding: Grant funds – 5000			Finance Department:	
SOURCE OF FUNDING <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) Community Development Block Grant (CDBG)				
SPECIFIC EXPLANATION:				
<p>Through this Council action, City Council is being requested to authorize and approve the Fourth Contract Amendment between the HISD, SPARK and City of Houston for a "SPARK" program. This Fourth Contract Amendment will provide for the development of neighborhood parks on public school grounds and authorized Community Development Block Grant (CDBG) funding in conjunction with other outside funding sources for implementation of this program.</p> <p>This Fourth Contract Amendment will provide new allocation of \$200,000 from the (B09) 35th Year CDBG Program to be appropriated for various SPARK park activities specified in the project description/ scope of work below at three (3) SPARK schools in the HUD/CDBG low income eligible areas.</p> <p>PROJECT DESCRIPTION/SCOPE: CDBG funds will be utilized for renovation and/or installation of new park equipment, swing area, shaded sandbox, picnic tables, benches, concrete walkways, concrete seating areas, asphalt and/or crushed granite tracks, fitness equipment and site work.</p> <p>PROJECT NAME AND LOCATION: The SPARK Schools in HISD for (B09) 35th Year are reflected in Attachment I.</p> <p>PROJECT COST: In addition to CDBG funds, each SPARK Park gets funding from several outside sources, which include; Private sector, Corporations, Foundations, School District, Community fund raisers, County and SPARK.</p> <p>The Neighborhood Housing and Redevelopment Committee considered this item and recommended it for full Council approval on Thursday March 25, 2010.</p> <p>Approval of this Ordinance is recommended.</p> <p>JN:ga xc: City Attorney Mayor's Office City Secretary Finance Department</p>				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:	Other Authorization: <i>NA</i>		

Date

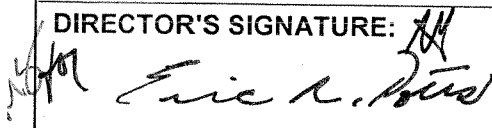

04/29/2010

Subject: Fourth Contract Amendment for the (B09) 35th Year CDBG funded "SPARK" Program with the Houston Independent School District (HISD), SPARK and City of Houston**Originator's
Initials****Page
2 of 2****ATTACHMENT I**

Project Description	Project Location	CDBG Budget	Council District
Travis Elementary	3311 Beauchamp Houston Texas - 77009	\$75,000	H
Cornelius Elementary	7475 Westover Houston Texas - 77087	\$75,000	I
Eastwood Academy	1315 Dumble Houston Texas - 77023	\$50,000	I
Total Budget		\$200,000	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 to the Automobile Rental Concession Agreements at William P. Hobby Airport (HOU)		Category #	Page 1 of 2	Agenda Item # 21
FROM (Department or other point of origin): Houston Airport System		Origination Date April 19, 2010		Agenda Date MAY 12 2010
DIRECTOR'S SIGNATURE: 		Council District affected: I		
For additional information contact: Janet L. Schafer  Phone: 281/233-1796 Chanda Felder Phone: 281/233-1578		Date and identification of prior authorizing Council action: 4/20/05 (O) 2005-0388		
AMOUNT & SOURCE OF FUNDING: REVENUE –The greater of the Minimum Annual Guarantee (MAG) or 10% of the Gross Revenue.		Prior appropriations: N/A		
RECOMMENDATION: (Summary) Enact an ordinance approving and authorizing Amendment No. 1 to the Automobile Rental Concession Agreements by and between the City of Houston and Avis Rent A Car System, Inc.; Budget Rent A Car System, Inc.; DTG Operations, Inc., d/b/a Dollar Rent A Car; EAN Holdings, LLC, d/b/a Enterprise Rent A Car; The Hertz Corporation; Vanguard Car Rental USA LLC, d/b/a National Car Rental; Alamo Rental (US) Inc., d/b/a Alamo Rent A Car; and DTG Operations, Inc., d/b/a Thrifty Car Rental.				
SPECIFIC EXPLANATION: A Request for Proposal (RFP) for Automobile Rental Concessions at William P. Hobby Airport (HOU) was issued on November 1, 2004. Based on the proposals received, agreements were awarded to Avis Rent A Car System, Inc.; Budget Rent A Car System, Inc.; DTG Operations, Inc., d/b/a Dollar Rent A Car; EAN Holdings, LLC, d/b/a Enterprise Rent A Car; The Hertz Corporation; Vanguard Car Rental USA LLC, d/b/a National Car Rental; Alamo Rental (US) Inc., d/b/a Alamo Rent A Car; and DTG Operations, Inc., d/b/a Thrifty Car Rental. The customer service counter assignments were based on the proposed Minimum Annual Guarantee (MAG) for the first contract year. The Automobile Rental Concession Agreements became effective June 1, 2005 and had a term of three (3) years with two (2) one-year options. Due to changes in the scope and schedule of the Terminal and Central Concourse Expansion project at HOU (Project 417F), the completion of new rental car customer service counters is anticipated in the 4 th quarter of 2011. The Houston Airport System is requesting approval of an amendment that will extend the term of the original agreements for two years (until May 31, 2012), during which the rental car operators will be required to operate from interim customer service counters due to ongoing construction in the baggage claim area. An RFP will be issued in the first quarter of 2011 to establish the rental car counter assignments for the newly constructed permanent counter locations.				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization:		Other Authorization:

Date April 19, 2010	Subject: Amendment No. 1 to the Automobile Rental Concession Agreements at William P. Hobby Airport (HOU)	Originator's Initials	Page 2 of 2
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The pertinent terms and conditions of the amended Automobile Concession Agreements are as follows:

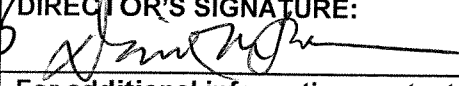
1. Term: The additional term of two (2) years begins on June 1, 2010 and expires on May 31, 2012.

2. Annual Concession Fee: The greater of the MAG (subsequent contract year MAGs are calculated at 85% of the concession fees due from the operator in the preceding contract year) or 10% of the Gross Revenue.

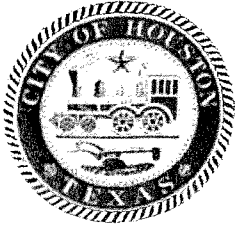
Contract Year 5 MAG (6/1/ 2009 - 5/31/2010)	
Company	
Alamo	\$ 576,997
Avis	\$ 1,276,845
Budget	\$ 660,605
Dollar	\$ 493,676
Enterprise	\$ 735,538
Hertz	\$ 1,477,459
National	\$ 686,655
Thrifty	\$ 322,169

3. ACDBE Goal: The ACDBE goal is 3.35% of the Gross Revenue.

All other terms and conditions of the Automobile Rental Concessions Agreements will remain in full force and effect.

SUBJECT: Agreement between the City and the law firm of Linebarger, Goggan, Blair & Sampson, LLP for the collection of City delinquent ad valorem taxes and other legal services.		Page 1 of 1	Agenda Item # 22
FROM (Department or other point of origin): Legal Department		Origination Date 5/7/2010	Agenda Date MAY 12 2010
DIRECTOR'S SIGNATURE: 		Council District affected: All	
For additional information contact: Sameera Kapasi Mahendru Phone: 832-393-6315		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (Summary) That the City approve an Agreement between the City and Linebarger, Goggan, Blair & Sampson, LLP for the collection of delinquent ad valorem taxes for a term of three years with three oneyear renewal options			
Amount and Source of Funding: NA			
SPECIFIC EXPLANATION: <p>Since 1992, the City has been operating under a contract with the law firm of Linebarger, Goggan, Blair & Sampson (Linebarger) or its predecessor firm for the collection of delinquent ad valorem taxes. The contract will expire by its own terms on June 30, 2010.</p> <p>In the fall of 2009, the City Attorney sought input from firms that had expressed an interest in the contract. In September 2009, the City met with representatives of Linebarger and Perdue, Brandon, Fielder, Collins & Mott, LLP (Perdue), two large local collection firms, to discuss the scope of delinquent tax collection services and solicit their input. The City circulated a draft RFP for comment to the two firms, and on March 29, 2010, the City issued a Request for Proposals. Linebarger and Perdue submitted proposals on April 14, 2010, then made oral presentations to the evaluation committee on May 4, 2010.</p> <p>As explained in more detail in the City Attorney's recommendation to the Mayor and City Council Members, after considering both written submissions and oral presentations and responses, the committee rated Linebarger higher, overall, than Perdue. The committee's selection of Linebarger was unanimous and Linebarger's proposal was deemed most likely to result in the greatest benefit to the City.</p> <p><u>Contract Provisions:</u></p> <p>The term of the new contract would be July 1, 2010 until June 30, 2013, with three one-year renewal options, exercisable by the City. The proposed new contract also outlines additional services to the City, such as handling lien claims and providing title reports, at no additional cost. The contract calls for the City to impose an additional 20% penalty on delinquent tax account debtors in order to pay the firm's fees, a procedure authorized under Sections 33.07, 33.08 and 33.11 of the Texas Tax Code. The rationale behind these statutory provisions is that the cost of a delinquent tax collection program should be borne by delinquent taxpayers, not by citizens who pay their taxes on time.</p> <p>The firm will guarantee collection of a minimum collection goal established each year by the city, and will provide a \$2 million performance bond in the event of default.</p> <p>The firm also will provide other legal services as requested by the City Attorney, conditioned upon the City's notice of a supplemental allocation. The MWBE participation goal for this contract is 24 percent.</p> <p>SKM u:skm\Tax\2010 Delinquent Tax</p>			
REQUIRED AUTHORIZATION			
Other Authorization:		Other Authorization:	

NDT



CITY OF HOUSTON
Legal Department

Interoffice

Correspondence

To: Mayor Annise D. Parker

From: David M. Feldman
City Attorney

Date: May 6, 2010

Subject: Recommendation of Delinquent
Tax Collection Contract

The Legal Department, with the assistance of the Finance Department, following an in-depth review of the two proposals received by the City for delinquent tax collection services, recommends that City Council approve a contract with Linebarger, Goggan, Blair & Sampson ("Linebarger").

The Request for Proposal (RFP) and selection process:

The delinquent tax contract has not been let competitively since 1992, and Linebarger, or its predecessor in interest, has had the contract that entire time. In September 2009, the City met with representatives of Linebarger and its chief competitor, Perdue, Brandon, Fielder, Collins & Mott ("Perdue") to discuss the scope of delinquent tax collection services and solicit input. The City also provided documents and information requested by the firms about these collection services in the past. A draft Request for Proposals and proposed contract were circulated to both Linebarger and Perdue for comments in February 2010. A second draft of both documents was circulated in March 2010.

On March 29, 2010, the City issued a Request for Proposals that invited submissions from any law firm in the State. Proposals were submitted only by Linebarger and Perdue, and received on April 14, 2010. Both proposals were reviewed by an evaluation committee composed of myself; Susan Taylor, Deputy City Attorney; Don Cheatham, Division Chief of the Governmental Regulations Division; Jo Wiginton, Division Chief of the Contracts Division; Lan Nguyen and Sameera Mahendru, Assistant City Attorneys, and Sylvia Shaw, a representative from the Finance Department. The evaluation committee met on April 30, 2010, to discuss the proposals. Later that day, the two firms were presented each other's proposals (with their respective permission) in preparation for oral presentations requested by the committee.

On May 4, 2010, the evaluation team met with each proposing firm separately to hear their presentations, including rebuttals to their competitor's proposal, and to afford the evaluation committee the opportunity to ask the firms additional or clarifying questions. At the conclusion of these meetings, the evaluation committee deliberated but withheld a final selection, pending the resolution of certain matters to be investigated further. Upon final resolution of those matters on May 6, 2010, the team reached its recommendation of Linebarger.

Basis for recommendation:

The selection was made on the following evaluation criteria, which were published in the City's Request for Proposals. The criteria and evaluation were as follows, listed in descending order of importance:

- Advantages of the Firm's approach to the City to obtain a greater and timelier collection of delinquent taxes (30%)

Linebarger's experience in representing large governmental entities, such as the City, HISD, and Harris County gives them an advantage in large urban collection programs. None of the individual entities represented by Perdue is of comparable size, and the demographic and economic characteristics of the entities represented by Perdue, largely consisting of suburban school districts, were unlike those of the City. Linebarger already has a large experienced staff in place and has developed technology for dealing with very large collection projects.

- Results achieved in previous contracts for similar services (25%)

While each firm submitted extensive statistics on prior collection success, a direct comparison was not possible on the basis of the numbers presented, given the difference in their client base. Both firms have demonstrated successful collection histories, in their own right.

- Qualifications, experience and ethics of the Firm and key personnel (20%)

Both firms offer equivalent professional qualifications; however, the committee considered the ownership and management structure of Linebarger to be more diverse. The RFP also required both firms to disclose past litigation against them, their principals or staff, as well as any disciplinary or criminal histories of firm members or employees. While Linebarger has had a considerably larger number of lawsuits filed against it, one must keep in mind that it is a nationwide firm, whereas Perdue only operates in Texas. One former member of the Linebarger firm in San Antonio pled guilty to bribery charges in 2005 and a clerical employee in Houston was recently charged with theft, while no criminal charges have ever been brought against Perdue or its personnel. After extensive discussion and consideration, however, the committee determined that Linebarger's history, in this regard, was not representative of its Houston operation. After an independent investigation, the committee found no evidence of any misconduct by Linebarger attorneys in its Houston office.

- Clarity of the Proposal and soundness of the approach (15%)

Each proposal was found to be responsive to the RFP, but the committee was most impressed by the oral presentation made by Linebarger and its response to questions raised by the committee during that process.

- Resources such as staffing and equipment to be used by the Firm to perform all required services (10%)

See response under the first criteria above. In addition, Perdue would have to increase its staff considerably to meet the City's collection needs.

- The ability of the Firm to comply with the City's goal of minority and women-owned business enterprise participation. (Pass/Fail)

Both firms received a "Pass" rating on this criterion.

Considering both written submissions and oral presentation and responses, Linebarger was rated higher, overall, than Perdue. The committee's selection of Linebarger was unanimous, and deemed most likely to result in the greatest benefit to the City.



David M. Feldman
City Attorney

cc: Marty Stein
Agenda Director

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve an Ordinance amending Ordinance Number 99-0161 to establish a maximum contract amount for the contract with Frost National Bank for automated filing fee payment services for the Houston Police Department and allocating funds (Contract No. C50127).

Page
1 of 1

Agenda Item #

23

FROM: (Department or other point of origin):

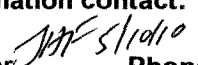
Houston Police Department

Origination Date:**Agenda Date:**

MAY 12 2010

DIRECTOR'S SIGNATURE:
Charles A. McClelland, Jr., Chief of Police**Council District affected:**

All

For additional information contact:Joseph A. Fenninger 
CFO and Deputy Director Phone: 713-308-1770**Date and identification of prior authorizing Council action:**

Ord. No. 99-0161, 02/24/99

Ord. No. 06-0621, 06/14/06

RECOMMENDATION: (Summary) Approve an Ordinance amending Ordinance Number 99-0161 to establish a maximum contract amount for the contract with Frost National Bank for automated filing fee payment services for the Houston Police Department and allocating funds (Contract No. C50127).

Amount and Source of Funding:

\$125,000.00 – General Fund 1000

FY10 - \$25,000.00, FY11 - \$100,000.00

Specific Explanation:

The Houston Police Department Neighborhood Protection Corps is tasked with abating dangerous buildings, weeded lots and other community hazards. When public funds are spent on abatement activities, the Neighborhood Protection Corps files liens with Harris County against the subject property to recover the cost of the work when the property is sold. In February of 1999, the City entered into an agreement with Frost National Bank to provide an electronic payment mechanism, known as the **LegalEase** Electronic Payment System, to pay the fees charged by Harris County associated with filing the liens. This arrangement allows for Neighborhood Protection Corps personnel to authorize a funds transfer from the City's dedicated account with Frost National Bank to a Harris County account with Frost National Bank. Frost National Bank then automatically deducts its fees of \$19.50 per month and \$1.00 per transaction from the City's account. The record of the financial transactions is available online for tracking and auditing purposes. This process allows for the timely payment of fees, which are required at the time the liens are filed, and relieves City personnel from the burden of writing checks or carrying cash. Yearly bank fees were approximately \$450.00 for FY09 and estimated at \$685.00 for FY10.







The contract was initially awarded with an original allocation of \$55,000.00 and allowed for supplemental allocations as needed thereafter. No maximum contract amount was established. It was amended further to broaden the scope of services in June of 2006 to allow for the payment of fees related to other notices or orders


In support of these activities, the Chief of Police recommends that City Council approve an Ordinance amending Ordinance Number 99-0161 to establish a maximum contract amount and allocate \$125,000.00 in additional funds. This will provide funding through August 31, 2011. The contract currently lacks the funds to make all of the necessary filings for upcoming dangerous building demolitions. The new maximum contract amount will be \$962,600.00, which covers the contract expenditures since February of 1999 as well as the additional \$125,000.00 requested.

REQUIRED AUTHORIZATION

10TRC005C

Finance:**Other Authorization:****Other Authorization:**

SUBJECT: Professional Engineering Services Contract between the City and Ratnala and Bahl, Inc. for Willow Run and Tidwell Timbers Wastewater Treatment Plant Improvements. W.B.S. No. R-000265-0066-3.		Page 1 of 2	Agenda Item # 24
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5-6-10	Agenda Date MAY 12 2010	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: B 		
For additional information contact:  4/28/10 Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance #: 2008-290 Dated: April 9, 2008		
RECOMMENDATION: (Summary) Approve an Ordinance to de-appropriate funds, approve a Professional Engineering Services Contract with Ratnala and Bahl, Inc. and appropriate funds.			
AMOUNT AND SOURCE OF FUNDING: De-Appropriation \$725,800.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 Appropriation \$725,800.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 			
SPECIFIC EXPLANATION: Public Works and Engineering Department initiated a plant consolidation plan for the sanitary sewer system. After extensive discussion between Public Utilities Division, and Engineering and Construction Division the plan was reevaluated. Based upon the updated cost / benefit analysis it was determined that the return on investment was not in the financial or operational interest of the wastewater system. Therefore, funds previously appropriated under this plan will be reassigned to better serve the needs of the related facilities.			
DESCRIPTION/SCOPE: This project is part of the City's program to renew/replace inefficient components of the existing Wastewater Treatment Plant (WWTP) facilities. For Willow Run WWTP this project includes the evaluation, recommendation and design of existing above ground steel structures of the plant, required improvements, influent lift station, supernatant mechanism in the digester, general area lighting to improve the plant security, city required card reading electric entrance gate; for Tidwell Timber WWTP this project includes the evaluation, recommendation and design of conversion of disinfection system from chlorine gas to liquid chlorine, investigation of the feasibility of eliminating the need for weekly clarifier back-flushing, evaluation and recommendation of the required upgrade for the plant lift station.			
REQUIRED AUTHORIZATION CUIC ID #20AKH21 A			
Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	Professional Engineering Services Contract between the City and Ratnala and Bahl, Inc. for Willow Run and Tidwell Timbers Wastewater Treatment Plant Improvements. W.B.S. No. R-000265-0066-3.	Originator's Initials 	Page 2 of 2
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LOCATION:

<u>Facility</u>	<u>Address</u>	<u>Key Map Grid</u>	<u>Council District</u>
Willow Run Wastewater Treatment Plant	29947 Mosher Lane	412-K	B
Tidwell Timber Wastewater Treatment Plant	10545 Tidwell Road	456-B	B

SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on cost of time and materials with not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III will be negotiated on a lump sum amount after the completion of Phase I. The negotiated maximum for Phase I Basic Services is \$200,000.00. The total Basic Services appropriation is \$597,300.00.

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include survey, geotechnical investigations, environmental site assessments, traffic control, reproduction services, drug testing and compliance, technical review committee presentation, preparation of operation and maintenance manuals. The total Additional Services appropriation is \$128,500.00.

The total Contract services cost of this project is \$725,800.00.

PAY OR PLAY PROGRAM:

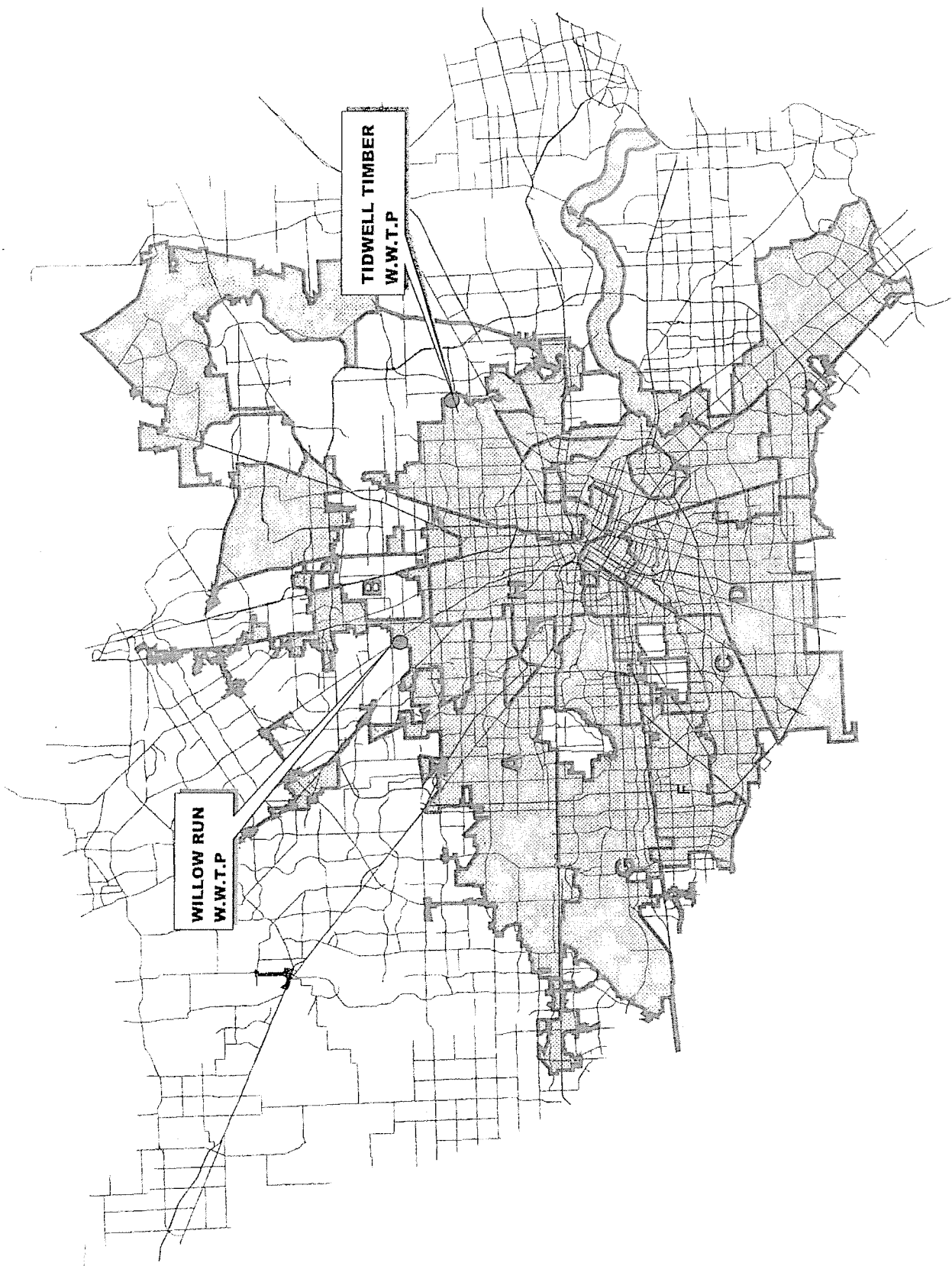
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the Consultant provides health benefits to eligible employees in compliance with City policy.


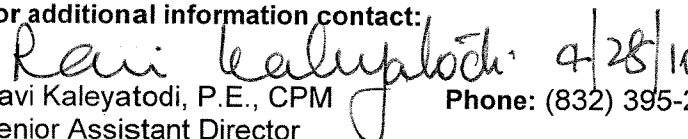


M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Rahaman and Associates, Inc.	Surveying and Mapping Services	\$ 20,000.00	2.76%
2. CivilTech Engineering, Inc.	Engineering Services	\$ 61,000.00	8.40%
3. Aviles Engineering Co.	Geotechnical Testing Laboratories or services	\$ 40,000.00	5.51%
4. Dabhi Engineering Assoc., Inc.	Environmental Consulting Services		
5. E Graphics	Engineering Services	\$ 43,200.00	5.95%
	Reprographic Services	\$ 10,000.00	1.38%
TOTAL		\$174,200.00	24.00%


MSM:DRM:RK:EN:BZ:AKH:pa

c: Marty Stein
Velma Laws
Susan Bandy
Mike Pezeshki, P.E.
Craig Foster
File R-0265-66-2 (2.1)



SUBJECT: Professional Engineering Services Contract between the City and Pate Engineers, Inc. for Lift Station Renewal and Replacement. W.B.S. No. R-000267-0092-3.		Page 1 of 2	Agenda Item # 25
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5-6-10	Agenda Date MAY 12 2010	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: B RCM		
For additional information contact:  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	Date and identification of prior authorizing Council action: Ordinance #: 2007-0131 Dated: January 31, 2007		
RECOMMENDATION: (Summary) Approve an Ordinance to de-appropriate funds, approve a Professional Engineering Services Contract with Pate Engineers, Inc. and appropriate funds.			
AMOUNT AND SOURCE OF FUNDING: De-Appropriation \$400,862.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 Appropriation \$400,862.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 <i>M.P. 4/29/10</i>			
SPECIFIC EXPLANATION: Public Works and Engineering Department initiated a plant consolidation plan for the sanitary sewer system. After extensive discussion between Public Utilities Division, and Engineering and Construction Division the plan was reevaluated. Based upon the updated cost / benefit analysis it was determined that the return on investment was not in the financial or operational interest of the wastewater system. Therefore, funds previously appropriated under this plan will be reassigned to better serve the needs of the related facilities.			
DESCRIPTION/SCOPE: This project is part of the City's lift station rehabilitation/replacement program. This project consists of evaluation and design services to rehabilitate, replace and/or consolidate lift stations and related sewer systems.			
LOCATION: The project is located in the following Key Map Grids:			
<u>Lift Station</u>	<u>Address</u>	<u>Key Map</u>	
Grenshaw	878 Grenshaw	412Q	
Randolph	802 Randolph	412Q	
Rutherford	8814 Rutherford	412K	
SCOPE OF CONTRACT AND FEE: Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Design, Phase II - Final Design, Phase III -Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on cost of time and materials with not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III will be negotiated on a lump sum amount after the completion of Phase I. The negotiated maximum for Phase I Basic Services is \$15,008.00. The total Basic Services appropriation is \$276,562.00.			
REQUIRED AUTHORIZATION		CUIC ID #20RCM03 A	
Finance Department:	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	SUBJECT: Professional Engineering Services Contract between the City and Pate Engineers, Inc. for Lift Station Renewal and Replacement. W.B.S. No. R-000267-0092-3.	Originator's Initials <i>RCM</i>	Page 2 of 2
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The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include Topographic Survey, Geotechnical Investigation, Technical Review Committee Presentation, Reproduction Services, and Subsurface Investigation. The total Additional Services appropriation is \$124,300.00.

The total cost of this project is \$400,862.00 to be appropriated for Contract services.

PAY OR PLAY PROGRAM:

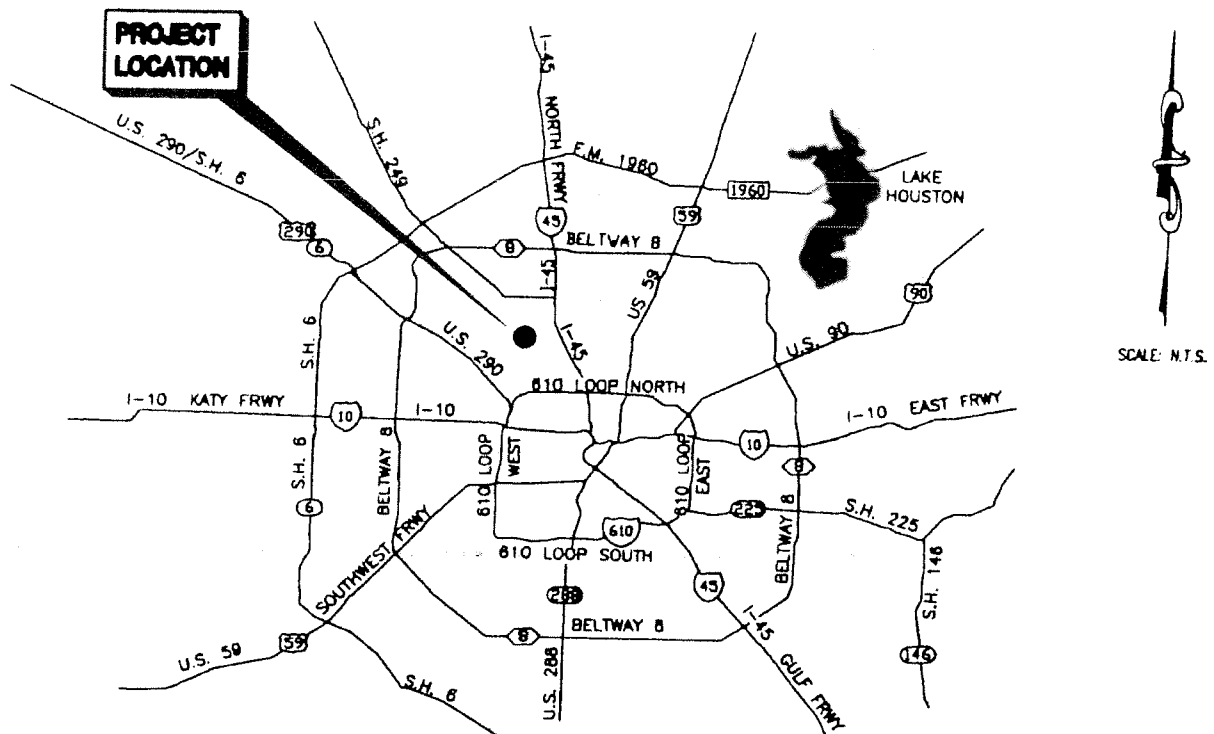
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal for the project is set at 24.00%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Berg-Oliver Associates, Inc.	Environmental Site Assessment	\$ 20,700.00	5.16%
2. Amani Engineering, Inc.	Surveying & Property Acquisition	\$ 12,668.00	3.16%
3. HVJ Associates, Inc.	Geotechnical Investigation	\$ 24,579.00	6.13%
4. Kalluri Group, Inc.	Engineering Services	\$ 44,500.00	11.10%
5. B & E Reprographics, Inc.	Reproducing Services	\$ 6,000.00	1.50%
TOTAL		\$108,447.00	27.05%

RCM
MSM:DRM:RK:EN:IMR:RCM:pa

c: Marty Stein
Velma Laws
Susan Bandy
Mike Pezeshki, P.E.
Craig Foster
File R-0267-92-2

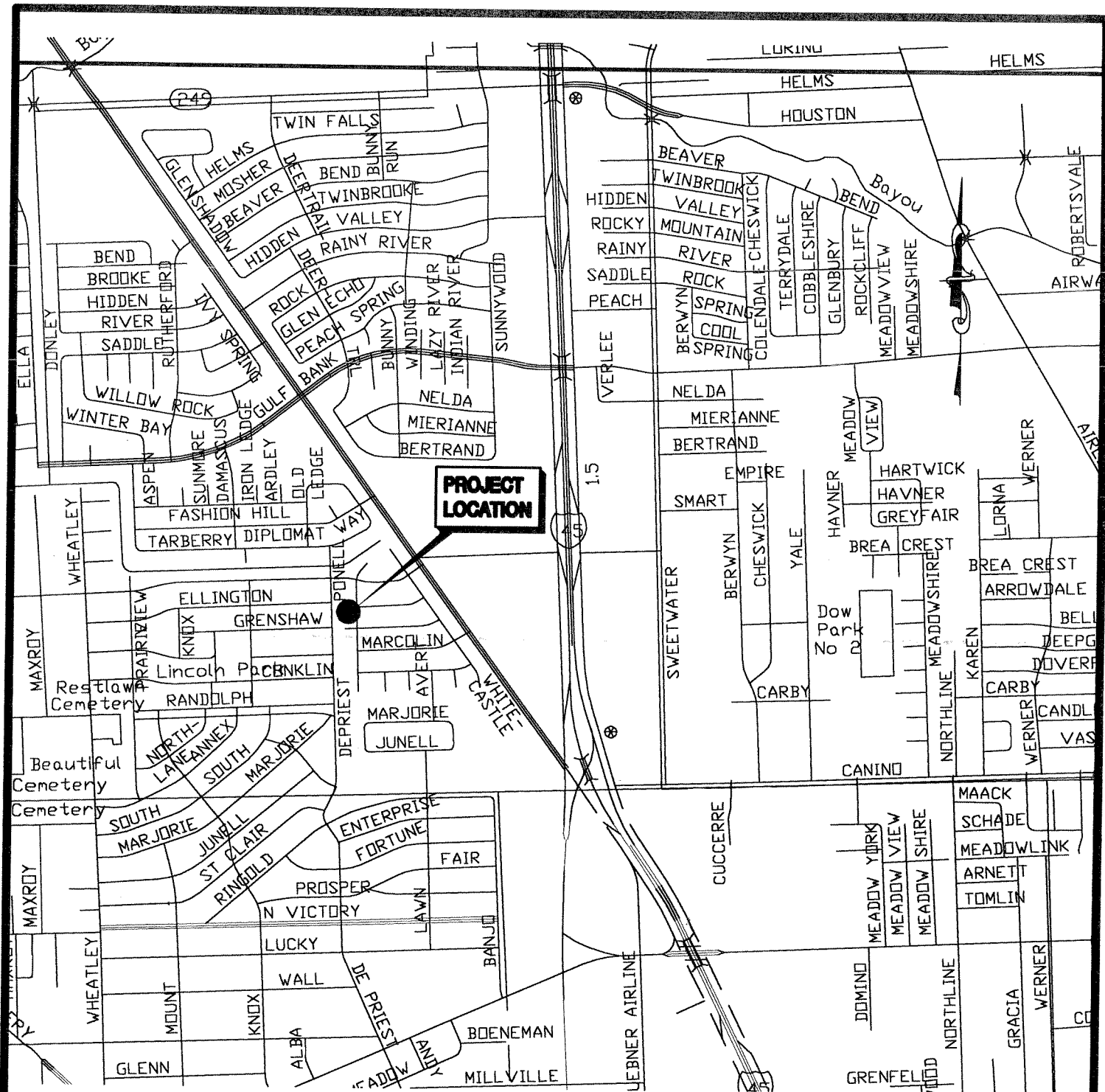


LOCATION MAP

GRENSHAW, RANDOLPH RUTHERFORD LIFT STATION

PATE ENGINEERS
TBPE F-002726

13333 N.W. Freeway, Suite 300 Houston, Tx. Phone: 713-462-3178






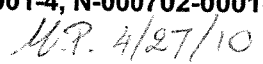

VICINITY MAP

KEY MAP NO 412 Q
FACILITY NO. 587

GRENSHAW LIFT STATION

PATE ENGINEERS
TBPE F-002726

13333 N.W. Freeway, Suite 300 Houston, Tx. Phone: 713-462-3178

SUBJECT: An Ordinance deappropriating and appropriating funds as part of the Metro General Mobility Program.		Page 1 of 1	Agenda Item # 26
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/6/10	Agenda Date MAY 12 2010	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: D, E 		
For additional information contact: Carol Haddock, P.E.  Phone: (713) 837-7658	Date and identification of prior authorizing Council action: Ord. 2010-0007 (01/6/2010), Ord. 2009-1021 (10/21/2009)		
RECOMMENDATION: (Summary) It is recommended that City Council pass an Ordinance authorizing deappropriation of funds and the appropriation of funds from the Metro Projects Construction Fund.			
Amount and Source of Funding: Deappropriate \$10,587,500 from Street and Bridge Consolidated Construction Fund 4506 (WBS # N-000825-0001-4, N-000702-0001-4). Appropriate \$10,587,500 from Metro Projects Construction Fund No 4040 (WBS # N-000825-0001-4, N-000702-0001-4). 			
PROJECT NOTICE: Public Works and Engineering recently entered into an interlocal agreement with Harris County for the reconstruction/construction of Scott Street from Fuqua to Orem, and Genoa-Red Bluff from Beltway 8 to 1,500 feet east of Pine Tree Drive. Both of the projects are part of the Metro General Mobility Program and are eligible for Metro reimbursement funding. Due to insufficient Metro funding capacity at the time of appropriations, the Scott Street and Genoa-Red Bluff projects utilized funds from Street and Bridge Consolidated Construction Fund in an amount totaling \$10,587,500. The original Request for Council Actions for these projects stated that Street and Bridge Consolidated Construction Fund was to be reimbursed upon availability of Metro Funding. As is usual, the Street and Bridge Consolidated Construction Fund was used as a placeholder until Metro funding became available; however, the ordinance did not capture this action. This requested Council action will make the necessary corrections and reflect the intended funding mechanism and source. PREVIOUS ACTION AND UPDATE: Original request for council action for Scott Street (Ord. 2010-0007) appropriated a total of \$4,137,500, and Genoa-Red Bluff (Ord. 2009-1021) appropriated a total of \$6,450,000. The following request for council action will deappropriate the sum of these projects totaling \$10,587,500 from the Street and Bridge Consolidated Construction Fund and appropriate in the amount of \$10,587,500 under Metro Projects Construction Fund.			
REQUIRED AUTHORIZATION CUIC ID# 20CAE86			
Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division	

SUBJECT: Contract Award for Safe Sidewalk Program Work Authorization Project. W.B.S. No. N-00610A-0112-4		Page 1 of 2	Agenda Item # <i>27</i>
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 5-6-10	Agenda Date: MAY 12 2010	
DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: A, C, D, H <i>su</i>		
For additional information contact: <i>Ravi Kaleyatodi</i> 4/19/10 Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds.			
Amount and Source of Funding: Total of \$732,750.00 to be appropriated from the Street and Bridge Consolidated Construction Fund No. 4506. <i>M.P. 4/26/10</i>			
PROJECT NOTICE/JUSTIFICATION: This project is part of the continuing effort by the City to construct sidewalks throughout the City of Houston to meet the needs of residents.			
PREVIOUS HISTORY AND SCOPE: This project provides for the construction of sidewalk improvements at numerous locations. The Contract duration for this project is 365 calendar days.			
LOCATION: The project area is located in Council District A, C, D and H. The project is located in various Key Map Grids.			
BIDS: Bids were received on March 11, 2010. The six (6) bids are as follows:			
<u>Bidder</u>		<u>Bid Amount</u>	
1. Tikon Group, Inc.		\$596,192.50	
2. ACM Contractors, Inc.		\$605,897.00	
3. Metro City Construction, L.P.		\$647,614.50	
4. CAAN Construction Services, Inc.		\$681,840.00	
5. TJ&T Enterprises, Inc.		\$764,050.00	
6. Total Contracting Limited		\$886,850.00	
REQUIRED AUTHORIZATION		CUIC#20SIK26 <i>NOT</i>	
Finance Department	Other Authorization:	Other Authorization: <i>[Signature]</i> Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

Date	Subject: Contract Award for Safe Sidewalk Program Work Authorization Project. W.B.S. No. N-00610A-0112-4	Originator's Initials <i>su</i>	Page 2 of 2
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AWARD: It is recommended that this construction Contract be awarded to Tikon Group, Inc. with a low bid of \$596,192.50.

PROJECT COST: The total cost of this project is \$732,750.00 to be appropriated as follows:

•	Bid Amount	\$596,192.50
•	Contingencies	\$ 29,809.63
•	Engineering and Testing Services	\$ 65,000.00
•	Project Management	\$ 41,747.87

Engineering and Testing Services will be provided by Earth Engineering, Inc. under a previously approved contract.

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

M/WBE PARTICIPATION: M/WBE participation for this project is not required.


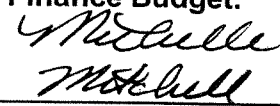


All known right -of-way, easements and/or right-of-entry required for the project have been acquired.

MSM su
MSM:DRM:RK:MW:SK:AS

Z:\design\A-NP-DIV\Sidewalks\N-00610A-0112-4\N-00610A-0112-4\1.0 Design Contract\1.2 RCA\Construction RCA (112).DOC

c: Marty Stein
Velma Laws
Susan Bandy
Craig Foster
Mike Pezeshki, P.E.

SUBJECT: First Amendment to Energy Savings Performance Contract for Energy Conservation Measures Siemens Industry, Inc. f/k/a Siemens Building Technologies, Inc. Implementation of Energy Conservation Measures		Page 1 of 2	Agenda Item 28
FROM (Department or other point of origin): General Services Department	Origination Date 5-6-10	Agenda Date MAY 12 2010	
DIRECTOR'S SIGNATURE <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Interim Director	Council District(s) affected: A, D		
For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2009-782; 08/26/2009		
RECOMMENDATION: Approve First Amendment to energy savings performance contract for energy conservation measures with Siemens Industry, Inc.			
Amount and Source Of Funding: Previous Funding: \$801,497.00 – Reimbursement of Equipment/Projects Fund (1850)		Finance Budget:	
SPECIFIC EXPLANATION: On August 26, 2009, Ordinance No. 2009-782, City Council approved an Energy Savings Performance Contract for Energy Conservation Measures with Siemens Industry, Inc. f/k/a Siemens Building Technologies, Inc. (Siemens) to implement energy conservation measures designed to improve the system infrastructure and operational efficiencies of the specified City facilities listed below. Under the terms of the contract, Siemens is required to maintain insurance coverage which provides that "defense costs are excluded from the face amount of the policy." This means that there is no limitation on the amount of defense costs that Siemens may have to pay in defending the City. Siemens has recently changed insurance carriers and this coverage is not available. The proposed First Amendment will eliminate this coverage and require Siemens to increase its Excess Coverage from \$1,000,000 per occurrence to \$5,000,000 per occurrence to cover any potential liability. The General Services Department (GSD) consulted with the Legal Department and Administration and Regulatory Affairs' Insurance Management Division who both concluded that a net benefit will result to the City from the increased policy limit. Therefore, GSD recommends that City Council approve a First Amendment to the Energy Savings Performance Contract with Siemens.			
PROJECT LOCATIONS: The following facilities total approximately 37,499 square feet:			
<u>Facility</u>	<u>Location</u>	<u>Key Map</u>	<u>Council District</u>
Fire Station #50	4420 Bingle Road	451E	A
Metropolitan Multi-Service Center	1475 West Gray	492R	D
FRC:JLN:GMD:mlg c: Issa Dadoush, P.E., Marty Stein, Jacquelyn L. Nisby, File			
REQUIRED AUTHORIZATION		CUIC ID #25MSCL35	

SUBJECT: Professional Services Contract CHP & Associates, Consulting Engineers, Incorporated Jones Hall Electrical Improvements WBS No. B-000138-0001-3		Page 1 of 2	Agenda Item 29
FROM (Department or other point of origin): General Services Department		Origination Date 5/5/2010	Agenda Date MAY 12 2010
DIRECTOR'S SIGNATURE  Forest R. Christy, Interim Director		Council District(s) affected: 1	
For additional information contact: Jacquelyn L. Nisby Phone: 832.393.8023		Date and identification of prior authorizing Council action:	
RECOMMENDATION: Approve a Professional Services Contract and appropriate funds for the project.			
Amount and Source Of Funding: \$200,000.00 C&E – Construction Fund (8611)		Finance Budget:  Michael	
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a professional engineering services contract with CHP & Associates, Consulting Engineers, Incorporated (CHPA) to provide professional services pertaining to the electrical system at the Jones Hall for the Performing Arts for the Convention and Entertainment Facilities Department. The General Services Department selected CHPA based on their experience and expertise in the area of evaluating the electrical system at Jones Hall. CHPA assisted the City of Houston with restoration of electrical components and improvements to the building's automated controls for the heating and air conditioning system at Jones Hall after Tropical Storm Allison flooded the facility in 2001.			
PROJECT LOCATION: 615 Louisiana (493L)			
PROJECT DESCRIPTION: The project will provide electrical engineering, lighting consultant and architectural services to evaluate the condition of the existing electrical system, provide a report with improvement recommendations based on facility and production needs. In addition to the report of findings, the report will include budgetary figures corresponding to the anticipated construction costs. The assessment will focus on improving the electrical system for general lighting in public foyers on each level of the facility; additional power for convenience receptacles in the foyers of each level; provide security upgrades to include internal and external video cameras and card access to controlled spaces; increasing power and data for televisions that are mounted in the foyers; upgrades to the exterior lighting around the building soffits; lightning protection for the overall building; emergency power to the sound room; and dimming controls and receptacles at the stage area. This contract will allow the City to negotiate and approve multiple work orders for design services based on the improvement recommendations provided in the preliminary engineering report. These services include the development of drawings and specifications and construction administration.			
REQUIRED AUTHORIZATION CUIC ID# 25DSGN54			
General Services Department:  Richard A. Vella, AAIA Chief of Design & Construction Division		Convention and Entertainment Facilities Department:  Dawn R. Ullrich Director	

DATE:	SUBJECT: Professional Services Contract CHP & Associates, Consulting Engineers, Incorporated Jones Hall Electrical Improvements WBS No. B-000138-0001-3	Originator's Initials JJR	Page 2 of 2
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SCOPE OF CONTRACT AND FEE: The contract provides for a Basic Services fee to be paid as a negotiated lump sum and Additional Services to be paid on a reimbursable basis.

\$ 104,400.00	Basic Services
\$ 87,600.00	Additional Services Fee
\$ 8,000.00	<u>Reimbursables</u>
\$ 200,000.00	Total Funding

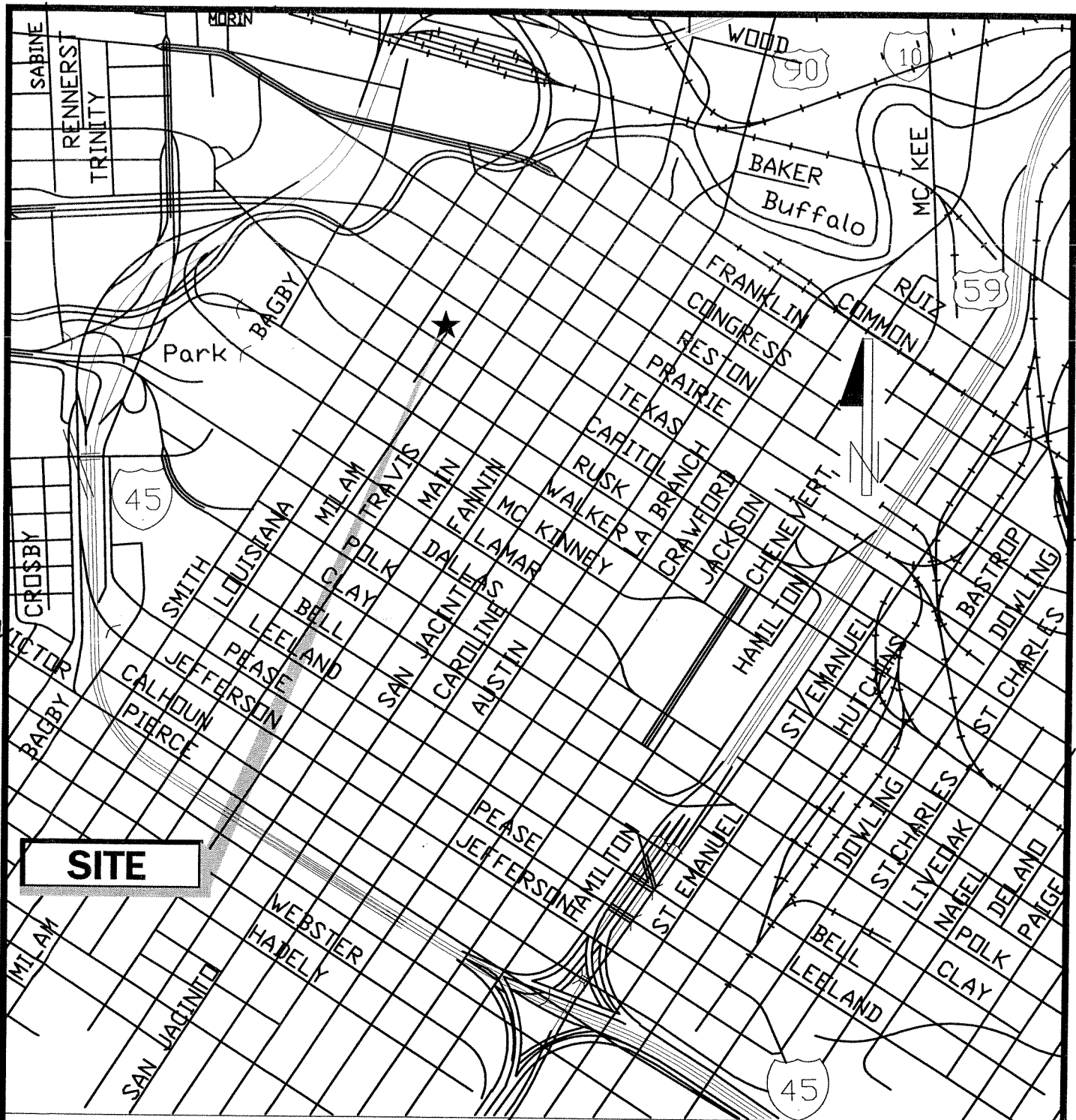
MWBE PARTICIPATION: An MWBE goal of 24% has been established for this contract. The engineer has submitted the following certified firm to achieve the goal:

<u>Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% of Contract</u>
Linda Cummings Lighting Consultants, Inc.	Lighting Consultant	\$ 48,450.00	24.23%

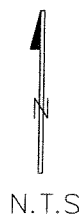
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the engineer provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

IZD:HB:MCP:JLN:JJR:jr

c: Marty Stein, Jacquelyn L. Nisby, Esq., Calvin R. Curtis, Yvette Burton, Christopher Gonzales, Deyanira Rodriguez



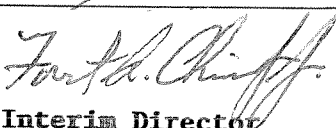
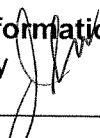
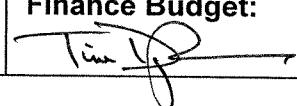

Jones Hall For The Performing Arts 615 Louisiana - Houston, Tx



COUNCIL DISTRICT "I"

SITE MAP

KEY MAP NO. 493L

SUBJECT: Award Construction Contract Inland Environments, Ltd. Asbestos Abatement and Demolition at Kingwood Library WBS No. D-000073-0088-4		Page 1 of 2	Agenda Item 30															
FROM (Department or other point of origin): General Services Department		Origination Date 5/6/10	Agenda Date MAY 12 2010															
DIRECTOR'S SIGNATURE:  Forest R. Christy, Jr., Interim Director		Council District affected: E																
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action:																
RECOMMENDATION: Award construction contract and appropriate funds for the project.																		
Amount and Source of Funding: \$33,743.85 General Improvements Consolidated Construction Fund 4509		Finance Budget: 																
SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Inland Environments, Ltd. on the low bid amount of \$32,137.00 to provide asbestos abatement and demolition of the former Kingwood Library.																		
PROJECT LOCATION: 4102 Rustic Wood, Houston, Texas (Key Map No. 297-X)																		
PROJECT DESCRIPTION: The scope of work includes removal and disposal of approximately 1,200 square feet of asbestos containing 12"x12" floor tiles and mastic, 600 linear feet of window caulk and 6,500 square feet of vapor barrier behind the brick on all exterior walls. The work also includes hydro-mulching of the site and maintenance of existing landscaping for six months.																		
The contract duration for this project is 20 calendar days.																		
BIDS: The following four bids were received on March 31, 2010:																		
<table><thead><tr><th></th><th><u>Bidder</u></th><th><u>Bid Amount</u></th></tr></thead><tbody><tr><td>1.</td><td>*J.T.B Services, Inc.</td><td>\$24,800.00</td></tr><tr><td>2.</td><td>Inland Environments, Ltd.</td><td>\$32,137.00</td></tr><tr><td>3.</td><td>Arrow Services, Inc.</td><td>\$37,000.00</td></tr><tr><td>4.</td><td>AAR Incorporated</td><td>\$44,530.00</td></tr></tbody></table>					<u>Bidder</u>	<u>Bid Amount</u>	1.	*J.T.B Services, Inc.	\$24,800.00	2.	Inland Environments, Ltd.	\$32,137.00	3.	Arrow Services, Inc.	\$37,000.00	4.	AAR Incorporated	\$44,530.00
	<u>Bidder</u>	<u>Bid Amount</u>																
1.	*J.T.B Services, Inc.	\$24,800.00																
2.	Inland Environments, Ltd.	\$32,137.00																
3.	Arrow Services, Inc.	\$37,000.00																
4.	AAR Incorporated	\$44,530.00																
*GSD reviewed the disparity of bids between J.T.B. Services, Inc., the apparent low bidder, and Inland Environments, Ltd. and determined that J.T.B. Services, Inc. omitted the maintenance of landscaping services from its bid, which resulted in a much lower bid amount. J.T.B. Services, Inc. requested that their bid be retracted. GSD confirmed that Inland Environments, Ltd's bid is reasonable for the work to be performed.																		
REQUIRED AUTHORIZATION CUIC ID # 25GM221																		
General Services Department:  Humberto Bautista, P.E. City Engineer		Other Authorization:																

NOT

27

Date	SUBJECT: Award Construction Contract Inland Environments, Ltd. Asbestos Abatement and Demolition at Kingwood Library WBS No. D-000073-0088-4	Originator's Initials GM	Page 2 of 2
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Bids were obtained from the list of pre-qualified asbestos/lead abatement contractors to act as the general contractor for the project. All pre-qualified asbestos/lead abatement contractors were notified of the request for bids on this project. The City Legal Department has previously determined that the formal bid process is not required for these types of contracts and that GSD may utilize the contractors on a pre-qualified list.

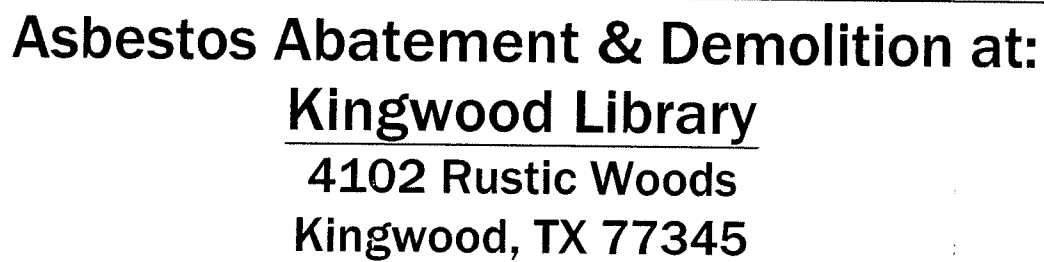
AWARD: It is recommended that City Council award the construction contract to Inland Environments, Ltd. and appropriate funds for the project.

FUNDING SUMMARY:

\$	32,137.00	Construction Contract Services
\$	<u>1,606.85</u>	5% Contingency
\$	33,743.85	Total Funding


 IZD:HB:JLN:GM:MCJ:fk

c: Marty Stein
 Jacquelyn L. Nisby
 Velma Laws
 Calvin R. Curtis
 Morris Scott
 Gabriel Mussio
 Kim Nguyen
 Martha Leyva
 File



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract
Times Construction, Inc.
Ervan Chew Park
WBS No. F-000668-0001-4

Page
1 of 2

Agenda
Item
31

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

Origination Date

5/5/10

Agenda Date

MAY 12 2010

DIRECTOR'S SIGNATURE:

Forest R. Christy, Jr., Interim Director

Council District(s) affected:

D

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023

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

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding:

\$465,200.00 Parks Consolidated Construction Fund (4502)

\$ 6,000.00 Parks Special Fund (4012)

\$471,200.00 Total Funding

Finance Budget:

Mitchell
Mitchell

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Times Construction, Inc. on the proposal amount of \$422,000.00 to provide construction services for Ervan Chew Park for the Parks and Recreation Department.

PROJECT LOCATION: 4502 Dunlavy Street, (492Z)

PROJECT DESCRIPTION: The scope of work includes demolition of existing pool, pool deck and restroom building, site grading, new concrete walks, basketball half-court, seat walls, new sprayground with associated utilities, new site furnishings, relocation of chain-link gates to the dog run, site detention, site lighting, sodding, hydroseeding and tree planting.

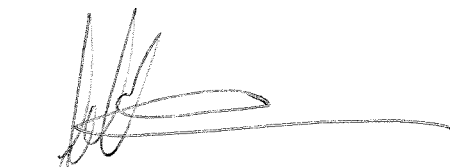
The contract duration for this project is 120 days. James Patterson Associates, Inc. dba White Oak Studio is the design consultant and construction manager for the project.

PROPOSALS: On March 19 and 26, 2010, GSD advertised a Request for Competitive Sealed Proposals containing selection criteria that ranked the respondents on price, experience, references, sub-contractors and schedule. The proposals were due on April 8, 2010, and eight firms responded. GSD evaluated the respondents and Times Construction, Inc. received the most points and offers the best value for the City based on the advertised criteria.

REQUIRED AUTHORIZATION

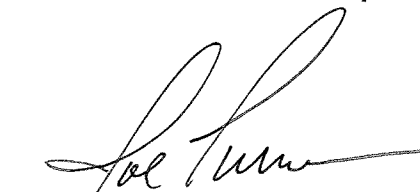
CUIC ID # 25PARK105

General Services Department:



Richard A. Vella, AAIA.
Chief of Design & Construction Division

Parks and Recreation Department:



Joe Turner
Director

Date	SUBJECT: Award Construction Contract Times Construction, Inc. Ervan Chew Park WBS No. F-000668-0001-4	Originator's Initials DE	Page 2 of 2
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PROPOSALS CONT: The eight proposals are ranked as follows:

Proposer

1. Times Construction, Inc.
2. Resicom, Inc.
3. Millis Development & Construction, Inc.
4. Gulf Coast Landscape Services, Inc.
5. MGM Consortium LLC d/b/a Arriba Contruction
6. DL Meacham, LP
7. Carrera Construction, Inc.
8. Jerdon Enterprise, L.P.

AWARD: It is recommended that City Council award the construction contract to Times Construction, Inc. and appropriate funds for the project, including an additional appropriation of \$21,100.00 for construction management services under the existing contract with James Patterson Associates, Inc. dba White Oak Studio, and \$7,000.00 for engineering testing services under the existing contract with Kenall, Inc.

FUNDING SUMMARY:

\$ 422,000.00	Construction Contract Services
\$ 21,100.00	5% Contingency
\$ 443,100.00	Total Contract Services
\$ 21,100.00	Construction Management
\$ 7,000.00	Engineering Testing
\$ 471,200.00	Total Funding

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 benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

Ar

IZD:RAV:JLN:LJ:DE:de
c: Marty Stein, Jacquelyn L. Nisby, Calvin R. Curtis, Mark Ross, Velma Laws, Kim Nguyen, Morris Scott, Gabriel Mussio, Christopher Gonzales, Dan Pederson, Lisa Johnson, Martha Leyva, File 712

SITE

Dunlavy
Park

ERVAN CHEW PARK
4502 DUNLAVY St.
HOUSTON , TX 77006

COUNCIL DISTRICT "D"

SITE MAP

KEY MAP NO. 492Z

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance Authorizing the purchase of Crime Insurance Policy for Public Employee Dishonesty

Category #

Page 1 of 2

Agenda Item# **32**

FROM: (Department or other point of origin):

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

Origination Date

May 6, 2010

Agenda Date

MAY 12 2010

DIRECTOR'S SIGNATURE:

Council Districts affected:

All

For additional information contact:

Tina A. Paquet

Phone: 832-393-8792

Date and identification of prior authorizing

Council Action: 5/15/07; Ordinance No. 2007-552

RECOMMENDATION: (Summary)

Authorize the purchase of a Crime Insurance Policy for Public Employee Dishonesty from Chartis, through member company, National Union Fire Insurance Company of Pittsburgh, PA.

Amount of Funding: \$ 20,196 Year 1 Policy Premium
\$ 32,000 Year 2 Policy Premium
\$ 42,000 Year 3 Policy Premium
\$ 94,196 Not to Exceed Premium

Budget:

SOURCE OF FUNDING: ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☒ Other (Specify)
Property / Casualty Fund : 1004

SPECIFIC EXPLANATION:

The Administration and Regulatory Affairs Department recommends that Council approve the three-year Crime Insurance Policy for Public Employee Dishonesty proposed by the incumbent carrier, Chartis, formerly American International Group (AIG), through member company, National Union Fire Insurance Company of Pittsburgh, Pa. The three-year policy term begins May 29, 2010. The proposed not to exceed policy premium for the three-year policy term is **\$94,196**. This not to exceed premium includes premium of \$60,588 base crime policy premium and loss adjustment premium of \$33,608. The policy includes computer fraud coverage that protects the City from the use of computers to fraudulently transfer City funds and other property to a third party.

Loss adjustment premium may be charged during the second and third policy years, if loss payments exceed 100% of the premium applicable to each year. Proposed premium amounts for each policy year are outlined below.

Policy Year	Base Crime Policy Premium	Loss Adjustment Premium	Not To Exceed Premium
1	\$20,196	-	\$20,196
2	\$20,196	\$11,804	\$32,000
3	\$20,196	\$21,804	\$42,000
Totals	\$60,588	\$33,608	\$94,196

Section 2-39 of the City of Houston Code of Ordinance requires that public employee dishonesty coverage be maintained to cover all employees not covered by the individual public official bonds required in Section 2-37 of the Code. Public employee dishonesty coverage required in Section 2-39 protects the City from losses resulting from theft committed by an employee acting alone or in collusion with others.

Section 2-40 (b) of the City of Houston Code of Ordinance requires that Council approve the blanket crime policy for public employees.

REQUIRED AUTHORIZATION

Finance Department

Date: 5/6/2010

Subject: Ordinance authorizing the purchase of a Crime Insurance Policy for Public Employee Dishonesty

Originator's Initials

Page 2 of 2

A Request for Proposals for a Crime Insurance Policy for Public Employee Dishonesty was advertised in the Houston Business Journal on March 19, 2010 and March 26, 2010. The City's Insurance Broker of Record, John L. Wortham & Son, L.P. solicited proposals from eight insurance carriers and Chartis is the only carrier that submitted a completed proposal. This proposal meets minimum specifications and the requirements of Section 2-39 of the City of Houston Code of Ordinance.

The terms of the three year policy are as follows:

Policy Term: May 29, 2010 to May 29, 2013

Limit: \$2,000,000 per occurrence

Deductible: \$10,000 per occurrence

Not to Exceed Premium: \$94,196 (Base Crime Policy Premium: \$60,588 + Loss Adjustment Premium: \$33,608)

Attachment

cc: Waynette Chan, Chief of Staff

Lloyd Waguespack, Deputy Chief of Staff

David Feldman, City Attorney

Marty Stein, Agenda Director

ATTACHMENT

Sec. 2-39. - Blanket crime policy for public employees.

A blanket crime policy for public employees shall be maintained and shall cover all employees other than those officers and employees required by section 2-37 of this Code to be covered by individual public official bonds. The policy required under this section shall be conditioned such that the issuer of the policy shall indemnify the city against loss sustained through any fraudulent or dishonest act or acts committed by any of the covered employees, acting alone or in collusion with others, during the term of the policy. The policy shall be in an amount that the city council determines from time to time provides the most favorable premium and limit of coverage available to the city.

(Ord. No. 04-1244, § 2, 12-1-04)

Sec. 2-40. - Approval of form.

(a)

The form of the public official bond, whether new or a change to an existing bond, required to cover the mayor or the city controller pursuant to this division shall be subject to final approval by the city council. Whenever a new public official bond to cover the mayor or the city controller is to be filed, or a change to the existing public official bond form for the mayor or the city controller is proposed, the same shall be presented to the city council together with the recommendation of the director of administration and regulatory affairs and the city attorney. The city council will then, by motion, indicate its approval or disapproval of the form of the public official bond. Failure of the city council to act will in no way diminish any liability the surety would otherwise have with respect to any public official bond that the surety has delivered for the purpose of putting it in force.

(b)

The director of administration and regulatory affairs is authorized to approve the form of public official bonds for all officers except the mayor and the city controller and the blanket crime policy for public employees.

(Ord. No. 04-1244, § 2, 12-1-04; Ord. No. 05-346, § 1, 4-6-05; Ord. No. 08-110, § 2(1a), 2-13-08)

33

MAY 12 2010

MOTION NO. 2010 0273

MOTION by Council Member Noriega that an item be placed on the Agenda of May 12, 2010, to receive nominations for appointment to Position 12 of the Houston Archaeological and Historical Commission Board of Directors, for a two year term that will end March 1, 2012.

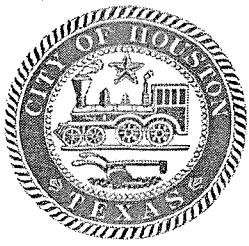
Seconded by Council Member Clutterbuck and carried.

Mayor Parker, Council Members Stardig, Johnson,
Clutterbuck, Adams, Pennington, Gonzalez, Rodriguez,
Costello, Lovell, Noriega, Bradford and Jones voting aye
Nays none
Council Members Sullivan and Hoang absent

PASSED AND ADOPTED this 5th day of May 2010.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is May 11, 2010.

City Secretary



CITY OF HOUSTON
Office of the Mayor

Interoffice

Correspondence

MAY 05 2010

To: Anna Russell
City Secretary

From: Jenn Char, Director
Boards and Commissions

Date: April 29, 2010

Subject: **Houston Archaeological and
Historical Commission
Council Nominations**

NON-CONSENT AGENDA

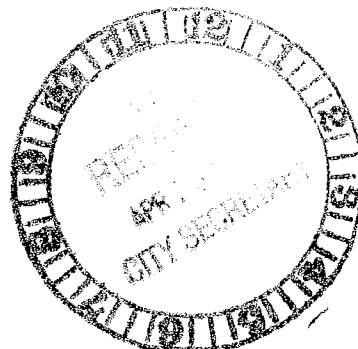
MISCELLANEOUS

Motion to set a date not less than seven (7) days from May 5, 2010, to receive nominations for Positions 12 of the Houston Archaeological and Historical Commission Board of Directors, for a two-year term that will end March 1, of the designated year:

Position 12	Vacant	March 1, 2012
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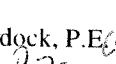
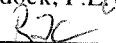
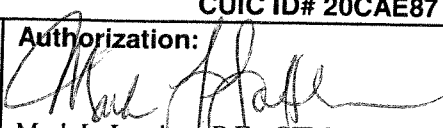
JC/ss

cc: Ms. Marty Stein



TO: Mayor via City Secretary






REQUEST FOR COUNCIL ACTION

SUBJECT: A motion establishing a public hearing date to consider adopting a Municipal Setting Designation ordinance for Silver Bishop Holdings, LP for the site located at 5802 Navigation Blvd, Houston, TX 77011. (MSD # 2010-025-NOR)		Page 1 of 1	Agenda Item # 34
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/6/10	Agenda Date MAY 12 2010
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		Council District affected: H  B,C, D, E, and I are within 5 miles of the site.	
For additional information contact: Carol Ellinger Haddock, P.E.  Senior Assistant Director (713) 837-7658 Richard J. Chapin,  Senior Project Manager (713) 837-0421		Date and identification of prior authorizing Council action: 8/22/2007 - 2007-0959	
RECOMMENDATION: (Summary) Establish a public hearing date to consider adopting a Municipal Setting Designation (MSD) ordinance for Silver Bishop Holdings, LP for the site located at 5802 Navigation Blvd, Houston, TX 77011.			
Amount and Source of Funding: N/A			
BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSD), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires municipal support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public's health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State. This ordinance requires a written public notice to be mailed to property owners within one-half mile and owners/operators of potable water wells within 5-miles of a proposed MSD site. In addition, a public meeting and a public hearing are required to be held prior to City Council's consideration of an ordinance of support.			
SILVER BISHOP HOLDINGS, LP AND FARMER BROTHERS CO. APPLICATION: Silver Bishop Holdings, LP is seeking a Municipal Setting Designation (MSD) for 4.4-acres of land located at 5802 Navigation Blvd, Houston, TX 77011. The contamination consists of Benzene, tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE), vinyl chloride (VC), and arsenic. Shell Petroleum Co. operated a bulk storage facility on the site from 1937 through 1974. The site is currently developed with an office, warehouse, and storage buildings. The site was entered into the Texas Commission on Environmental Quality's voluntary clean-up program in 2003 (VCP No. 1541). Contaminated soil was removed from the site in 2003 and groundwater is currently being monitored. The groundwater contamination plume has decreased significantly since the source was removed in 2003 and will continue to decrease. A public meeting will be held at 6:00 PM on 5/6/2010 at the Ripley House, 4410 Navigation.			
Silver Bishop Holdings, LP is seeking an MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.			
RECOMMENDATIONS: City ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation ordinance. The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than six weeks from passage of the motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date for Silver Bishop Holdings, LP for the site located at 5802 Navigation Blvd, Houston, TX 77011. Preferred public hearing date is 6/16/2010.			
MSM:MLL:CAE P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - PUBLIC HEARING.DOC C: Marty Stein, Gary Drabek, Ceil Price			
REQUIRED AUTHORIZATION CUIC ID# 20CAE87			
Finance Department:	Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Division	Other Authorization:	

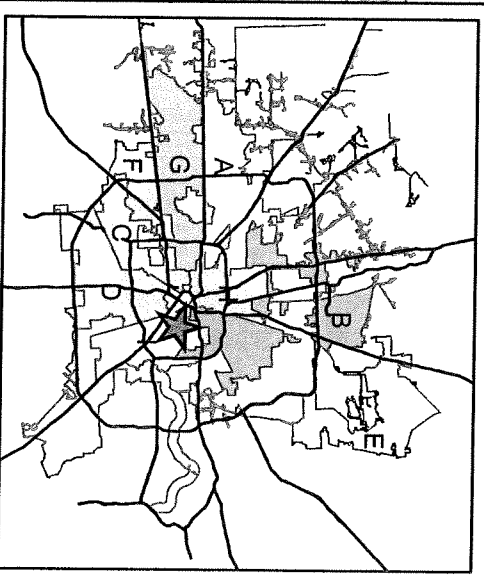
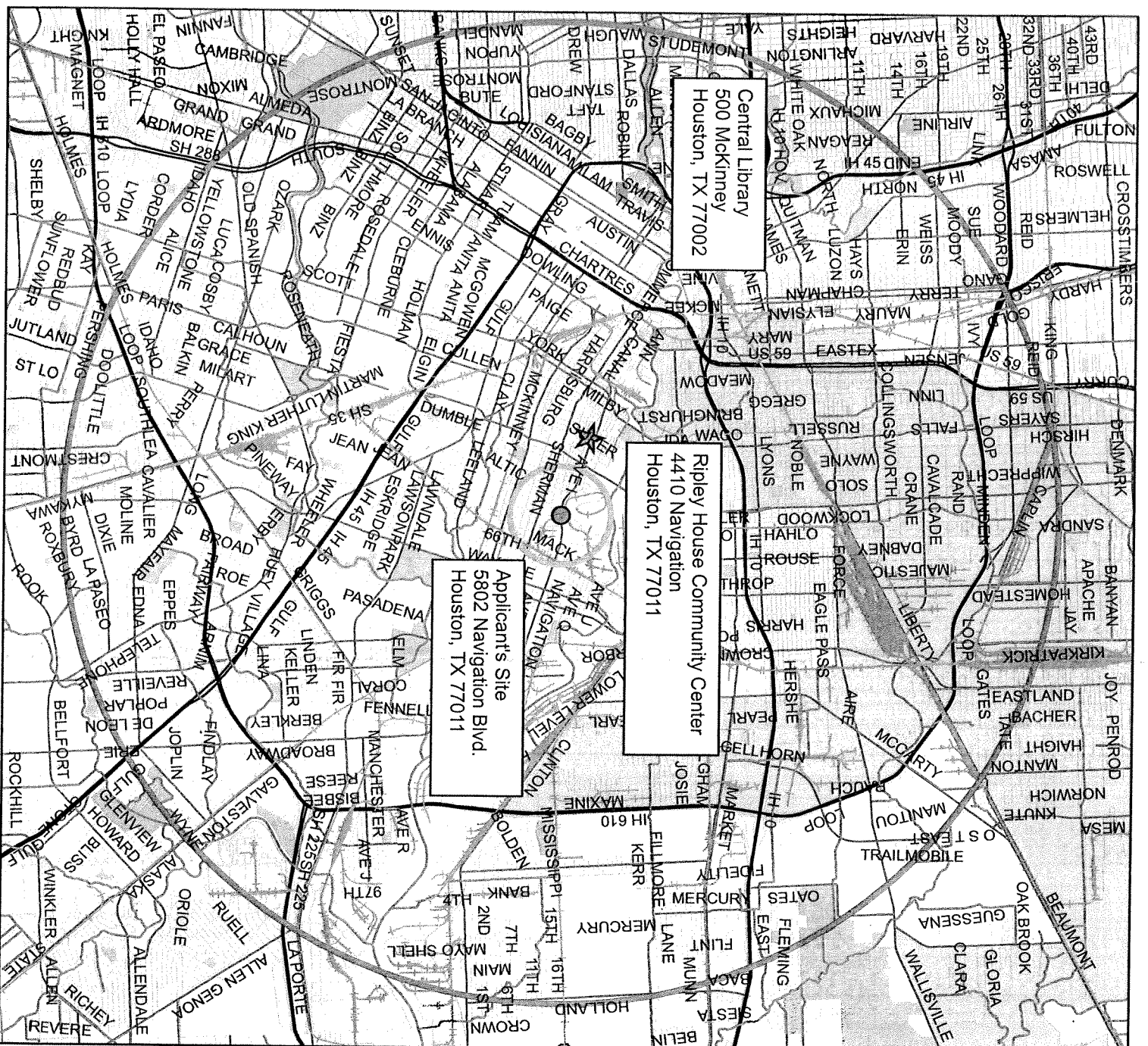
Municipal Settings Designation Application

2010-025-NOR
Vicinity Map

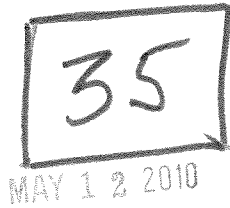
Legend

-  Library
-  MSD Application
-  Community Center
-  1/2 Mile Notification Area
-  5 Mile Notification Area

0 0.3 0.6 1.2
Miles



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verification should be performed as necessary.



MOTION NO. 2010

MOTION by Council Member Clutterbuck that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Chuck Davis, C. L. Davis & Company, 1500 Winding Way, Friendswood, Texas, 77546, on behalf of the Houston Independent School District (HISD), for the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, and a right of entry for Houston Independent School District, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat, Parcels SY10-055A, through C and KY10-145, be adopted as follows:

1. The City abandon and sell Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat;
2. The City grant a right of entry to Houston Independent School District for Glenheath Street and the utility easements being abandoned and sold;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

4. The applicant be required to: (a) relocate the existing storm sewer inlets within Glenheath Street to within Glen Loch Drive, (b) cut, plug, and abandon the existing 4-inch water service lead line, water meter, and water meter vault within Glenheath Street, (c) construct a new water meter and water meter vault within a 10-foot by 20-foot water meter easement to be conveyed to the City out of HISD's property adjacent to Glen Loch Drive, and (d) complete all of the foregoing items at no cost to the City and under the proper permits;
5. The applicant be required to prepare drawings that show all public utilities (storm sewer inlets, water lines, and water meters) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;
6. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street and utility easements being abandoned and sold;
7. The Legal Department be authorized to prepare the necessary transaction documents; and
8. Inasmuch as the value of the property interests is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Lovell

Council Members Sullivan and Costello absent

On 5/5/10 the above motion was tagged by Council Member Rodriguez.

cr

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat, and a right of entry for Houston Independent School District. Parcels SY10-055A through C and KY10-145	Page <u>1</u> of <u>2</u>	Agenda Item #
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35

 #4

FROM (Department or other point of origin):	Origination Date	Agenda Date
Department of Public Works and Engineering	4/29/10	MAY 05 2010

DIRECTOR'S SIGNATURE:	Council District affected: I
<i>Michael S. Marcotte</i> 4/29/10	MAY 12 2010
Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Key Map: 535X

For additional information contact:	Date and identification of prior authorizing Council Action:
Nancy P. Collins Senior Assistant Director-Real Estate Phone: (713) 837-0881	

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat, and a right of entry for Houston Independent School District. **Parcels SY10-055A through C and KY10-145**

Amount and Source of Funding: Not Applicable	
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SPECIFIC EXPLANATION:
Chuck Davis, C. L. Davis & Company, 1500 Winding Way, Friendswood, Texas, 77546, on behalf of Houston Independent School District (HISD), requested the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat. Signs notifying the public of the pending street abandonment application were posted for at least thirty days. The attendant aerial easements will be extinguished as part of this transaction. HISD, the property owner, plans to construct improvements to the Lewis Elementary School Campus in the location of Glenheath Street and the utility easements to be abandoned and sold. HISD also requested the City grant a right of entry onto Glenheath Street and the utility easements during the abandonment and sale process to start construction and rerouting of utilities.

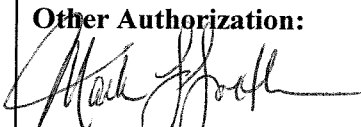
This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works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

1. The City abandon and sell Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat;

s:\dob\sy10-055.rc1.doc

CUIC #20DOB9119

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division
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Date:	Subject: Request for the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat, and a right of entry for Houston Independent School District. Parcels SY10-055A through C and KY10-145	Originator's Initials	Page <u>2</u> of <u>2</u> 14
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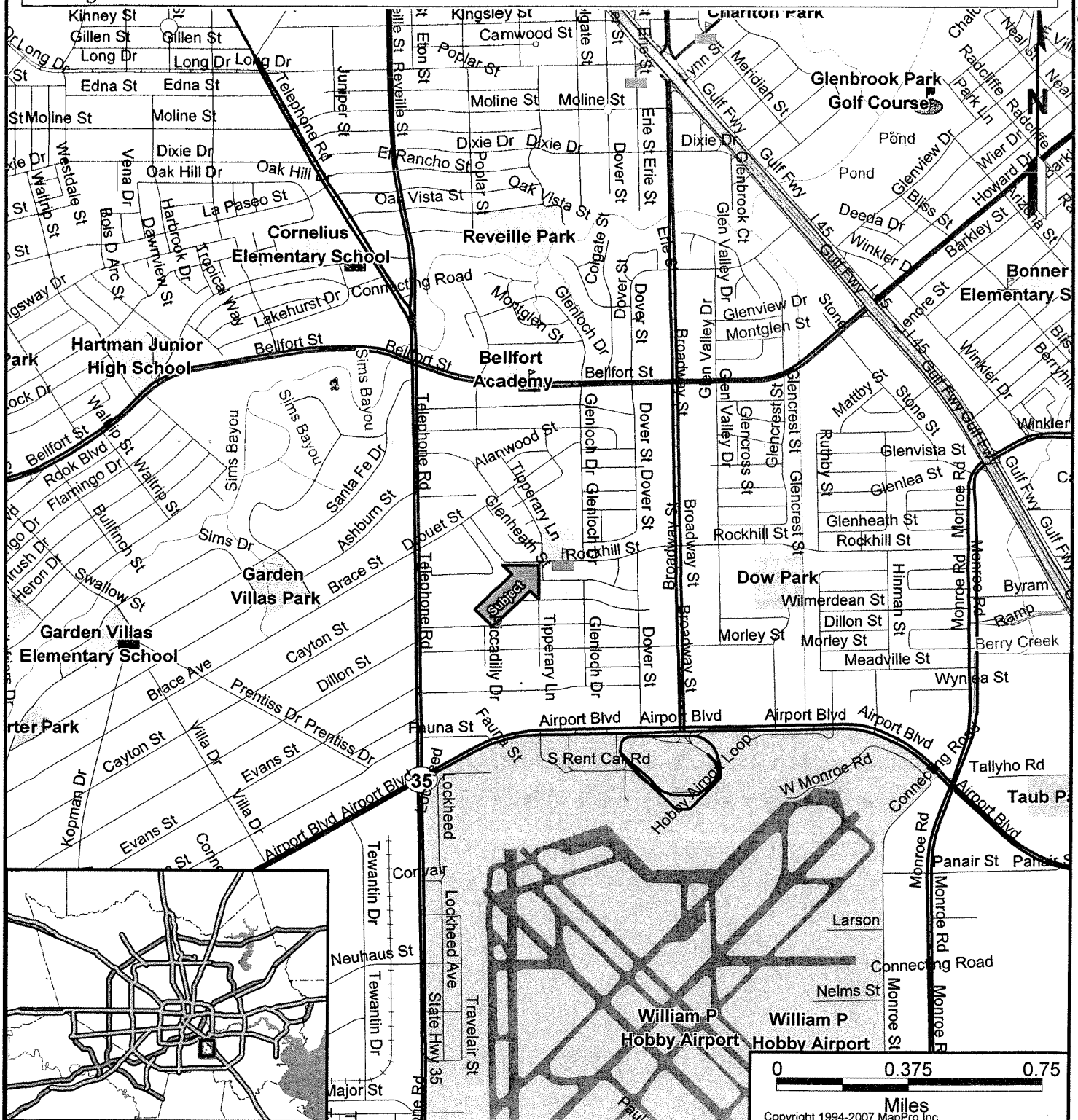
2. The City grant a right of entry to Houston Independent School District for Glenheath Street and the utility easements being abandoned and sold;
3. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
4. The applicant be required to: (a) relocate the existing storm sewer inlets within Glenheath Street to within Glen Loch Drive, (b) cut, plug, and abandon the existing 4-inch water service lead line, water meter, and water meter vault within Glenheath Street, (c) construct a new water meter and water meter vault within a 10-foot by 20-foot water meter easement to be conveyed to the City out of HISD's property adjacent to Glen Loch Drive, and (d) complete all of the foregoing items at no cost to the City and under the proper permits;
5. The applicant be required to prepare drawings that show all public utilities (storm sewer inlets, water lines, and water meters) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;
- ⇒ 6. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street and utility easements being abandoned and sold;
7. The Legal Department be authorized to prepare the necessary transaction documents; and
8. Inasmuch as the value of the property interests is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to City policy.

MSM:NPC:dob

c: Jun Chang, P.E.
Rick Flanagan
Marlene Gafrick
Daniel Menendez, P.E.
Arturo G. Michel
Marty Stein
Jeffery Weatherford, P.E., PTOE

LOCATION MAP

SUBJECT: Request for the abandonment and sale of Glenheath Street, from Glen Loch Drive west to its terminus, and two 10-foot-wide utility easements and the attendant aerial easements, in exchange for the conveyance to the City of a 200-square-foot water meter easement, all located within Glenbrook Valley, Section 7, and/or Glenbrook Valley, Section 7, Replat, and a right of entry for Houston Independent School District. **Parcels SY10-055A through C and KY10-145**



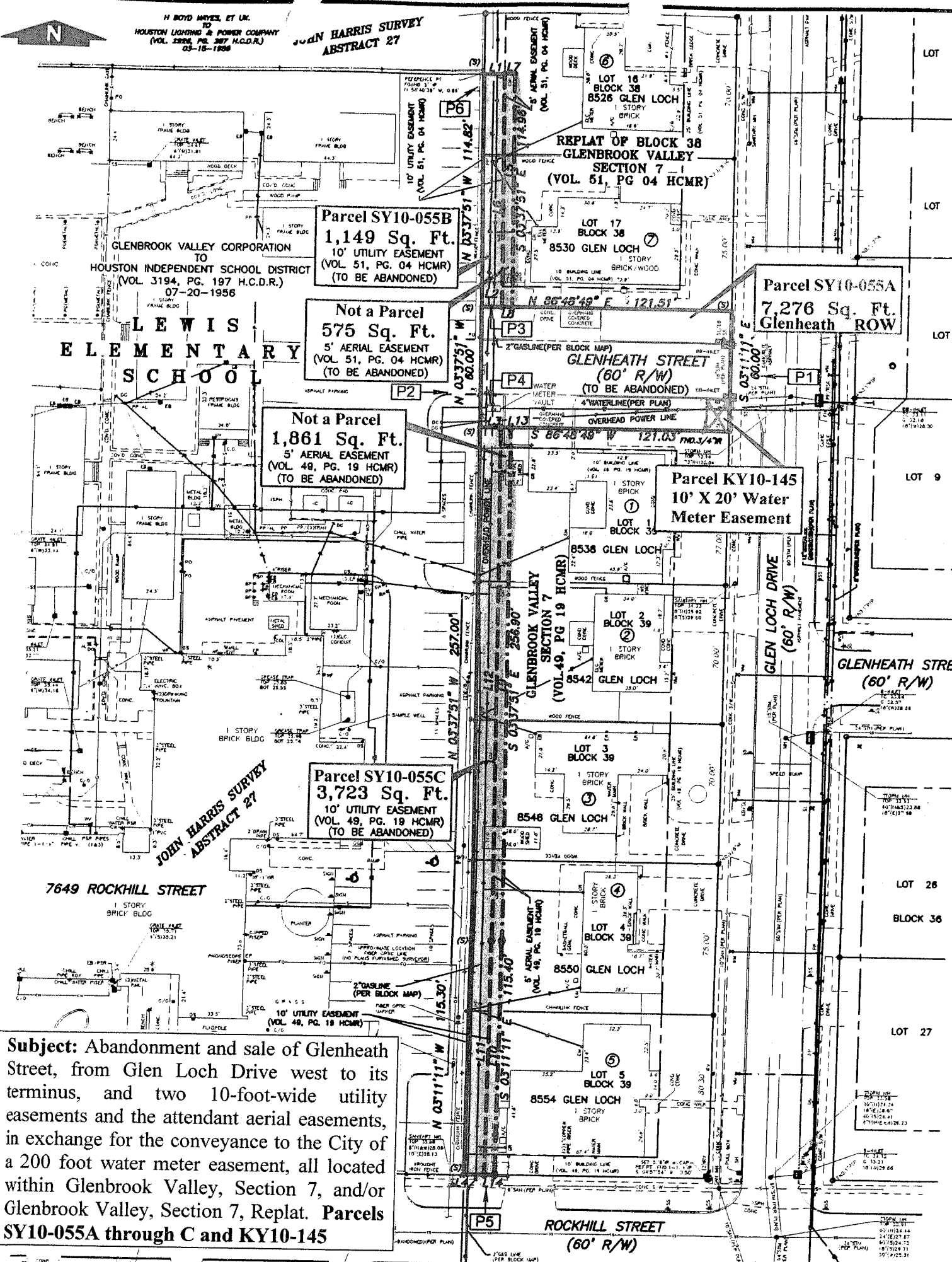
CAUTION:

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



H BOYD HARVEY, ET AL.
TO
HOUSTON LIGHTING & POWER COMPANY
(VOL. 1226, PG. 287 H.C.D.R.)
03-18-1958

JOHN HARRIS SURVEY
ABSTRACT 27



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD10-111

SUBJECT: SUBJECT: An ordinance authorizing submission of the 2010 Consolidated Plan and Action Plan Budgets and Applications for the 36 th Year CDBG, HOME, ESG, and HOPWA programs to HUD; and approval of the 2010 Citizen Participation Plan.		Category #	Page 1 of 3	Agenda Item # 36/8
FROM (Department or other point of origin): James Noteware, Director Housing and Community Development Department		Origination Date: April 23, 2010	Agenda Date: MAY 0 5 2010 MAY 1 2 2010	
DIRECTOR'S SIGNATURE: <i>Kinger Vinson for Jim Noteware</i>		Council District affected: All		
For additional information contact: Bob Bradford, Division Manager Phone:(713) 868-8340		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) City Council authorization to submit the 2010 Consolidated Plan and Action Plan Budgets and Applications for the 36 th Year CDBG, HOME, ESG, and HOPWA grants and acceptance of grant awards from the U.S. Department of Housing and Urban Development (HUD), including the use of estimated Program Income, and Council approval of the 2010 Citizen Participation Plan (CPP).				
Amount of Funding: \$55,958,820 - Revenue CDBG - \$32,769,402 HOME - \$14,066,375 HOPWA - \$7,793,944 ESG - \$1,329,099 (Total Funding, including Program Income of \$3,310,520 will be \$59,269,340)				Finance Budget:
SOURCE OF FUNDING <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input checked="" type="checkbox"/> Other (Specify) HUD Entitlement Grants				
SPECIFIC EXPLANATION:				
<p>The Housing and Community Development Department (HCDD) is requesting approval of the submission of the 2010 Consolidated Plan and Action Plan (the Plan), containing four (4) formula grant budgets and applications totaling \$55,958,820 for the Community Development Block Grant (CDBG), the HOME Investment Partnerships Grant (HOME), the Housing Opportunities for Persons with AIDS Grant (HOPWA) and the Emergency Shelter Grant (ESG). HCDD is also requesting approval of the 2010 Citizen Participation Plan (CPP).</p> <p>In the 2010 Consolidated Action Plan, allocations are proposed to expand the availability of affordable housing through acquisition, rehabilitation, or new construction. The need for housing assistance remains especially high among low-income residents, particularly elderly and disabled homeowners. Emphasis remains on increasing the level of and/or upgrading access to affordable housing throughout Houston. Also recommended are funds for capital improvements and facilities that support neighborhood conservation and/or revitalization. Funds are recommended to upgrade neighborhood facilities and the provision of services through non-profit agencies to low and moderate-income persons as well as those with special needs. In addition, HCDD estimates earning \$3,010,520 in program income from CDBG-funded activities and \$300,000 from HOME-funded activities for a total allocation of \$59,269,340. All budget amounts are current as of March 30, 2010 and are subject to change by HUD. In support of revitalization strategies, funds are proposed for distribution among the following categories:</p>				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:		Other Authorization:	

Date 4/23/10	Subject: An ordinance authorizing submission of the 2010 Consolidated Action Plan Budgets and Applications for the 36th Year CDBG, HOME, ESG, and HOPWA programs to HUD and approval of the 2010 Citizen Participation Plan.	Originator's Initials HW	Page 2 of 3
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COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Public Facilities and Improvements	\$	9,536,954
Housing	\$	6,842,797
Public Services	\$	5,031,295
Planning	\$	133,415
ESG Match	\$	700,000
Economic Development Assistance Program	\$	2,398,430
Dangerous Building/Code Enforcement/Legal Title Searches	\$	4,483,000
Program Administration	\$	6,654,031
TOTAL	\$	35,779,922

The strategy for the HOME Investment Partnerships Program remains one of increasing the availability of affordable rental units and expanding opportunities for homeownership. HCDD is recommending that the City's allocation of \$14,066,375 and \$300,000 in program income, be distributed among the following categories:

HOME INVESTMENT PARTNERSHIPS PROGRAM


Single-family Down Payment/Closing Cost Assistance New/Existing Homes	\$	5,382,611
Multi-family Acquisition/Rehabilitation/New Construction/Relocation	\$	6,890,323
Community Housing Development Organizations (CHDOs) Operations	\$	300,000
Program Delivery Costs	\$	400,000
Program Administration	\$	1,393,441
TOTAL	\$	14,366,375

The City of Houston has been allocated \$7,793,944 in HOPWA grant Funds for the 2010-2011 grant year. HCDD proposes to fund the following activities:

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Acquisition/Renovation/Conversion/Repairs/Lease Payments	\$	
Operation Costs	\$	1,411,131
Technical Assistance/Housing Information/Resource Identification	\$	15,504
Supportive Services	\$	2,183,491
Project or Tenant-based Rental Assistance	\$	1,800,000
Short Term Rent, Mortgage, and Utility Assistance	\$	1,950,000
Grantee Administration	\$	233,818
Sponsor Administration	\$	200,000
New Construction	\$	
TOTAL	\$	7,793,944

The Emergency Shelter Grant (ESG) is the final application in the 2010 Consolidated Plan and Action Plan. The City of Houston is scheduled to receive \$1,329,099 in ESG funds. Based on the match requirements, the City anticipates providing \$700,000 in CDBG funds. The remaining match (\$629,099) will be made up of cash and/or in-kind contributions from participating agencies. Essential services, operations, homeless prevention, and administration will be funded through ESG.

Date 4/23/10	Subject: An ordinance authorizing submission of the 2010 Consolidated Action Plan Budgets and Applications for the 36th Year CDBG, HOME, ESG, and HOPWA programs to HUD and approval of the 2010 Citizen Participation Plan..	Originator's Initials 	Page 3 of 3
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In preparing the **2010 Consolidated Plan and Action Plan**, the HCDD solicited the public's input in the development of this federal application in compliance with the 2007 CPP. HCDD also developed and distributed written information on these federal grants and the planning process, solicited project requests from other departments, made presentations at the City's CIP/Budget hearings and sponsored two (2) public hearings on the Plan. Written material in the form of an Information Booklet was distributed citywide.

A draft summary of the **2010 Consolidated Plan and Action Plan** was published in the Houston Chronicle. As stipulated by federal regulations and in conformity with the 2007 CPP, residents had thirty (30) days to comment on the summary of the proposed **2010 Consolidated Plan and Action Plan**. The thirty-day (30) review period of the draft (required before Council approval) of the entire Plan extended from March 28, 2010 through April 28, 2010. In addition, public hearings were held on December 2, 2009 and March 24, 2010. On April 6, 2010, the proposed Plan was presented to the Budget and Fiscal Affairs Committee, and presented on April 15, 2010 to the Housing Committee for review. The **2010 Consolidated Plan and Action Plan** was referred to City Council for consideration and approval. HCDD is also requesting that the Mayor be given approval to accept grant funds and to sign contracts related to the four formula grants.

The updated 2010 CPP has been prepared pursuant to federal regulations (U. S. Department of Housing and Urban Development (HUD) Regulations 24 CFR Part 91.105) and the City of Houston's desire to encourage and support public participation in the development of the **2010 Consolidated Plan and Action Plan**.

The purpose of the CPP is to establish a viable means by which citizens, non-profit organizations, and other interested parties are afforded adequate opportunity to review and comment on plans, programs, activities and reports covering the City's federally funded housing and community development programs. HCDD requests approval of the 2010 CPP.

Approval of the ordinance is recommended by the Budget and Fiscal Affairs and Housing Committees.

JN:PWW:bb

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